

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the **Environment Overview & Scrutiny Committee**
held in Committee Room 1, Woodgreen, Witney, Oxon
at 2.00pm on **Thursday 6 December 2018**

PRESENT:

Councillors: David Harvey (Chairman), Alaa Al-Yousuf, (Vice-Chairman), Richard Bishop, Andrew Coles, Pete Dorward, Harry Eaglestone, Duncan Enright, Ted Fenton, Martin McBride, Elizabeth Poskitt, and Carl Rylett

Also in Attendance: Councillors T J Morris and H E T St John

34 CHAIRMAN'S ANNOUNCEMENTS

Councillor Harvey thanked Councillor Ted Fenton for chairing the previous meeting when he and the Vice-Chairman had both been unable to attend. He went on to advise Members that Councillor Bishop had decided to relinquish his position as Vice Chairman and expressed his thanks for the support he had provided during the year.

35 MINUTES

RESOLVED: That the minutes of the meeting of the Committee held on 11 October 2018 be approved as a correct record and signed by the Chairman.

36 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Hilary Fenton, Gill Hill and Alex Postan and the following resignations and temporary appointments were reported:-

Councillor Duncan Enright for Councillor Laetisia Carter
Councillor Elizabeth Poskitt for Councillor Liz Leffman

37 APPOINTMENT OF VICE CHAIRMAN

As a consequence of the resignation of Councillor Richard Bishop as Vice Chairman of the Committee, nominations were invited for the appointment of a Vice Chairman for the remainder of the civic year.

RESOLVED: That Councillor Alaa Al-Yousuf be appointed as Vice Chairman of the Committee for the remainder of the current civic year.

38 DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers in matters to be considered at the meeting at this juncture

39 PARTICIPATION OF THE PUBLIC

No submissions were received from the public in accordance with the Council's Rules of Procedure.

40 COMMITTEE WORK PROGRAMME 2018/2019

The Committee received and considered the report of the Head of Democratic Services which gave an update on progress in relation to its Work Programme for 2018/2019.

40.1 “Water Day”

Councillor Harvey was pleased to note that the “Water Day” held on 4 October had been well received by those in attendance and informed Members that he had suggested that a similar event be held in 12 months’ time. The Group Manager, Council Advisory Services confirmed that the necessary arrangements would be put in place under the supervision of the Group Manager, Corporate Support.

The Senior Planner advised that the Environment Agency was in the process of prosecuting Thames Water at Oxford Crown Court in relation to the August 2015 pollution of the Idbury and Littlestock Brooks (tributary stream of the River Evenlode). The pollution was caused by the failure of Milton-under-Wychwood (Bruern Road) Sewage Pumping Station.

The Environment Agency had put forward in open court that offending was reckless and environmental harm was significant. The final day of court proceedings was scheduled for 21 December 2018 which will include summaries and final submissions from prosecution and defence before final consideration by His Honour Judge Ross and delivery of sentence.

The Environment Agency was hopeful that this prosecution would help to protect the Idbury and Littlestock Brooks and more widely the Thames Catchment by driving further improvements of Thames Water’s management of their 4780 sewage pumping stations.

Councillor Harvey stated that the Council had been right to raise public awareness of the deficiencies in the sewage disposal network and help to focus attention on the remedial measures required.

40.2 Open Space Grass Cutting

Councillor Poskitt expressed some concern that this item of business had been adjourned in the Work Programme to be revisited when resources allowed. The Group Manager, Council Advisory Services explained that a significant amount of work had been carried out with Witney Town Council but it had not been possible to reach an agreement for West Oxfordshire to commission work on their behalf. She confirmed that the Council would be prepared to consider partnerships in other areas but would require a firm commitment from the relevant town or parish council so as to avoid undertaking abortive work.

Councillor Coles reminded Members that the recommendation had been to delete this item from the Work Programme but that, in view of its importance, the Committee had decided to adjourn consideration to a more opportune time.

In response to a question from Councillor Poskitt, Councillor Harvey advised that responsibility for grounds maintenance was complex due to the number of organisations involved.

