

PLACE SCRUTINY COMMITTEE

19th April, 2012

PRESENT – Councillor Long (in the Chair); Councillors Baldwin, Carson, Cossins, Grundy, Harman, L. Hughes Lawton, Lewis and E.A. Richmond. (10)

APOLOGIES – Councillor Wright. (1)

ALSO IN ATTENDANCE – Councillors Johnson, D.A. Lyonette, H. Scott, Wallis and Mr. L. Hume, a member of the public. (5)

OFFICERS IN ATTENDANCE – Ian Thompson, Assistant Director, Community Services, Bill Westland, Head of Regulatory Services, Steve Petch, Head of Strategy and Commissioning, Carolyn Pistellato, Parking Processing and Appeals Co-Ordinator, Andrew Casey, Traffic Management and Road Safety Manager, Joanne Skelton, Acting Health and Safety Manager, Simon Houldsworth, Principal Policy Officer, Regeneration and Karen Graves, Democratic Officer.

P23. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

P24. MINUTES – Submitted - The Minutes (previously circulated) of the meeting of this Scrutiny Committee held on 1st March, 2012.

RESOLVED – That the Minutes be approved as a correct record.

P25. SPECIAL JOINT MEETING OF ADULTS AND HOUSING, HEALTH AND PARTNERSHIPS AND PLACE SCRUTINY COMMITTEES – MINUTES – Submitted – The Minutes (previously circulated) of the special joint meeting of Adults and Housing, Health and Partnerships and Place Scrutiny Committees held on 21st February, 2012.

RESOLVED – That the Minutes be approved as a correct record.

P26. SCRUTINY – WORK PROGRAMME 2011/12 – The Director of Resources submitted a report (previously circulated) requesting that consideration be given to the work programme items scheduled to be considered by this Scrutiny Committee during the current Municipal Year.

The submitted report outlined those areas where this Scrutiny Committee had previously identified it would like to focus its work over the next Municipal Year namely, Civil Parking Enforcement, Town Centre Fringe, Local Development Framework, Housing Strategy, Economic Strategy and Transformation Projects.

It was also emphasised that the work programme was a rolling programme and any Member of this Scrutiny could request an item to be included provided that a Quad of Aims had been submitted to the Scrutiny Committee prior to ensure that it contributed to the strategic aims of the Council.

The submitted report outlined the original Work Programme and requested Members to reconsider the Work Programme to accommodate further issues that need to be included and approve the Terms of Reference for Telehealthcare.

Discussion ensued on the need to include Town Centre Fringe, Parking Strategy, Economic Strategy and Refuse Collection on this Committee's Work Programme. Following a question the Chair advised that the retention of the Borough Art Collection could be included within the Cultural Provision Review.

RESOLVED – (a) That the current status of the Work Programme be noted.

(b) That the submitted Terms of Reference in respect of Telehealthcare appended to the report be approved.

P27. CIVIL PARKING ENFORCEMENT – The Director of Place submitted a report (previously circulated) which detailed the benefits and constraints of Civil Parking Enforcement (CPE) following its implementation in Darlington on 31st December, 2010.

The submitted report stated that Part 6 of the Traffic Management Act 2004 enabled a Local Authority in England to enforce on-street parking contraventions provided it had been given the relevant power by the Secretary of State. CPE was no longer a criminal issue and therefore a different set of rules applied. Enforcement is carried out by Civil Enforcement Officers (CEOs) who issue Penalty Charge Notices (PCNs) which are civil debts. If the debt remains unpaid it is passed to the Council's Bailiffs which will incur further charges. CPE is not profit making with income from PCNs being used to finance the enforcement and adjudication systems and any income above these costs is ring-fenced to specific traffic-related issues.

CPE came into operation on 31st December, 2010 following two years of planning by Officers and the commissioning of a new IT system. A Talking Together Consultation between February and May 2009 resulted in general support for the proposals and the project came in under budget. Since that time fewer cars parked illegally although when CPE commenced there was an increase in the number of PCNs issued for street parking contraventions however this has reduced as motorists have become more compliant with on street regulations. Details were supplied of income received from PCNs together with a comparison of appeals received during the years 2010 to 2011. There were currently 80 requests for changes to waiting restrictions mainly due to the fact that restrictions were now being enforced and no new restrictions were processed during the two year planning phase of CPE.

Members were also advised that CPE is not a profit making scheme for the council with income over and above the cost of implementing the service being ring fenced to specific traffic related issues. The Council is required to produce an annual report, which will be published on the Council's website in May 2012, giving details of notices issued, appeals and income

Discussion ensued on the 10 minute waiting time being extended to 20 minutes at Tubwell Row due to deliveries; the procedure and reasons for referral of a debt to the Bailiffs; the size and amount of signs required by Government regulations to enable enforcement; surveys and assessments undertaken when allocating Residents' Parking Zones; and the effect of CPE on road safety and congestion.

RESOLVED – (a) That this Scrutiny Committee welcomes the report and applauds the detailed preparation work done with regard to Civil Parking Enforcement in Darlington and acknowledges the complexity of Civil Parking Enforcement.

(b) That the success of the scheme is welcomed.

