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SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Monday, 8 March 2010

Present:

Councillor	H Smith (Chair)	
Councillors	T Anderson	KJ Williams
	P Reisdorf	D Mitchell
	J Hale	M Redfern
	S Taylor	S Williams
	B Kenny	

38 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Councillor J Williams declared a personal interest in respect of minute 45 (Licensing of 'A' Boards, Shop Displays and Pavement Cafes) by virtue of his involvement in a ward issue relating to this matter.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, 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. No such declarations were made.

39 MINUTES

Members were requested to receive the minutes of the meeting held on 20 January, 2010.

Resolved – That the minutes be received.

40 HIGHWAY AND TRAFFIC REPRESENTATIONS PANEL

The Director of Law, HR and Asset Management, submitted the minutes of the panel meeting held on 5 March, 2010 when it was resolved that the panel:-

(1) Note the petitioners' request for a Residents' Parking Scheme to be implemented in Lingdale Road North and the recent consultation exercise carried out in Lingdale Road North, Scotts Place and Mona Street which indicated that support for such a scheme did not meet the Councils approved criteria of 80% in any of the roads.

(2) Recommend to the Overview and Scrutiny Committee that no further action is taken in respect of the petition requesting the introduction of a Residents' Parking Scheme in Lingdale Road North.

(3) Recommend to the Overview & Scrutiny Committee that the "pedestrian refuge" scheme together with complementary bus stop and shelter relocations (as shown on drawing number BEng/10/10a) be approved for implementation in Seabank Road, Liscard, ask officers to investigate the feasibility of a pedestrian controlled crossing at this location and report back to a future meeting of the Panel.

(4) Recommend to the Overview & Scrutiny Committee that the "pedestrian build-out" scheme and associated prohibitions of waiting restrictions (as shown on drawing number Beng/16/10) be approved for implementation in Stavordale Road and Chapelhill Road, Moreton.

Resolved –

(1) That the minutes of the panel be received.

(2) That the committee recommend to the Cabinet Member that the following schemes be approved:-

(a) Pedestrian refuge scheme, together with complementary bus stop and shelter relocations, as shown on drawing number BEng/10/10a), for implementation in Seabank Road, Liscard,

(b) Pedestrian build-out scheme and associated prohibitions of waiting restrictions, as shown on drawing number Beng/16/10, for implementation in Stavordale Road and Chapelhill Road, Moreton.

41 **THE WORK OF TRADING STANDARDS**

The Director of Regeneration submitted a report outlining the work of the Trading Standards Division and its contribution to the relevant Strategic Objectives.

The Trading Standards Division was responsible for discharging a wide range of statutory duties regulating the manner in which businesses provide goods and services to their customers and to ensure that they are safe, correctly described, nutritionally wholesome, comply with specified legal requirements (such as agreements regulated by the Consumer Credit Act) and sold to the appropriate age group. These duties were discharged through a range of interventions with traders ranging from general publicity campaigns and targeted advice through to prosecution in the Magistrates Court or Crown Court or injunctive action in the County Court. Enforcement action would be taken when appropriate in accordance with the Regeneration Department's Enforcement Policy.

The Division was organised in two teams, one team with responsibility for investigating breaches of criminal and civil law and resolving consumer complaints and the other with responsibility for advising and monitoring business practices. This report demonstrated how the fulfilment of those statutory duties contributed towards the Council's strategic objectives.

Resolved –

(1) That the Committee note the contents of this report.

(2) That the Trading Standards Manager and his team be congratulated for their efforts in discharging the wide range of statutory duties described in the report.

42 **IMPACT OF ALCOHOL UPON COMMUNITY SAFETY**

The Director of Regeneration presented a report outlining the methodology by which the impact of alcohol on Community Safety was measured and the progress of action plans with partner agencies to minimise the impact of inappropriate use on crime and anti social behaviour.