40.3 Implementation of Car Parking Strategy

Councillor Harvey made reference to a recent article regarding on-street parking enforcement that had appeared in the “Witney Gazette” which stated that the Council made a loss of some £460,000 in operating this service. He explained that this was not the case and that the newspaper had based its calculations on the overall cost of parking provision; some £767,000. Officers had been requested to clarify the position and issue a rebuttal.

Councillor Morris advised that the total cost to the Council of both on and off-street parking was £249,000 and confirmed that he had taken up the matter with the press.

In response to a question from Councillor Dorward, the Group Manager, Council Advisory Services indicated that the Cabinet had accepted the Committee's recommendation that a Parking Scheme should not be introduced in the Corn Street and Church Green areas. Representations had also been made to the County Council to address issues relating to historic Traffic Regulation Orders and the Council had set aside some £10,000 to further parking management.

Councillor Dorward enquired whether there was to be any enhancement of parking enforcement in these areas. In response, the Group Manager, Council Advisory Services advised that the Council already carried out enforcement on a seven day a week basis. Officers were aware of particular 'hotspots' in terms of times and location and responded accordingly. If the County Council took on board changes to Regulations, the Council would be able to revise its enforcement regime in future.

Councillor Dorward indicated that he would wish to see more robust enforcement taken and Councillor Coles enquired whether there was sufficient financial provision within the budget.

40.4 Single Use Plastics

Councillor Al-Yousuf suggested that options for delivering the reduction in single use plastics should be included in the Committee's Work Programme once DEFRA's Waste and Resources Strategy had been published.

RESOLVED: That progress on the Committee's Work Programme for 2018/2019 be noted.

41 CABINET WORK PROGRAMME

The Committee received and considered the report of the Head of Democratic Services, which gave Members the opportunity to comment on the Cabinet Work Programme published on 13 November 2018.

41.1 Approval of Tree Management Policy

Councillor Coles enquired whether it would be possible for the Committee to receive the report on the Tree Management Policy in relation to Council owned land prior to its consideration by the Cabinet. It was explained that this item had been delayed and was not now due to come before Cabinet until the New Year. Accordingly, it was **AGREED** that the report be submitted to the next meeting of the Committee.

41.2 Consideration of Bids for the Provision of an Electric Vehicle Charging Points Framework Agreement

Councillor Harvey enquired how many charging points would be provided. The Group Manager, Council Advisory Services indicated that the framework agreement would provide for differing options for procurement and the number of charging points provided would be dependent on costs. Discussions were taking place with the Council's legal advisors on the draft agreement and it was hoped to proceed early in the New Year. More detailed information would be available at that time.

41.3 Revised Corporate Enforcement Policy

Councillor Harvey enquired as to the nature of this report and the Service Leader advised that it was simply intended to reflect statutory changes.

In response to a question from Councillor Fenton he advised that, whilst the review would cover a range of areas, the underlying principles of enforcement adopted by the Council would remain the same.

RESOLVED: That the Cabinet Work Programme published on 13 November 2018 be noted.

42 BUDGET 2018-2019

The Committee received and considered the report of the Chief Finance Officer, copies of which had been circulated, setting out the initial draft base budgets for 2019/2020, draft fees and charges for 2019/2020 and the latest Capital Programme for 2018/19 revised and future years.

Councillor Harvey advised that concern had been expressed by the other Overview and Scrutiny Committees regarding the extent of the overspend on the waste collection and recycling contract. The Group Manager, Council Advisory Services, informed Members that the position was being monitored and that Officers were in discussions with Ubico Ltd to explore ways in which the overspend could be reduced.

Whilst some additional costs were unavoidable, some efficiency savings could be made by revising the way in which services were delivered. Some savings had already been achieved in this way in the bulky household waste and clinical waste services and the main collection service was also under review. Officers were exploring the way in which the main service was crewed and, supported by the Finance Team, seeking to optimise the costs associated with the vehicle fleet going forward.

