

ENVIRONMENTAL SERVICES SCRUTINY COMMITTEE

MEETING, 29TH NOVEMBER, 2006

Present – Councillors J. Walsh (Chairman), Allen, Ayub, L. Byrne, Critchley, Dennis, Mrs. Fairclough (as deputy for Councillor A. S. Walsh), Hayes, Hamilton, Hornby, Peel, R. Silvester and David Wilkinson (as deputy for Councillor Mrs. Ronson).

Also in attendance

Councillor J. Byrne	- Executive Member for Environmental Services
Councillor Sherrington	- Executive Member for Recycling and Waste Management
Mr. D. Grogan	- Assistant Director of Legal and Democratic Services
Mr. A. Fisher	- Director of Environmental Services
Mr. P. Crosbie	- Assistant Director of Environmental Services
Mr. B. Shaw	- Assistant Director of Environmental Services
Mr. C. Bullough	- Head of Service, Environmental Services Department
Mr. D. Houghton	- Head of Highway Services
Mr. D. Smith	- Policy Accountant
Mr. I.D. Mulholland	- Principal Democratic Services Officer

Apologies for absence were tabled on behalf of Councillors Lever, Lord and A. S. Walsh.

Councillor J. Walsh in the Chair.

41. MINUTES

The minutes of the proceedings of the meeting of the Environmental Services Scrutiny Committee held on 11th October, 2006 were submitted and signed as a correct record.

42. ACCESS TO MORTFIELD LODGES FROM SHEPHERD CROSS STREET - PETITION

Members were advised that the decisions taken by the Executive Member for Environmental Services, at a meeting held on 24th October, 2006, with regard to the Access to Mortfield Lodges from Shepherd Cross Street, had been “called in” by Councillors Hayes, Mrs. Ronson, R. Ronson, Mrs. Swarbrick, R. Silvester and D. Wilkinson, in accordance with Part 4 of the Constitution – The Council’s Rules and Procedures: Section E, Paragraph 7.

A copy of the relevant report had been circulated to Members.

The Committee was also apprised of the decisions that had been taken by the Executive Member.

In their deliberations, Members discussed the following points:-

- issues regarding the way petitions were processed;
- the alleged involvement of the Leader of the Council in opening the gate access from Shepherd Cross Street and a possible misuse of his position resulting in disadvantage to the petition signers, the users and the Council’s Opposition Spokespersons in relation to Environmental Services issues;
- the accuracy of the recorded Executive Member Meeting decision;
- the role of the UCAN Centre;
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whether the warning signs at the Lodge were adequate;

- health and safety issues at the Lodge; and
- whether the involvement of the Leader of the Council in getting the gates opened could be proven.

A series a questions were tabled by Councillor Hayes which covered a broad spectrum of issues relating to Mortfield Lodge. Relevant answers were provided by the Director of Environmental Services and the Director of Legal and Democratic Services.

Members were also reminded of the options open to the Committee in determining the matter, viz:-

- a) To note the decisions of the Executive Member;
- b) To refer the matter back to the Executive Member, with or without comment; and
- c) To refer the decision on to Council, with or without comment, with a motion in the name of the Chair or a nominee of the Committee.

Resolved – (i) That Leaders and Whips be asked to consider reviewing the Council's Constitution to amend the procedure for considering Petitions presented to Council, whereby, petitions referred to the relevant Executive Member or Committee should be accompanied by a report from officers sufficient for a decision to be made, even if preparation of such a report would entail a slight delay.

(ii) That a motion be submitted to Council in the name of Councillor Hayes recommending further investigation of evidence that the Leader of the Council may have:-

- a) used his position improperly to the disadvantage of the 487 people who signed the petition, any

children that might be put at risk if the concerns expressed in the petition are justified and to the Opposition Spokespersons who have the right to be consulted and give input before a decision is taken;

- b) misused the resources of the UCAN Centre by requiring UCAN staff to organise and advertise a public meeting and open and close the Shepherd Cross Street gate; and
- c) damaged the reputation of his office by the above actions.

43. PROCEEDINGS OF A MEETING OF THE EXECUTIVE

An extract of the minutes of the proceedings of the Executive held on 13th November, 2006 were submitted.

Resolved – That the minutes of the proceedings be noted.

44. PROCEEDINGS OF MEETINGS OF THE EXECUTIVE MEMBER FOR ENVIRONMENTAL SERVICES

The minutes of the proceedings of the Executive Member for Environmental Services held on 24th October and 14th November, 2006 were submitted.

