

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 29 November 2018

Present:

Councillor T Jones (Chair)

Councillors	S Foulkes	S Jones
	J Bird	B Kenny
	A Brame	C Muspratt
	K Cannon	T Smith
	T Cottier	A Sykes
	T Cox	A Hodson
	G Ellis	

Deputy:

Councillor C Blakeley (deputising for B Berry)

24 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members were reminded that they should also declare whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor Steve Foulkes declared a personal interest in agenda items 6 'Climate Change Annual Report and Action Plan' and 8 '2018/19 Quarter 2 Wirral Plan Performance' by virtue of him being a Board Member of Magenta Living.

Councillor Andrew Hodson declared a prejudicial interest in agenda item 4 'Kingdom Performance Update' by virtue of his business interests.

25 MINUTES

Members were requested to receive the minutes of the Environment Overview and Scrutiny Committee meeting held on 20 September, 2018.

Councillor Anita Leech, in attendance as Cabinet Member for Environment, and with the permission of the Chair, asked for an amendment to the minutes in respect of her declaration of interest which should read, '...by virtue of her being a Board Member of Prima' and not of 'Magenta Living'.

Resolved – That, subject to the suggested amendment of Councillor Leech, the minutes of the meeting held on 20 September, 2018, be approved.

26 **ORDER OF BUSINESS**

The Chair agreed to vary the order of business to enable Councillor Chris Carubia to present his Scrutiny Review on Modern Slavery.

27 **MODERN SLAVERY - SCRUTINY REPORT**

The Chair invited Councillor Chris Carubia to introduce a report which set out the findings and recommendations arising from the Modern Slavery Scrutiny Review.

The Review Panel, which consisted of Councillors Chris Carubia, Christina Muspratt and Tom Usher, was chaired by Councillor Carubia.

The review was conducted over a number of meetings held with relevant Council officers, attendance at Modern Slavery conferences and a review of briefing papers, documents and publications from other local authorities and public bodies. The Review Panel's objectives in doing this work were to understand the implications of the Modern Slavery Act for Wirral Council and its partners and to present a series of recommendations designed to shape or influence Council policy on modern slavery.

The report provided a number of recommendations which the Review Panel believed would assist the Council in tackling Modern Slavery in Wirral.

Councillor Carubia thanked those Members and officers who had participated in the review and the Chair echoed these comments.

Members welcomed the Review and its recommendations and the need to maintain contacts with organisations who might be in contact with people who may be vulnerable to the issues around modern slavery. A member suggested that the review should be ongoing with a formal report brought back to the Committee in 12 months' time.

Another Member expressed support for the Review and the need for ongoing monitoring to continue to shine a light on the evil practices of modern slavery as there was probably an awful lot going on beneath the surface of which the Council was unaware.

There was also a need to look at training for Councillors on this issue and the Chair suggested that in addition to the recommendations, the Committee

should keep the item on its work programme to ensure regular monitoring of the impacts of the Modern Slavery Strategy and the action plan.

On the motion by the Chair, seconded by Councillor Allan Brame, it was –

Resolved –

(1) That the Committee support the contents and recommendations of the Scrutiny Report, 'Modern Slavery.

(2) That the report be referred to the next appropriate Cabinet meeting.

(3) That the item be kept on the work programme to ensure regular monitoring.

28 **FINANCIAL MONITORING REPORT QUARTER 2 2018/19**

Peter Molyneux, Senior Manager Corporate Finance, introduced the report of the Director of Finance and Investment which set out the Council's revenue and capital monitoring position for 2018/19 Quarter 2. The report gave details of key issues within the environment theme, progress on the implementation of savings and income and debt. There was a current projected overspend of £900,000, the Environment element of this was £0.5m. This was an improvement for the Environment theme of £0.2m on Quarter 1. Delivery Services and Economic and Housing Growth forecast overspends made up the majority of this. The Quarter 2 capital report had recommended that Cabinet agreed the 2018/19 Capital Programme of £60.9 million which took account of re-profiling identified during 2018/19. Expenditure to date was £16.3 million.

With regard to the Capital Programme a Member queried why there was no funding available for Woodchurch Leisure Centre.

The Chair suggested the need for written responses to be provided on questions posed by Members.

Responding to comments from Members, Peter Molyneux stated with regard to the Capital Programme, senior managers would decide in each service area what their funding priorities were and these would then be assessed and put before the Cabinet for their agreement before ultimately going to the Budget Council for approval.

The Chair and Members suggested that the Overview and Scrutiny Committee should have sight of the criteria used in assessing capital programme bids. This could potentially be a piece of work for the Committee as to how the capital programme was developed.

In response to further comments Peter Molyneux elaborated on the £250,000 expenditure at the Williamson Art Gallery which included installation of roof blinds, spotlighting and some changes to the heating control systems.

Mark Smith, Interim Director for Highways and Streetscene, responding to comments on proposed savings relating to waste informed the meeting that after detailed negotiations with BIFFA potential efficiency savings could not be realised.