The report detailed:

- The number of methods by which the impact of alcohol is measured
- The types of alcohol related crimes and anti social behaviour that we are able to monitor
- A profile of victims of alcohol related crime or anti social behaviour
- A profile of offenders responsible for alcohol related crime or anti social behaviour
- Temporal analysis of alcohol related crime and anti social behaviour incidents
- Geographic analysis of alcohol related crime and anti social behaviour incidents on Wirral
- What action is being taken to minimise the impact of inappropriate alcohol use on crime and anti social behaviour

The Director reported that Wirral's Alcohol Harm Reduction Strategy 2007-2010 which was produced by Wirral Drug and Alcohol Action Team aimed to address the harms caused by alcohol misuse in the borough and tackle these problems by co-ordinating efforts with local agencies to educate young people about the risks of alcohol misuse through effective prevention campaigns; redesigning treatment services to meet demands especially for those most at risk; to tackle alcohol related crime and disorder through the introduction of criminal justice interventions and to provide the community with information, advice and guidance on how to drink sensibly. Crime disorder and communities was chosen as one of the key themes within the strategy and a subsequent three year action plan had been drawn up to tackle the key objectives within the strategy. The Wirral Drug and Alcohol Action Team were working in conjunction with partner agencies to review the current strategy and re-draft the forthcoming strategy for 2010-2013. The next strategy would look to build on the ever developing evidence base and guidance documents and to address some of the following emerging themes:

- Minimum Pricing
- New licensing legislation
- High Impact Changes
- Anti-social Behaviour
- Alcohol related violence

The range of work detailed within the report was delivered through the Council (Joint Community Safety Team, Licensing, Trading Standards, Children and Young Peoples Department), the Drugs and Alcohol Team, Probation Service, Police, and Primary Care Trust.

On a motion by the Chair seconded by Councillor Mitchell it was;-

Resolved –

(1) That the Committee note the contents of this report.

(2) That the Community Safety Team, Council departments and partner agencies be thanked for their efforts in developing strategies and actions to minimise the impact of alcohol on community safety.

43 **SALE OF ALCOHOL TO CHILDREN**

The Director of Regeneration reported upon action being taken by the Trading Standards Division to reduce the sale of alcohol to young people and highlighted some of the key issues and challenges.

It was a criminal offence under the Licensing Act 2003 to sell alcohol to a person under the age of 18 and Wirral's Trading Standards Team was working closely with Merseyside Police to minimise the sale of alcohol to young people. This activity contributed to reducing potential harm to young people and to tackling alcohol fuelled anti-social behaviour.

Funding from Wirral PCT for two additional posts had enabled Trading Standards to set up a team of three, including one existing full time post, to tackle under age sales of alcohol (and to make progress deal with the sale of tobacco to young people). The team used a combination of advice and enforcement, supplemented by various marketing initiatives, to prevent sales of alcohol to young people. This had been successful in significantly reducing the number of sales at off-licences to single figures with no sales recorded between October and December 2009. It was noted that provision for the continuation of this funding was made in the Council's budget for next year.

In 2009, 136 test purchase attempts were made at off-licences but in only four instances was alcohol sold to the under age volunteer.

Recently, underage work had now also been extended to underage test purchase operations in on-licence premises (pubs and clubs). This work was led by Merseyside Police with Trading Standards Officers assisting. Such operations were labour intensive because of the need to ensure the safety of the volunteer. In 36 joint operations conducted with the police 19 premises sold alcohol to the under age volunteers. In all instances, the member of staff selling the alcohol was issued with a fixed penalty notice and in two cases Trading Standards had called the licence into review.

In addition to the test purchase operations Trading Standards, are seeking the review of the licence of premises where underage sales occur. This could result in additional conditions being placed on a licence, suspension or revocation of a licence if there was evidence of a breach of one of the four licensing objectives, one of which was "the protection of children from harm". Failure to comply with the licence conditions was a criminal offence.

Resolved –

- (1) That the Committee note the contents of this report.
- (2) That the Trading Standards Manage and team be thanked for their work in seeking to minimise the sale of alcohol to young people.

44 HIGHWAY AND ENGINEERING SERVICES CONTRACT - REVENUE IMPLICATIONS

The Director of Technical Services submitted a report outlining the projected financial implications of the Highway and Engineering Services Maintenance Contract that commenced on 1st April 2009. A more detailed report would be presented to Members in summer 2010 detailing the first year contract performance and financial implications.