Resolved – That the minutes of the proceedings be noted.

45. PROCEEDINGS OF MEETINGS OF THE EXECUTIVE MEMBER FOR RECYCLING AND WASTE MANAGEMENT

The minutes of the proceedings of the Executive Member for Recycling and Waste Management held on 24th October, 2nd November and 14th November, 2006 were submitted.

Further to Minute 10 of the meeting held on 2nd November, 2006 the issue of Ward Members being adequately informed of the 240 litre burgundy bin roll out for dry recycling was

mentioned.

Resolved – That the minutes of the proceedings be noted.

**46. PROCEEDINGS OF THE JOINT MEETING OF THE
EXECUTIVE MEMBERS FOR ENVIRONMENTAL
SERVICES AND RECYCLING AND WASTE
MANAGEMENT**

The minutes of the proceedings of the joint meeting of the Executive Members for Environmental Services and Recycling and Waste Management held on 27th November, 2006 were submitted.

Resolved – That the minutes of the proceedings be noted.

**47. PROCEEDINGS OF MEETINGS OF THE
ENVIRONMENTAL SERVICES POLICY
DEVELOPMENT GROUP**

The minutes of the proceedings of the Environmental Services Policy Development Group held on 31st October and 21st November, 2006 were submitted.

Resolved – That the minutes of the proceedings be noted.

**48. PROCEEDINGS OF THE MEETING OF THE
RECYCLING AND WASTE POLICY DEVELOPMENT
GROUP**

The minutes of the proceedings of the Recycling and Waste Policy Development Group held on 31st October, 2006 were submitted.

Resolved – That the minutes of the proceedings be noted.

**49. PROCEEDINGS OF THE JOINT MEETING OF THE
ENVIRONMENTAL SERVICES AND RECYCLING AND
WASTE POLICY DEVELOPMENT GROUPS**

The minutes of the proceedings of the Joint Environmental Services and Recycling and Waste Policy Development Group

held on 27th November, 2006 were submitted.

Resolved – That the minutes of the proceedings be noted.

50. ENVIRONMENTAL SERVICES SCRUTINY WORK PROGRAMME

The Director of Legal and Democratic Services submitted a report which outlined the Committee's Work Programme for the 2006/07 Municipal Year, which was updated on a rolling basis.

Resolved – That the Forward Planner be noted.

51. UPDATE ON ROAD SAFETY ISSUES SCRUTINY PANEL

Members were reminded that the Road Safety Issues Scrutiny Panel was examining road safety issues, with particular attention to traffic calming schemes in the Borough, together with a review of the Council's Traffic Calming Code of Practice.

To date the Panel had held three meetings, three more meetings would be held in the new year.

The Panel began by reviewing the current situation, including the latest available road accident and casualty statistics. This had confirmed that the Council was currently failing to achieve some of its performance targets for casualty reduction. Amongst the areas the Panel would be looking at in more detail were, how current practice in Bolton compared with best practice and guidance, road safety promotion, and the basis of Bolton's prioritisation and evaluation of road safety measures and schemes - including the method by which the Council assessed and prioritised roads for traffic calming. Furthermore, alongside this review of the current situation Panel Members had begun to identify gaps in provision and gather evidence for recommendations. The Panel had gathered written and oral evidence from officers, and held a witness session with representatives from the Police, the Ambulance Service and Fire and Rescue.

In conclusion, Members were advised that the final report would be submitted for approval to the April, 2007 meeting of this Committee.

Resolved - That the report be noted.

52. HOUSEHOLD WASTE PERFORMANCE DATA

The Director of Environmental Services submitted a report which set out details of the recycling performance for the period April to October, 2006.

Resolved – (i) That the position be noted.

(ii) That the Director of Environmental Services be asked to circulate updated Household Waste Performance data to Members of this Committee as and when it is available, in a format that can be released into the public domain.

53. SICKNESS ABSENCE OWING TO HEAVY LIFTING

The Director of Environmental Services submitted a report which informed Members on how the introduction of mechanical lifting equipment for highway works had impacted on industrial illness figures and service delivery.

By way of background information, the report explained that mechanical lifting equipment for highway works had been introduced:-

- a) to address the Health and Safety Executive's Strategy for reducing construction related accidents and injuries due to mechanical handling methods in highway construction;
- b) to address issues arising from an improvement notice served on the Department in relation to kerb lifting;
- c) to address the issue of a duty of care towards employees; and

- d) to address potential well-being and service delivery issues in the long term.