In response to a question from Councillor Harvey, the Finance Manager advised that it was anticipated that the overspend would be reduced to some £180,000 in the current year. Councillor Harvey noted that the proposed budget growth in the Ubico contract for 2019/2020 was some £783,000 and the Group Manager advised that some elements of this related to pay and pensions whilst others were the result of an increase in operational delivery costs. Officers were focusing on four areas in which to make savings.

Councillor Morris advised that this potential overspend had been noted in the quarter 2 outturn when efforts had been made to identify the root cause. Certain increased costs would have been inevitable regardless of which contractor had been engaged whilst others were the result of inaccurate information provided by the previous contractor. Councillor Morris acknowledged that some costs of delivering the service had been greater than anticipated although others were the result of policy decisions taken by the Council. In addition, there had been an increase in costs as a result of the loss of recycling credits.

Councillor Morris reminded Members that they also needed to offset elements of the increased revenue costs against the capital saving of some £2.5 million that would have been occasioned by the need to purchase a new depot site. Some areas of cost control had been kept in check and Officers were working with Ubico to reduce costs further.

Councillor Morris advised that, whilst it had not delivered the anticipated level of savings, the current contract still represented a saving of £60,000 against the cost of going out to tender in 2016. Whilst he acknowledged the increased budget cost, Councillor Morris emphasised that the current contract still represented value for money.

Councillor Harvey enquired whether such an overspend was exclusive to West Oxfordshire's contract and the Chief Finance Officer advised that an increase in costs was common to all Ubico's contracts.

Councillor Harvey questioned whether this suggested that Ubico had under-quoted to secure contracts and could be viewed as indicative of an underlying problem. He noted that when the Council's previous contractor had sought to increase the contract price during the contract period they had been held to the tender sum and questioned whether the Council could do likewise here.

The Group Manager advised that the increase in costs had not been intentional and that the underlying reasons differed from authority to authority; in Cotswold District for example these had resulted from fleet issues.

The issues in West Oxfordshire were different and, whilst Ubico had endeavoured to model and cost the contract accurately, it had subsequently become apparent that certain data provided by the previous contractor had been inaccurate. The Group Manager also advised Members that, given the existing market conditions, the Council would have found great difficulty in securing an economic fixed price contract as the uncertainties evidenced would have been priced into any bid. She reminded Members that, as a Council owned company, Ubico operated with no profit margin and, whilst the current cost was higher than the Council would have liked, it was able to work with the company to address this.

Whilst recognising the differences, Councillor Harvey considered that many of the difficulties encountered could have been identified. The Group Manager advised that Officers were now looking at the age profile of the vehicle fleet in conjunction with Ubico with the intention of introducing better fleet monitoring.

Councillor Fenton agreed that issues such as the need for smaller vehicles to operate in narrow streets should have been self-evident. Having acquired such additional vehicles the operational pressures on the standard fleet should be reduced and Councillor Fenton suggested that savings could be made by introducing a phased replacement programme. In response, the Group Manager explained that, whilst this could be seen as an ideal solution, a whole new vehicle fleet had been purchased a year ago hence the introduction of a phased replacement programme would be expensive.

The Group Manager went on to advise that arrangements had been made to collect better data on fleet maintenance requirements. In turn, this information would be built in to a longer term capital strategy. The Group Manager also indicated that the Council had not held route data since the time that the waste collection service had been contracted out.

Councillor Fenton returned to the question of under-utilised vehicles and the Group Manager advised that any surplus capacity could be employed on different contracts or assigned to the fleet hire pool.

Councillor Al-Yousuf considered that it was strange that the Council did not have an arms-length relationship with its contractor. Whilst this had some advantages there were also costs. He asked who represented the Council as customer and shareholder. In response, the Group Manager advised that the Leader of the Council represented the Council as shareholder in Ubico whilst she represented its interests as Client Officer. In this way, separation of responsibility was maintained.