Resolved – That the Committee note the contents of this report pending the presentation of a further report in July 2010 detailing the contract performance and financial implications for the first year of the contract.

45 REVIEW OF POLICY LEQ08 - LICENSING OF 'A' BOARDS, SHOP DISPLAYS AND PAVEMENT CAFES

The Director of Technical Services submitted a report reviewing the current policy on the control of 'A' boards, shop displays located within the public highway.

The report reviewed the scope of the existing policy and the charges in relation to items placed temporarily on the highway for the purpose of advertising, promoting or enhancing an adjacent business. It specifically excluded pavement cafes licences as this element of the policy was already well established and was not the subject of the concerns raised. Included in the review were the results of consultations received from a number of bodies and groups representing users of the footway and/or vulnerable user groups. These representations which were summarised in the report were in support of the policy of regulation of such items on the highway.

It was proposed that the existing Policy LEQ08 should be amended to include all items temporarily placed on the highway for the purpose of promoting, advertising or enhancing a business (Appendix B). Each application would be assessed by reference to the criteria for site and location standards, and a consultation process would also take place including the display of a site notice and notification to adjacent frontagers and ward councillors.

Members were asked to consider the fee options for or items displayed on the highway which were detailed in the report. When fully implemented the staffing and administration costs estimated at £17,000 would be offset by income of £10,000, the balance being contained within existing budgets.

It was not proposed to change the process for implementation of the policy or enforcement action.

Councillor W Smith, Bebington Ward Councillor, addressed the committee and made representations on behalf of shopkeepers in Teehey Lane regarding the existing charging policy. The pavement areas outside this particular block of shops could easily accommodate shop displays or goods and he therefore considered that the imposition of charges for items displayed on the highway was an unnecessary burden for this group of small shopkeepers.

Councillor J Williams addressed the committee in his capacity as Bebington Ward Councillor and supported his colleague's comments.

There was a general discussion regarding implementation and enforcement of the existing policy during which members identified their particular ward issues. Consideration was also given to the representations received from The Blind and Visually Impaired, living streets and the Council's Access Officer.

Resolved - That the Committee:

(1) Note the outcome of the review of the "A" board and shop display policy,

(2) Recommend to Cabinet that the revised policy as discussed in the report and detailed in Appendix B be approved.

(3) Consider the options for charging and recommend to Cabinet that the charging element of the policy be abolished completely and that the scheme be administered utilising existing staffing resources.

46 REDUCING WIRRAL'S CARBON FOOTPRINT

The Director of Technical Services submitted a progress report on the various projects currently being undertaken by the Council, the Local Strategic Partnership and other partners, to 'Reduce Wirral's Carbon Footprint', which was a Corporate Priority in the Council's Corporate Plan 2010/11, and supported NI 186, one of Wirral's Local Area Agreement targets.

To improve its own emissions the Council initially set a target within the Climate Change Strategy to achieve a reduction in carbon emissions by 2010. Due to the successful implementation of phase 1 & 2 Energy Efficiency Investment initiatives, this target was achieved by late 2007, significantly ahead of schedule. The Council had now adopted the CRed target of a 60% reduction by 2025 and was now working with residents, communities and both the public and private sectors to achieve their own reductions.

Wirral's Carbon Reduction Programme coordinated all Council activities to reduce its CO2 emissions. This corporate programme was approved by Cabinet and progress update reports were presented to councillors bi-annually with next progress update scheduled for the June meeting of this committee.

Wirral's joint working with external partners to reduce CO2 emissions across the borough had now been re-named the Wirral Climate Change Group (WCCG) to more accurately reflect its co-ordinating role. At its last meeting on 26th January, the WCCG had approved its terms of reference (Appendix A), and also signed off version 1 of its Wirral-wide Carbon Reduction Programme.

The proposed monitoring and delivery arrangements for the Wirral-wide NI 186 Carbon Reduction Action Plan (Appendix B) were as follows:

- Regular updates by partners to WCCG meetings, held approx every 6 weeks
- Wirral-wide NI 186 Carbon Reduction Action Plan progress updates to the LSP Living and Working Environment Partnership at its 6 weekly meetings
- Bi-annual Update Wirral-wide NI 186 Carbon Reduction Action Plan Progress Reports to the Sustainable Communities Overview & Scrutiny Committee in the usual manner;
- Regular informal Cabinet Member briefings.

