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## SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Monday, 26 September 2011

<u>Present:</u>	Councillor	J Hale (Chair)	
	Councillors	D McCubbin R Wilkins P Hackett C Jones J Walsh	S Whittingham A Sykes S Williams J Salter (In place of KJ Williams)
<u>Deputies:</u>	Councillors	J Salter (In place of KJ Williams)	
<u>Apologies</u>	Councillors	KJ Williams	

### 13 CODE OF CONDUCT - DECLARATIONS OF INTEREST/PARTY WHIP

Councillor C Jones declared a personal interest in Item No. 5 on the agenda – Highways and Traffic Representation Panel (Minute No. 17 refers) as she lived in a street that had been resurfaced by Colas who would be making a presentation.

Councillors P Hackett, J Salter and J Walsh each declared a personal interest in Item No. 8 on the agenda – Shale Gas Fracking as they were Members of the Planning Committee who had considered the report.

### 14 MINUTES

#### RESOLVED:

**That the Minutes of the meeting of the Committee held on 7 June 2011 be confirmed as a correct record.**

### 15 HIGHWAYS AND TRAFFIC REPRESENTATION PANEL

#### RESOLVED:

**That the Minutes of the meeting of the Highways and Traffic Representation Panel be received.**

### 16 WASTE STRATEGY REVIEW SCRUTINY

A report by the Director of Technical Services provided the Committee with information relating to the Merseyside Joint Municipal Waste Management Strategy (JMWMS) review and associated complementary Wirral Council District Action Plan (DCAP). It was noted that, subject to Members' approval and ratification by the

Council, the current schedule for the publication of the JMWMS and the Wirral DCAP was December 2011.

The JMWMS and Wirral Council's DCAP would become the Council's strategic documents to support the delivery of the corporate goal "Minimising Waste by Encouraging Waste Reduction and Recycling".

Neil Ferris, Director of Strategy and Developments at the Merseyside Waste Disposal Authority provided the Committee with a presentation on the latest position of the JMWMS. Mr Ferris reminded Members of the EU Waste Framework Directive and EU Landfill Directive Targets. He also provided a short list of strategy objectives, a menu of delivery options and informed of the details of his Authority's ten week public consultation exercise, which had ended on 7 September 2011. A review timetable had been prepared along with an action plan for Wirral Council to assist it in delivering the Waste Strategy.

Finally, the Committee was asked to consider whether:

- it remained satisfied with the process that has been undertaken to develop the new Joint Municipal Waste Management Strategy;
- subject to any comments Members may wish to submit on its content, they are happy to endorse the draft Strategy and associated Council action plan as they currently stand; and
- it agrees that a final version of the draft Strategy and Council action plan, taking into account the Board's comments, be referred to the Cabinet for consideration, prior to their submission to the Council for formal approval.

Following the presentation Members asked a number of questions which were answered as appropriate by Mr Ferris.

**RESOLVED: That**

- (1) Mr Ferris be thanked for his informative presentation;**
- (2) the process that has been undertaken to develop the new Joint Municipal Waste Management Strategy be endorsed;**
- (3) the draft Strategy and associated District Action Plan as they currently stand be endorsed;**
- (4) the current work being carried out on the Environmental Streetscene Services Contract Review be noted and progress on this work be reported to this Committee in January 2012;**
- (5) a final version of the JMWMS Strategy and draft Wirral DCAP, taking into account the Committee's comments, be referred to the Cabinet for consideration, prior to them being presented to the Council for formal approval;**

- (6) a final Wirral DCAP, outlining the Council's intentions with regards to recycling and waste prevention (and associated future targets) be brought back to this Committee no later than June 2012, once the Environmental Streetscene Services Contract Review regarding the seven year break clause has been concluded;
- (7) following the ratification of the JMWMS a request be made that the Merseyside Waste Levy Payment Mechanism review must be undertaken, as soon as possible, and the progress of this work be monitored by this Committee.

17 **HIGHWAY AND ENGINEERING SERVICES CONTRACT - SECOND ANNUAL REVIEW**

A report by the Director of Technical Services provided an update for the Committee on the Highway and Engineering Services contract at the end of its second year of operation; including performance against the benefits sought and targets set. It also invited Members to provide views on any matter which the Committee considered appropriate for consideration by the contract partnership innovation groups, for further improvement of the works and services provided.

The Committee noted that the maintenance of all aspects of the highway infrastructure; carried out through this contract; were statutory duties imposed on the Council as Highway Authority.

Part of the report related to financial aspects of the contract which were exempt from public disclosure in accordance with paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, and this information was separately contained in Appendix 3 to the report. (Minute No. 28 refers)

Stephen Grimes, Contracts Manager at Colas was in attendance at the meeting along with members of his team who he introduced to the Committee. Mr Grimes made a presentation to the Committee on the Streetscene Partnership Year 2 Review. He provided a brief overview of what Colas was about and a focus on what it did on Wirral. He informed how Colas was organised, about its activities, its management and governance, its successes to date, its culture, business objectives and strategic aims.