Councillor Al- Yousuf noted that waste collection and recycling was one of the Council's flagship services. As such, residents expected a high quality, value for money service. He questioned how costs were to be managed going forward and indicated that, whilst some increased costs had been explained, others needed to be looked into further. In order to do so, Councillor Al- Yousuf suggested that the Committee should request that an independent benchmarking exercise be carried out to assess Ubico against its peers.

Councillor Morris reminded Members that Councillor Steve Good also sat on the Ubico Board to represent West Oxfordshire's interests. He questioned the benefits of benchmarking Ubico's performance against that of Kier but agreed that there was merit in undertaking a piece of work to see if the service could be delivered at a better price. He stressed that Ubico was delivering the waste collection service that the Council wanted to see but noted that recycling rates needed improvement. Councillor Morris also reminded Members that this was the first draft of the budget and that it was likely that there would be some change before it was finalised.

Councillor Dorward asked whether the possibility of cannibalising end of life vehicles to extend the life of others within the fleet had been considered. The Group Manager advised that the practice was to replace old vehicles with new and the condition of those in the core vehicle fleet when nearing their end of life could not be determined at this stage. It was possible that some might be worth repairing or, alternatively, they might be put into the hire pool.

Councillor Poskitt questioned why such a large growth in costs had been seen within the space of only a year, suggesting that this surly should have been known at the start of the contract. The Group Manager advised that, whilst some increased expenditure had been incurred to provide a 'quick fix' for the problems identified in the early stages of the contract, it had not been thought wise to incur a greater level of expenditure until the contract had bedded down. Councillor Poskitt asked why this had not been met through a contingency sum and Councillor Morris advised that this provision had already been utilised during the previous year. Ongoing additional costs were now being built in to the budget for next year.

Councillor Harvey expressed some concern that the revised budget would become the base budget going forward and questioned whether it would be reduced. In response, the Group Manager advised that some elements would have to be incorporated into the base budget but that it was anticipated that some other costs would be reduced.

Mr Harvey indicated that there was significant disquiet amongst Members and suggested that the Council should seek external expert advice. Councillor Morris stated that if savings could be delivered by doing so, he would be happy to invest to recoup. Councillor Harvey considered that the budget ought not to be approved until the Council had gone back to Ubico to ascertain the full picture.

Councillor Coles suggested that the budget should be brought forward at an earlier stage. Councillor Morris reminded Members that this was the first draft of the budget and that the level of income from Central Government remained unknown. Councillor Coles noted that the Committee could have the opportunity to consider the budget again prior to the Council meeting in February.

Mr Coles noted that there was an increase in bank charges associated with collecting funds via debit and credit cards and asked whether the Council would reconsider reinstating facilities for taking cash payments. The Group Manager indicated that the Council could review the matter if the use of cash became more viable but, in her view, this would be a retrograde step.

Mr Coles went on to express concern over the adequacy of resources available to address issues such as bio-diversity and fly tipping and the reduction in staffing levels in Environmental Regulatory Services. He questioned the Council's ability to deliver services at the level required. The Group Manager advised that the Council did what it could with the funding available to it through income generated and Central Government funding.

However, the Authority was operating under severe financial constraints and had to look to the future. The use of capital to support revenue expenditure was not sustainable in the long term and, whilst the Council could do more if greater funding was made available, it had to operate within its means. Councillor Coles suggested that 'the cracks were beginning to show' and cautioned that the cost over time could be greater as a consequence.

(Councillor Duncan Enright joined the meeting at this juncture)

Councillor Morris indicated that there was a great degree of uncertainty surrounding the Council's financial position. Whilst the Medium Term Financial Strategy envisaged a rise in Council Tax of 3%, cost pressures were such that a 5% increase was now suggested. In addition, it was proposed to use capital reserves to fund revenue expenditure and consider a reduction in non-statutory functions, protecting statutory functions through efficiency savings.

Councillor Poskitt noted that many local councils did not have card or electronic banking facilities and Councillor Enright expressed concern that those most vulnerable were less able to access the Council's services. He suggested that savings made elsewhere should be utilised to support that group.