The report went on to indicate that the short term evidence showed that the introduction of mechanical handling equipment had not resulted in a reduction of acute type injuries or reduced absence in any conclusive way.

A study of the accident figures showed that there had been very little change in the number of accidents; however the lost days had varied.

Members were advised that it was likely that the benefits from the strategy would be realised in the long term. The reduction in manual handling, according to Health and Safety Executive sources, would have a positive effect on the highway construction industry's musculoskeletal disorder levels of long term illness.

In conclusion, the report indicated that it was the view of officers that the investment and strategy for the introduction of manual handling equipment was justifiable and necessary to comply with Health and Safety Guidance and Regulations. Furthermore, it was considered that this approach was only that which a responsible employer would take in pursuit of its duty of care.

Resolved – That the position be noted.

54. COSTS ASSOCIATED WITH ILLEGAL TRAVELLER ENCAMPMENTS

The Director of Environmental Services submitted a report which advised Members of the cost of the removal of gypsy encampments from greenspace managed by the Environmental Services Department.

The report highlighted that the costs were as follows:-

-	2003/04	£3,545.16
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-	2004/05	£7,174.00
-	2005/06	£3,500.00

Resolved – (i) That the report be noted.

(ii) That a more detailed report be submitted to a future meeting which incorporates the overall cost to the Council from all Departments, in relation to the removal of gypsy encampments from greenspace.

55. TREE MANAGEMENT AND MAINTENANCE

The Director of Environmental Services submitted a report which provided Members with an overview and position statement regarding the management and maintenance of trees in Council ownership.

By way of background information, the report explained that one of the Council's key priorities for many years had been to improve the physical environment of the Borough. At one time, environmental improvements were synonymous with tree planting. From the 1970s onwards, there were many large scale programmes of derelict land reclamation, housing estate improvements and new infrastructure projects, all of which included significant tree planting.

The Council, of course, still supported environmental improvement and trees were still being planted. However, the agenda and the measures of success were now much more complex and the management of the existing stock had a significant profile.

The report went on to explain that it was estimated that the Council had responsibility for approximately 55,000 individual trees and a further 600 hectares of woodlands. These were located across all the Council land holdings. In a number of cases, e.g. School Grounds and land managed by Bolton at Home, the Council did not have day-to-day management of the land.

It was the 55,000 trees outside of the woodlands that were in the greatest need of active management. For example, trees planted on housing estates in the 1920s and 1930s were now of considerable size. Commonly, these were large forest-type species, which were planted because they could survive the poor environmental conditions that prevailed at the time. Now they had matured, they were often too large for their location.

While there was no overall statutory duty to provide a tree and woodlands service, there were three specific tasks relating to statutory duties:-

- the Local Authority was responsible for the making safe of dangerous trees in both private ownership and Council ownership;
- the Local Authority was responsible for keeping Highways free from obstructions resulting from Council-owned trees; and
- the Planning Authority required professional advice on tree issues in relation to Development Control.

On a wider level, the Council had to be mindful of its duty of care as a landowner. Trees could not only be a nuisance but could have the potential to cause damage to property or injury to persons. For example, roots could damage walls, foundations, drains and surfaces and branches could fall. In a few cases each year, trees could blow over completely.

The report went on to cite a number of issues that had been identified for tree and woodland management and various actions taken.

The report also indicated that the lack of significant additional resources was currently stretching the capacity of the small team which inspected and specified works. This would be reviewed and reported, as appropriate.

As a result of this pressure on resources, the development of a tree and woodland strategy and individual tree and woodland management plans to support the strategic development of parks and greenspaces were being delayed.

Resolved – That the report be noted.

56. RECENT WORK UNDERTAKEN BY THE EXECUTIVE MEMBER FOR RECYCLING AND WASTE MANAGEMENT

A request was made at the last meeting of this Committee for Members to be made aware of the detail of the recent work undertaken by the Executive Member for Recycling and Waste Management.

A copy of the report entitled, The Waste Collection Service, which was approved by the Executive Member on 2nd November, 2006 was submitted. The report gave details of a co-mingled paper and card recycling collection service pilot in the West of the Borough, an opt in scheme for 2401 burgundy bins to replace the green boxes for co-mingled recyclables in the West of the Borough and a consultation process with householders in the rural and hard to access rounds to assess their appetite for proposals to extend kerbside recycling to those properties.

Resolved - That the position be noted.

(The meeting started at 5.00pm and finished at 6.30pm)