In respect of proposed savings at Woodchurch Leisure Centre, Andrew Elkington, Assistant Director of Community Services, stated that the proposal to bring in much more flexible hours of working had not been realised and the new Cabinet Member for Leisure and Recreation had asked for a review of the proposals with officers instructed to find alternative ways of finding the savings.

Peter Molyneux agreed to provide written responses in respect of a number of questions, including:

- A breakdown of the £180,000 for the West Kirby Concourse / Guinea Gap Upgrade works.
- The terms of the clawback condition on grants to properties made to bring poor condition housing stock back into use
- How the council would manage the situation of PFI land transferred to Leasowe Leisure Centre when the PFI Trust was still in place.
- The fund of £60,000 to restore empty homes and whether these were grants to bring empty properties back into occupation and the rationale for distributing these monies.

Mark Smith responded to comments on the £200,000 saving which had not been achieved, out of a savings target of £300,000, in respect of garden waste. This was for an additional £200,000 from increasing the take up of subscribers to the garden waste scheme. There was a whole communications / marketing plan around this to try and encourage new subscribers and also targeting people who had previously subscribed but who had since not renewed their subscription.

A Member commented upon this and expressed the view that it appeared that a lot of money was being spent on a campaign trying to chase subscribers and failing, including paying the Wirral Globe to place adverts when the Council had its own publication, Wirral View, which the Council had been told went to every household in the Borough.

Mark Smith agreed that he would circulate a written response to all Members of the Committee to provide more detail around communications / marketing plan that was put in place for the garden waste collection. He commented that the door-to-door survey being undertaken by the Communications / Marketing

team was a targeted focussed survey on residents who had previously subscribed to the scheme.

In response to a question on £110,000 for the Hoylake Golf Depot, Peter Molyneux also agreed to provide further information on this.

A Member commented that Committee members would have an opportunity at the forthcoming budget proposals workshop to bring forward ideas as to how savings could be made.

Resolved – That the report be noted.

29 KINGDOM - PERFORMANCE UPDATE

Prior to discussion on this item, Councillor Andrew Hodson, having declared a prejudicial interest, left the meeting whilst the item was under discussion (see minute 24 ante).

Mark Smith Interim Director for Highways and Streetscene, addressed the Committee and referred to two briefing notes which had been circulated to the Committee. One highlighted Kingdom's involvement in two partnership action days and the second the number of fixed penalty notices (FPNs) issued in the first quarter of operation for 2018/19. There had been 1393 FPNs issued between 1 August and 31 October, 2018. Of 113 appeals, one had been successful with the FPN being subsequently rescinded.

Responding to comments from Members, Mark Smith acknowledged that the numbers were low with regard to FPNs for dog fouling but this was a more difficult enforcement activity and suggested that this could be discussed at January's meeting with Michael Fisher, the Managing Director of Kingdom, who would be in attendance at the January meeting. He would also provide a breakdown for the next meeting of the numbers who had paid just before their cases got to court. Additionally, he would provide further information to the January meeting on the proportions of the payments which went to Kingdom and those to the Council from the FPNs, including £78,000 collected in the first quarter, and also on whether Kingdom staff were paid an hourly rate or per performance.

Ken Abraham, Senior Solicitor, confirmed that the court costs did increase if the case went to trial and it was at the discretion of the court whether full or partial costs were awarded.

Mark Smith further informed the meeting that in advance of the Council awarding the second contract the Council had been very happy with their performance and the matter had also been considered at a call-in meeting of the Committee in July. The company had over 30 contracts across the UK, including one with the largest Council, Birmingham City which was now in its

tenth year with Kingdom and were operating well. Environmental enforcement was an essential part of the overall approach to achieving a good quality environment and behaviour change. With regard to staff conduct at Kingdom he did know that they had a very rigorous approach and addressed any issues in a very robust manner.

Responding to further comments, Mark Smith stated that the scope of the contract had been broadened and it did also include smoke free legislation, littering from vehicles and trade waste legislation.

At the invitation of the Chair, the Cabinet Member for Environment, Councillor Anita Leech, addressed the Committee and stated that she was happy to listen to what the Committee had to say and to understand any concerns the Committee might have.

A Member referred to the need to introduce behavioural change to have a cleaner better environment which would ultimately mean less Council resources being spent on street cleaning. He also suggested the idea of introducing graduated fines dependent on the type of litter, such as dog fouling being amongst the worst to a tissue being dropped, the least worst and the possible use of the 'luminous eyes' Tidy Britain campaign poster.

Resolved – That the report be noted.

30 **LEISURE AND CULTURAL SERVICES REVIEW - UPDATE**

Andrew Elkington, Assistant Director for Community Services introduced a report which provided the Committee with an overview of the progress of the Leisure and Cultural Services Review. The report also informed Members of the action the Council had and would take in order to conclude the review and secure the future delivery of Leisure and Cultural Services.

Bates Wells Braithwaite (BWB) were appointed to review and consider future options for the delivery of Leisure, Libraries and Cultural Services.