The Council's NI 186 partnering organisations would have their own structures and mechanisms in place to monitor and report the delivery of their respective Carbon Reduction projects.

Resolved – That the Committee:

- (i) Note the Terms of Reference of the Wirral Climate Change Group
- (ii) Note the performance and progress of the various Wirral-wide 'Carbon Footprint Reduction' projects undertaken by the Council and its LSP and other partners.

- (iii) Endorse the various joint 'Carbon Footprint Reduction' projects being undertaken, and support future proposed projects,
- (iv) Endorse the proposed arrangements for monitoring the delivery of these projects including regular informal briefings for the Cabinet Member for Environment and the LSP Board.
- (v) Refer this report on to Cabinet for approval.

47 THIRD QUARTER PERFORMANCE REPORT 2009/10

The Directors of Regeneration and Technical Services submitted a report providing an overview of progress made against the indicators for 2009/10 and key projects which were relevant to this overview and scrutiny committee.

Resolved – That the committee note the contents of this report.

48 WIRRAL FLOOD GROUP - COMMUNICATION

Further to minute 16 (21/9/2010) the Director of Technical Services submitted a report on the progress made to date by the Wirral Flood Group, specifically on the item of community group involvement relating to flooding, and requested approval for a Wirral Flooding Awareness Event in Summer 2010.

The issue of community group representation and general flood awareness had been considered at the meeting Wirral Flood Group held on the 21 January, 2010 when it was agreed to organise a Wirral flood awareness event for the Summer of 2010. The event would offer an opportunity for all residents on Wirral who were concerned about flooding to receive current information on flood prevention activities from all relevant agencies.

An invitation to this event would be offered to all known community flood group representatives and their views would be sought as to how they would wish to be involved in the Wirral Flood Group. This would also give the groups an opportunity to engage with the respective agencies that work to reduce flooding on Wirral and also meet other residents who may have experienced similar flooding problems.

Currently, any domestic property that had experienced flooding and was recorded on the Council's Reported Flooding Register (formerly the "Hot Spot" list) had been visited by a Technical Services Officer. It was further agreed that a letter would be distributed to residents who had experienced flooding highlighting actions they could take to protect their properties and mitigate the risk of any flooding. The letter would also communicate what actions the Council had taken in response to flooding and alert them to the existence of a Wirral Flood Group and the forthcoming awareness event.

Resolved – That the Committee note the progress to date of the Wirral Flood Group and endorse the proposal to hold a Wirral Flood Awareness Event.

49 TECHNICAL SERVICES DEPARTMENT - DECISIONS TAKEN UNDER DELEGATED POWERS

The Director of Technical Services submitted a report informing Committee, in accordance with the Approved Scheme of Delegation, of those instances where delegated authority had been used for the appointment of contractors or consultants.

Resolved – That the report be noted.

50 REGENERATION DEPARTMENT - DECISIONS TAKEN UNDER DELEGATED POWERS

The Director of Regeneration submitted a report informing Committee, in accordance with the Approved Scheme of Delegation, of those instances where delegated authority had been used for the acceptance of tenders.

Resolved – That the report be noted.

51 MONITORING REPORT - SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2009/10

The Director of Law, HR and Asset Management, submitted an Updated Monitoring Report on the Committee's Work Programme.

Resolved – That the report be noted.

52 ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR

(a) Draft Protocol – Scrutiny of the Crime and Disorder Reduction Partnership

The Director of Law, HR and Asset Management, submitted a referral from the Scrutiny Programme Board (minute 50 – 4/3/2010) for this committee to consider the draft protocol to define the way in which this overview and scrutiny committee may scrutinise the crime and Disorder Reduction Partnership

Resolved – That this committee endorse the Protocol.

(b) Scottish Power – Street Lighting

Resolved – That arrangement be made for Scottish Power to attend the next meeting of this committee.