Following the presentation Members asked a number of questions which were answered appropriately by Mr Grimes. Members were particularly concerned about the state of Wirral roads and associated risk management issues. Examples of perceived poor quality work were highlighted by Members, using examples from their own wards, some of which still had not been rectified. Mr Grimes informed that steps were being taken to improve the standards of work. A quality audit system was now in place and changes to working arrangements were ongoing. A robust contract management system was now also in operation. The Committee was of the view that Colas needed to carefully supervise road works to increase public satisfaction over repairs.

**RESOLVED: That**

- (1) Mr Grimes and his team be thanked for their attendance at the meeting;**
- (2) Mr Grimes be thanked for his informative presentation;**
- (3) the progress of the Colas contract during the past year be noted; and**
- (4) Colas be requested to take away the complaints highlighted by Members and consider drawing up a complaints investigation protocol, to help bring about improvements to Wirral's roads.**

**18 PAVEMENT/VERGE PARKING**

A report by the Director of Technical Services advised the Committee of the current situation regarding pavement/verge parking in Wirral and provided an update on the progress of the introduction of the second phase of the pilot scheme restrictions. The report also contained the outcome of discussions with Merseyside Police and Pedestrian Forums on proposals to deal with pavement obstruction caused by inconsiderate parking.

At a meeting of this Committee on 18 November 2009 (Minute No. 31 refers), Members had been advised that the roads approved for the introduction of pilot restrictions had been divided into three manageable phases for legal and administrative purposes. The first phase had been introduced in December 2008 on the following roads:

Kings Lane, Bebington	(Kings Road to Old Chester Road)
Teehey Lane, Bebington	(Higher Bebington Road to Kings Road)
Kings Road, Bebington	(Borough Road to Kings Lane)
Holm Lane, Oxton	(Talbot Road to Oulton Close)
Bayswater Road, Wallasey	(Newport Avenue to Greenleas Road )
Woodchurch Road Prenton	(Holmlands Drive to Osmaston Road)

Feedback from Members and local residents had been positive and the restrictions had generally been accepted as an improvement to the immediate streetscene.

The Committee noted that the second phase of pilot restrictions was proposed for the following locations:

Townfield Lane, Oxton	(Bidston Road to Shavington Avenue)
Storeton Road, Oxton	(Woodchurch Road to Ingestre Road)
Frankby Road, Frankby	(Blackhorse Hill to Newton Park Road)
Greasby Road, Greasby	(Upton By Pass to Frankby Road)
Leasowe Road, Leasowe	(Heyes Drive to Reeds Lane – south side only)
Pensby Road, Pensby	(Gills Lane to Whitfield Lane)

A summary of the outcome of the consultation process and compliance to date in each of the roads where restrictions were introduced was set out in the report.

The Committee noted that there were various prevention measures available to deter pavement/verge parking including the installation of bollards, guard rails, high kerbs

and raised planters. A number of these measures had been used, in exceptional cases, in the Borough; however, installation costs and their visual effect on the Streetscene ruled them out as a general solution.

Following discussions with Merseyside Police, they had confirmed that they would continue to issue Fixed Penalty Notices because it was an offence under Regulation 24 Road Vehicles Lighting Regulations 1989 to park a vehicle at night without lights on a road with a speed limit in excess of 30 miles per hour.

In many locations across Wirral even on roads that did not satisfy the criteria for introducing parking restrictions, pavement parking was still causing an obstruction problem for users of the pavement.

In roads where parking a vehicle half on the road and half on the pavement was generally acceptable because of limited off street parking provision there was no intention by Merseyside Police or the Council to restrict this practice. In certain locations where the pavements were of a suitable width and construction to sustain the weight of a vehicle and unobstructed access could be maintained for both pedestrians and road users, this unofficial parking arrangement worked well. However, there were still many vehicle owners/users that chose to park their vehicles fully on the pavement without any consideration for the potential inconvenience they were causing.

In situations such as this, and in response to enquiries and complaints from the public, elected Members, pedestrian forums and walking groups, it had been suggested by members of some of these groups that the owners/users of these vehicles should be made aware of the problems they were causing and be advised accordingly.

To raise their awareness an advisory notice such as the one attached as Appendix A to the report would be placed on the vehicle by staff from the Council's Technical Services Department and officers from Merseyside Police in a similar way to the Penalty Charge Notices (PCN) issued by the Council's Decriminalised Parking Enforcement Contractor. The notices would request the owner/user to park responsibly in the future and with consideration for pavement users. They would also be advised of the implications of their actions if they continued to park irresponsibly.

For vehicle owners that choose to ignore the notice, Merseyside Police would serve a Fixed Penalty Notice for obstruction on the owner of the vehicle and in the case where the practice persisted and a number of owners within the same road continued to park wholly on the pavement, the Council would consider introducing measures to restrict parking to "half on/half off" and then enforce the restrictions through the Council's Decriminalised Parking Enforcement Contractor.