(c) That the provision of an information leaflet relating to parking restrictions and regulations be explored.

(d) That the Council's website be updated in relation to information on Residents Parking Zones.

(e) That the Parking Strategy be welcomed and this Scrutiny Committee looks forward to receiving the Strategy at future meetings.

(f) That both the benefits and constraints of Civil Parking Enforcement be noted.

P28. POLICY REVIEW – REVIEW OF PROGRESS ON POLICY REVIEW ITEMS (1) CCTV REVIEW GROUP - Submitted – The Notes of the meetings of the CCTV Review Group held on 22nd February and 28th March, 2012.

RESOLVED – (a) That the work of the Review Group be welcomed.

(b) That the Chair of this Scrutiny reports the findings of the Review Group to the next meeting of the Monitoring and Co-ordination Group.

(2) BROADBAND REVIEW GROUP – Submitted – The Notes of the meeting of the Review Group held on 23rd February, 2012 and the note of the Chair of this Scrutiny Committee of the Economic Strategy Event held on 8th March, 2012.

The Chair confirmed that the next meeting of the Review Group would be held at 10.30am on 4th May, 2012.

RESOLVED – (a) That the notes be received.

(b) That the progress of the Review Group be noted.

NOTE – The meeting adjourned for 10 minutes and reconvened at 11.10am.

P29. REFUSE COLLECTION – Consideration was given to a 'call-in' from the Cabinet held on 3rd April, 2012 (Minute C147(2)/Apr/12) in relation to its decisions in respect of the Refuse Collection. The 'call-in' was taken in accordance with the Council's Constitution and had been signed by three Members of this Council.

A report (previously circulated) of the Member who had requested that the decision be 'called-in' outlined the reasons for that decision and requested further information from the Officers on the reasoning behind the decisions made to ensure a more detailed understanding of the issues.

A report (previously circulated) of the Director of Place which was considered by Cabinet at its meeting on 3rd April, 2012, gave the background to the Borough's collection arrangements for residual household waste and the introduction of a wheeled bin service.

Councillor E.A. Richmond outlined the reasons behind why the decision had been taken to call in the introduction of a wheeled bins service. The call in was requested to scrutinise the proposals, particularly in relation to health and safety, the financial implications, to consider if there were any other options and whether the decision was taken with due consultation with residents. Officers responded to the comments and concerns raised.

Discussion ensued on the £310k required to implement the decision and the recently approved MTFP which had resulted in the withdrawal of services for vulnerable people, the difficulties faced by residents in manoeuvring the wheeled bins and the strong objections being based around the policy and concerns of residents.

The Cabinet Member for Leisure and Local Environment Portfolio, Councillor Wallis, addressed the Committee and advised that Darlington was one of the last local authorities in the UK to retain a black bag service. The Health and Safety Executive (HSE) had concerns of the impact of the current service on employees which could not be ignored, therefore any consultation process on the introduction of the service would be futile. However, a consultation exercise would be undertaken on the implementation of the service due to the varying households and perceived difficulties within the Borough.

Discussion ensued on the reasons for the Cabinet decision which did not include any HSE element, whether or not alternatives had been explored and the setting of the MTFP.

Officers advised that a consultation exercise would be undertaken on the implementation of the service and Ward Councillors would be asked for their views in relation to their Wards; lessons could be learned from other local authorities which had introduced the service; assistance was available to residents who would encounter difficulties; and the Director of Resources was aware of the funding requirements.

It was reiterated that the decision had been based around HSE evidence regarding manual handling issues, safety with regard to cuts and needles and the impact on the human body of lifting sacks. The local authority has a duty to protect the health and safety of its staff.

Mr. Hume, member of the public, asked if the HSE report had been challenged, stated that reversing assistance was not needed, operatives should be aware of the route that the refuse collection vehicle takes and it was easier to handle bags than bins.

Particular references were made to provision of strong bags for waste, protective clothing and hearing protection for operatives the lack of a government instruction to move to a wheeled bin service.

RESOLVED – Refer to Minute P30 below for resolution.

P30. EXCLUSION OF THE PUBLIC - RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the further consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 1 of Part I of Schedule 12A to the Act.

P31. REFUSE COLLECTION (EXCLUSION PARAGRAPH NO. 1) - Further consideration was given to a 'call-in' from the Cabinet held on 3rd April, 2012 (Minute C147(2)/Apr/12) in relation to its decisions in respect of the Refuse Collection. The 'call-in'

was taken in accordance with the Council's Constitution and had been signed by three Members of this Council.

Further information was provided on accident statistics for the waste management operatives, protective clothing provided, the retention of weekly refuse collections, the size of wheeled bin available and recycling.

RESOLVED - (a) That this Scrutiny Committee has thoroughly scrutinised the 'call in' and acknowledges the concerns put forward in respect of health and safety, the perceived lack of consultation with residents, the practical aspects of the delivery of the policy and the financial implications but feel that although concerns remain, the Cabinet took the decision on the policy according to the constitution.

(b) That a Task and Finish Review Group be established to give consideration to the delivery of the Policy.

(c) That the Efficiency and Resources Scrutiny Committee be requested to investigate the financial implications of introducing the service.