The Group Manager advised that the Digital Transformation Project was founded on customers' needs and increased use of the data provided ensured that it remained aware of and responsive to differing needs.

RESOLVED: That the comments set out above be conveyed to the Cabinet.

43 LOW CARBON AND ENVIRONMENTAL PLAN - BIODIVERSITY

The Committee received and considered the report of the Head of Planning and Strategic Housing, which provided an update on biodiversity issues contained in the Council's Low Carbon and Environmental Plan.

The Senior Planner introduced the report and emphasised that, in addition to its statutory duty, the Council had a role to play as an advocate and facilitator for bio-diversity.

Councillor Dorward thanked the Officer for her report and questioned whether the water quality in the River Windrush was such that it was safe to bathe. Councillor Al-Yousuf advised that no river could be considered safe to bathe in unless it was specifically identified as such by the Environment Agency.

Councillor McBride stated that he had found this to be a useful report and suggested that a more detailed presentation on bio-diversity would be helpful. He also considered that an event similar to the recent 'Water Day' could be beneficial. Councillor Coles advised that the Committee had received a presentation from the Council's bio-diversity Officer in December 2016 and the slides prepared for this could be viewed on the Council's website by following this [link](#)

Councillor Poskitt asked whether new developments would include 'hedgehog highways' and the Senior Planner confirmed that this would be encouraged in all developments but especially in larger developments through requirements in Supplementary Planning Documents. Councillor Poskitt also suggested that it would be useful to provide links to other local sites and organisations through the Council's website.

Councillor Al-Yousuf welcomed the report and questioned whether it would be helpful to explore issues regarding bio-diversity by visiting the site of the proposed Eynsham Garden Village.

The Senior Planner advised that the primary focus of the Council's Bio-diversity Officer was directed towards such planning matters. In response to a question from Councillor Fenton, it was explained that air quality management was dealt with by the Environmental Regulatory Service but that a report on this could be brought to the next meeting.

Councillor Rylett expressed some concern that no progress had been made on the call to action made in December 2016 and stressed the need to produce a bio-diversity action plan. He also sought an assurance that Members would be involved in the development of the plan.

Councillor Rylett went on to express concern over the potential impact upon bio-diversity that would result from the Garden Village Proposals. He acknowledged that an ecological appraisal would be carried out and that mitigation measures put in place but stressed that, given its status as a 'Garden Village' such measures should be of a higher standard. Arrangements to protect and encourage pollinators, provide trees and green networks and carbon sinks should be included, together with arrangements for the co-ordination with local groups.

The Senior Planner advised that Officers sought to achieve a net gain in terms of bio-diversity with any new development. The Garden Village would be used as a pilot by Natural England to develop the metrics by which this would be calculated and the site would be used as an example and a testbed for such measures. Ideally, this would involve increasing bio-diversity within the site but, if this could not be fully achieved, by offsetting any loss elsewhere. Increased public access to the wider countryside could potentially result in loss of plant life and disturbance to wildlife. Efforts would be made to improve wildlife networks through the farmland and environmental consultants had been employed to look at both the Garden Village and West Eynsham sites.

Councillor Coles noted that the Committee had called for a review of the Plan in June and expressed concern that this had yet to be carried out. The Bio-diversity Audit requested had not been undertaken and Councillor Coles questioned whether staffing levels and capacity within the Council were sufficient to carry out this work given that the Council's bio-diversity officer only worked for two days a week, her specific role being to respond to significant planning applications.

Councillor Coles proposed that the Cabinet be recommended to carry out a review of the Low Carbon and Environmental Plan as a matter of urgency and to action the objectives identified in the summer as a matter of urgency. Having been duly seconded the recommendation was put to the vote and was carried.

Councillor McBride noted that environmental issues had not been at the forefront of Carterton Town Council's thinking and offered an assurance that, following his appointment as Chairman, that would now change.

Members expressed their thanks to the Senior Planner for her well-crafted and helpful report.

RESOLVED: That that the Cabinet be recommended to carry out a review of the Low Carbon and Environmental Plan as a matter of urgency and to action the objectives identified in the summer and set out in the report as a matter of urgency.