Options for each service were being developed and would be brought forward for consideration. The service areas being considered were:

- Floral Pavilion
- Golf Courses
- Libraries Service
- Leisure Services
- Parks Services
- Culture (Williamson Art Gallery & Museum and The Priory)

A series of scrutiny workshops were planned for December 2018 and January 2019 to review budget proposals and the first set of proposals from this review

would be included for consideration. The Committee would also have the opportunity to consider proposals on other elements of the review prior to any decisions being made.

The BWB Report would be published once options for service areas started to be presented for consideration. The report did contain commercially sensitive information and would therefore be appropriately redacted to enable this to occur. A report had been taken to the Cabinet earlier that week with options for Council run golf courses and the Floral Pavilion.

In response to Members' questions Andrew Elkington stated that different models had been evaluated for different service areas and the options were not exclusively about taking services outside or getting a contractor to run a service as, in-house options could also be suitable. With regard to the cost of the BWB report he did not have the figures to hand and he would have to circulate this information separately.

A number of Members asked with regard to the report on the Golf Courses and why it was that only two of the Council golf courses had been included and not Brackenwood. In response, Andrew Elkington stated that Brackenwood Golf Course formed part of the Green Spaces review, so until a decision had been taken on that no proposals were being made for this particular golf course and he could not respond further to questions on this.

A Member expressed the view that he remained unconvinced as to the motives for not including Brackenwood Golf Course in the report taken to Cabinet earlier that week.

Resolved – That the report be noted.

31 **CLIMATE CHANGE ANNUAL REPORT AND ACTION PLAN**

Bryan Lipscombe, Sustainability Liaison Officer, introduced a report which presented an annual update on climate change action in Wirral. It included a brief overview of:

- The latest international and national developments pertinent to action on climate change;
- The activities of the Cool Wirral Partnership (formerly Wirral Climate Change Group);
- The latest 'Cool Steps' report, produced by the Cool Wirral Partnership, detailing recent progress with the climate change strategy up to the end of July 2018;
- The priority action plan developed by the Cool Wirral Partnership to help progress implementation of the strategy in its final year; and
- Plans to develop a new framework to replace the present strategy.

Responding to comments from Members, Bryan Lipscombe reported that with regard to planning issues to build houses to a higher ecological standard, demanding more than the current regulations, the Council would have to demonstrate the viability of the market to sustain this. There had not been a detailed consideration of how Brexit might affect the Strategy as the Council's aim was to deliver on its current climate change strategy and Action Plan.

In respect of the Cool Wirral Partnership, and engagement with partners he reported that Merseytravel was previously represented on the climate change group but they had not been sending representatives recently, although they did still receive invitations.

Members expressed their disappointment at this and suggested that the Partnership should try and re-engage with the Merseytravel Committee of the Liverpool City Region. Another Member suggested that the Bus Alliance could be approached also.

Resolved –

- (1) That the work of the Cool Wirral Partnership and the progress outlined in the report to implement the Climate Change Strategy, be noted.**
- (2) That it be recommended to the Cabinet Member that the 'Cool Steps' annual progress report, appendix 1 to the report and the Priority Action Plan, appendix 2 to the report, be formally endorsed and used to meet the Council's Climate Local commitment.**

32 **2018/19 QUARTER 2 WIRRAL PLAN PERFORMANCE**

Mark Smith, Interim Director for Highways and Streetscene, introduced a report which provided the 2018/19 Quarter 2 (July - September 2018) performance report for Wirral Plan pledges under the Environment theme. The Quarter 2 report was included as Appendix 1 to the report, and provided a description of the progress in Quarter 2, including available data in relation to a range of outcome indicators and supporting measures.

Responding to Members' comments, Mark Smith stated that he would have to get more information around the energy switch service and why the take-up had been so low. He commented that more people were perhaps finding their own deals online and switching themselves.

A Member suggested that an item on the Smoke Free Wirral Strategy could be added to the Work Programme for a future committee to have an update on the broader picture.

Resolved – That the report be noted.

33 ENVIRONMENT O&S COMMITTEE WORK PROGRAMME

The Committee considered a report from the Chair which explained the process of developing and managing a scrutiny work programme for the current municipal year.

Mark Smith, Interim Director for Highways and Streetscene, reported that after an extensive consultation on a proposed Dog Control Public Space Protection Order and after discussions with the Cabinet Member for Environment, the suggestion had been made for pre-decision scrutiny of the issues at a special meeting of the Committee.

With the permission of the Chair, Councillor Anita Leech addressed the Committee and commented that she would be meeting with different organisations and listening to what they had to say. The consultation had revealed a wide range of views on the matter and it was only right that the matter should have pre-decision scrutiny.

A Member suggested that user groups, such as Wirral Good Dogs, should be invited to the special meeting.

The Chair concurred that this would be the best way forward to have a special meeting of the Committee with a single item agenda and that some suggested dates be circulated to Members with the meeting being held on a date with majority agreement.

On a motion by the Chair, seconded by Councillor Adam Sykes, it was –

Resolved –

- (1) That a special meeting of the Committee be held on a date to be agreed, to consider all the issues concerning a proposed Dog Control Public Space Protection Order to which user groups would also be invited.**
- (2) That the Work Programme be agreed with the addition of updates on the Modern Slavery Strategy and an item on the Smoke Free Wirral Strategy.**