**RESOLVED: That**

- (1) the contents of the report be noted;**
- (2) the proposal to review the initial list of roads approved at the meeting of the Committee on 14 March 2007 and consider new locations based on the proposals set out in the report and subject to future funding, be endorsed;**
- (3) the proposals to deal with pavement obstruction be noted; and**

- (4) the Committee be updated at a future meeting on both the review of new restriction locations and the outcome of the advisory notice initiative.**

**19 CORPORATE GOAL "HAVE A SAFE AND WELL MAINTAINED HIGHWAY NETWORK FOR ALL USERS" - PROGRESS REPORT**

A report by the Director of Technical Services provided the Committee with a progress update on delivering services and plans which would provide assurance that, as prioritised within the Corporate Plan, all aspects of Wirral's highway network were safe and well maintained and included an update on the performance measures in place for condition of the highway and casualty reduction.

The Committee was informed that maintenance of all aspects of the highway infrastructure was a statutory duty imposed on the Council as Highway Authority. The Highway Authority had a duty to prepare and undertake measures to improve road safety.

**RESOLVED:**

**That the progress made to date in achieving this Corporate Plan goal be noted.**

**20 SHALE GAS FRACKING**

Following reports of exploratory works for shale gas in Lancashire, concern had been raised about environmental implications. A report by the Acting Director of Regeneration, Housing and Planning set out the Local Authority's responsibility role and regulatory role in relation to gas exploration and extraction within the Borough.

**RESOLVED:**

**That the contents of the report be noted.**

**21 PHYSICAL ACTIVITY FOR VULNERABLE PEOPLE**

A report by the Director of Technical Services described a joint project being delivered between NHS Wirral, Public Health and Wirral Council that was identifying interventions and service changes that would assist in increasing the amount of physical activity undertaken by targeted groups within the 20% most deprived parts of Wirral.

**RESOLVED:**

**That the report be noted.**

**22 ACCEPTANCE OF TENDER UNDER DELEGATED AUTHORITY**

At the meeting of the Cabinet held on 2 June 2011 (Minute No. 17 refers), the Director of Law, HR and Asset Management had informed it of the nature of works proposed to refurbish the Town Link viaduct and that he had accepted a tender for the works under delegated authority.

The Cabinet noted that the lowest tender in the sum of £483,915, submitted by Balvac Ltd, had been accepted by the Director of Law HR and Asset Management under delegated authority, pursuant to Contract Procedure Rule 14.4 and that acceptance would be reported to the next meeting of the Sustainable Communities Overview and Scrutiny Committee.

**RESOLVED:**

**That the fact that the lowest tender in the sum of £483,915, submitted by Balvac Ltd, had been accepted by the Director of Law HR and Asset Management under delegated authority, pursuant to Contract Procedure Rule 14.4 be noted.**

**23 DECISIONS TAKEN UNDER DELEGATED POWERS**

A report by the Director of Technical Services informed Members, in accordance with the Approved Scheme of Delegation, of instances where delegated authority had been used by him in respect of the appointment of Contractors, pursuant to Contract Procedure Rule 14.4.

**RESOLVED:**

**That the tenders accepted by the Director of Technical Services since the last meeting of the Committee on 10 March 2011, as detailed in the report, be noted.**

**24 2011/2012 QUARTER 1 PERFORMANCE REPORT**

A joint report of the Directors of Technical Services and Law, HR and Asset Management set out performance of the Council's Corporate Plan 2011-14 for April to June 2011, in relation to sustainable communities, and provided the Committee with an overview of performance, resource and risk monitoring.

The Committee noted, in particular, that the Energy Efficiency strategic change project had been assessed as red. The project had been set to deliver £80k of savings during 2011/12. £50k of this saving had been predicted on the installation of PC Powerdown software. This software had not yet been installed. It was, therefore, unlikely that the savings would be achieved now. The Department of Finance would reconsider this matter as part of the new restated ICT Strategy. Members were concerned by this failure to make savings and wanted to know why this software had not been installed.

**RESOLVED: That**

- (1) the contents of the report be noted; and**
- (2) a report be brought to the next meeting of the Committee setting out the reasons why the Powerdown software had not been installed.**

**25 FORWARD PLAN**

The Committee had regard to the Forward Plan for the period September to December 2011 which had been published on the Council's intranet/website.

Members had been invited to review the Plan, prior to the meeting, in order to consider, in the light of the work programme, whether scrutiny should take place of any items contained within the Plan and, if so, how it could be done within relevant timescales and resources.

**RESOLVED:**

**That the Forward Plan be noted.**

**26 SCRUTINY WORK PROGRAMME 2011/2012**

The Committee received an update on its work programme.

**RESOLVED: That**

- (1) the work programme be noted; and**
- (2) Wirral Trader Scheme be considered at the next meeting of the Committee.**

**27 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

**That, under section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.**

**28 EXEMPT APPENDIX**

The Committee considered an Appendix to the report – Highways and Engineering Services Contract – Second Annual Review – which had already been considered in Part 1 of the meeting (in the presence of the press and public) along with associated risks. It related to the financial aspects of the contract which were exempt from public disclosure, in accordance with paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. (Minute No. 17 refers)

**RESOLVED:**

**That the content of the exempt Appendix be noted.**