44 APPROACH TO FLY-TIPPING AT BRING SITES

The Committee received and considered the report of the Environmental Services Manager, which updated it on the options for tackling fly tipping at 'bring sites'.

The Service Leader introduced the report and, in response to a question from Councillor Dorward, confirmed that posters such as those he had previously suggested were now displayed at 'bring sites'.

Councillor Rylett indicated that there was a perception that fly tipping at the Eynsham sites was getting worse to the extent that the Parish Council had requested that these facilities be withdrawn and enquired what had changed. The Environmental Services Manager advised that, in her opinion, the position had improved as the site was emptied on a daily basis and fly tips removed as and when they occurred. The problems tended to be greater at the larger sites and at peak times such as over the Christmas period.

Councillor Rylett questioned the relative costs incurred in clearing the sites in comparison to that of providing CCTV, suggesting that some form of temporary installation could be employed. In response, the Environmental Services Manager advised that the cost of clearing fly tips was incorporated within the waste and recycling contract and the Service Leader advised that, whilst stand-alone equipment was available, both their range and battery life was limited. In addition, there were also legal issues that had to be addressed in order to comply with the provisions of the Regulation of Investigatory Powers Act.

Councillor Harvey reminded Members that this problem was a recurrent issue which was somewhat cyclic in nature, reducing when successful prosecutions took place. He questioned whether there were any independent contractors who could carry out enforcement on the Council's behalf.

Councillor Fenton suggested that CCTV costs need not be as high as those suggested in the report as the equipment did not need to be constantly monitored. The Group Manager advised that additional resources would be required to carry out any monitoring or enforcement. Councillor Poskitt suggested that fake CCTV cameras could act as a deterrent.

The Environmental Services Manager advised that, if sites were regularly cleared and maintained in a tidy condition, fly tipping tended to be less prevalent and the Group Manager indicated that it was more cost effective to clear fly tips contained within 'bring sites' than dispersed throughout the countryside.

Councillor Coles advised that he received complaints about the condition of the 'bring sites' on a weekly basis and this had become a constant problem. He questioned the provision of charity bins and the potential for staffing the sites.

RESOLVED: That the actions to tackle fly tipping at bring sites set out in the report be noted.

(Councillor McBride left the meeting at this juncture)

45 NOTICE OF MOTION: REDUCTION IN SINGLE USE PLASTICS

The Committee received and considered the report of the Group Manager, Council Advisory Services, which invited consideration of the Motion regarding options for delivering a reduction in Single Use Plastics.

Councillor Dorward considered the timescale of the Government's 25 Year Environment Plan to be too great, suggesting that a 10 year target would be more appropriate.

Councillor Coles stressed that this was an important issue which had received cross-party support. Whilst the Government had set a 25 year target, there was nothing to stop the Council from 'getting ahead of the game'. He proposed that the Committee establish a Working Party to interpret the provisions of DEFRA's Resources and Waste Strategy and to make recommendations to the Cabinet on delivering a reduction in single use plastics.

Councillor Al-Yousuf agreed that the Government's 25 Year Environment Plan was weak and that the Council could act faster locally.

RESOLVED: That a Working Party be established to interpret the provisions of DEFRA's Resources and Waste Strategy and to make recommendations to the Cabinet on delivering a reduction in single use plastics.

46 QUARTER TWO PERFORMANCE 2018-2019

The Committee received and considered the report of the Group Manager, Corporate Support, which provided information on the Council's performance at the end of the second quarter of 2018/2019.

Councillor Harvey expressed his disappointment at the current recycling rate and suggested that steps should be taken to improve performance.

RESOLVED: That the report be noted.

47 MEMBERS' QUESTIONS

Councillor Fenton suggested that the Cabinet Member with responsibility for the Environment should be encouraged to attend meetings of the Committee.

Councillor St John suggested that it would be helpful for local representatives to be made aware of the volume of material collected in their Wards during 'litter picks'.

The meeting closed at 4:15pm

Chairman