



County Offices
Newland
Lincoln
LN1 1YL

15 October 2015

Environmental Scrutiny Committee

A meeting of the Environmental Scrutiny Committee will be held on **Friday, 23 October 2015 at 10.00 am in Committee Room One, County Offices, Newland, Lincoln LN1 1YL** for the transaction of the business set out on the attached Agenda.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tony McArdle', written over a horizontal line.

Tony McArdle
Chief Executive

Membership of the Environmental Scrutiny Committee **(11 Members of the Council)**

Councillors C L Strange (Chairman), Mrs V C Ayling (Vice-Chairman), A M Austin, C J T H Brewis, A Bridges, M Brookes, J R Marriott, N M Murray, C R Oxby, C Pain and R A Renshaw

**ENVIRONMENTAL SCRUTINY COMMITTEE AGENDA
FRIDAY, 23 OCTOBER 2015**

Item	Title	Pages
1	Apologies for Absence/Replacement Members	
2	Declaration of Councillors' Interests	
3	Minutes of the previous meeting of the Environmental Scrutiny Committee held on 4 September 2015	5 - 12
4	Announcements by the Executive Councillor for Economic Development, Environment, Planning and Tourism and Senior Officers (Economy and Place)	Verbal Report
5	Lincolnshire County Council's Role in the Planning System <i>(To receive a presentation outlining recent changes to the planning system and how these changes affect the role of a county councillor in relation to planning issues)</i>	
6	Planning Enforcement and Monitoring Processes <i>(To receive a report which sets out the background to the procedures the Council has in place for monitoring waste sites in Lincolnshire)</i>	13 - 16
7	Environmental Scrutiny Committee Work Programme <i>(To receive a report which enables the Committee to consider and comment on the content of its work programme for the coming year)</i>	17 - 20

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Please note: for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

All papers for council meetings are available on:
www.lincolnshire.gov.uk/committeerecords

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Agenda Item 3



ENVIRONMENTAL SCRUTINY COMMITTEE 4 SEPTEMBER 2015

PRESENT: COUNCILLOR C L STRANGE (CHAIRMAN)

Councillors Mrs V C Ayling (Vice-Chairman), A M Austin, C J T H Brewis, A Bridges, D C Hoyes MBE, J R Marriott, N M Murray, C R Oxby, C Pain and R A Renshaw

Councillors: R G Fairman and A H Turner MBE JP attended the meeting as observers

Officers in attendance:-

Sara Barry (Safer Communities Manager), Steve Blagg (Democratic Services Officer), Sean Johnson (Senior Programme Officer, Planning and Environmental Public Health), Sean Kent (Group Manager, Environment Services), Douglas Robinson (Environmental Services Team Leader (Sustainability)) and Louise Tyers (Scrutiny Officer)

26 LOUISE TYERS, SCRUTINY OFFICER - LEAVING

The Chairman stated that this was Louise Tyers' last meeting before taking up a new position with East Northamptonshire Council and thanked her for services to the Committee and wished her well in her new post.

27 APOLOGIES/REPLACEMENT MEMBERS

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillor D C Hoyes MBE to the Committee in place of Councillor M Brookes for this meeting only.

28 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest made at this stage of the meeting.

29 MINUTES OF THE PREVIOUS MEETING OF THE ENVIRONMENTAL SCRUTINY COMMITTEE HELD ON 31 JULY 2015

RESOLVED

That the minutes of the previous meeting of the Environmental Scrutiny Committee held on 31 July 2015, be agreed as a correct record and signed by the Chairman.

ENVIRONMENTAL SCRUTINY COMMITTEE

4 SEPTEMBER 2015

30 ANNOUNCEMENTS BY THE EXECUTIVE COUNCILLOR, ECONOMIC DEVELOPMENT, ENVIRONMENT, PLANNING AND TOURISM AND SENIOR OFFICERS (ECONOMY AND PLACE)

No announcements were made.

31 AFFORDABLE WARMTH UPDATE

The Committee received a report which gave an update on the changing national and local strategic position in connection with affordable warmth whose importance had been recognised in the Lincolnshire Health and Wellbeing Strategy. Officers stated that all of the various actions detailed in the action plan arising from the 2012 report on "Tackling Fuel Poverty in Lincolnshire" had been enacted and that there had been a considerable number of changes since 2012 and the 2015 General Election which were detailed in the report.

Officers stated that the definition of fuel poverty had been redefined and this had led to a reduction in the number of people classified as in fuel poverty in Lincolnshire, but warned against reading too much into the statistics as it reflected a revised definition and way of measuring.

Officers explained the position in connection with tackling the private rented sector through Energy Performance Certificate awareness and enforcement, including the issues involved in issuing Fixed Penalty Notices that the County Council was working towards Department of Energy and Climate Change compliance; that Trading Standards' staffing levels had reduced in recent years; that there was a need to prioritise resources and the private rented sector was not viewed as a priority. There was an opportunity to delegate County Council powers to District Local Authorities.

Officers stated that the County Council had been successful in obtaining £570,000 from a bid to the Government's Central Heating Fund and this money would be used to help those people who did not have gas or electricity living in country areas. The scheme would help 180 households.

Comments made by the Committee included:-

1. Improved communication to the public was required advising that if they made modest changes to their lifestyles they would be able to make savings on their energy costs.
2. GP Surgeries were a good outlet for communicating information to the public about energy saving measures.
3. The Energy Performance Certificate should be made compulsory for all homes.
4. Many villages still needed to be linked up to the main gas supply and the Government should be lobbied on this issue.
5. Many people did not have IT or were perhaps illiterate. Could a befriending scheme be introduced to help these people?
6. How many Lincolnshire residents were affected by fuel poverty as there was some doubt about the accuracy of the statistics

7. People living in social housing had fewer problems with heating than those living in privately rented properties.
8. Better enforcement of heating standards in the private rented sector was required.

Officers' responses to the comments made by the Committee included:-

1. It was more difficult to communicate information about energy saving measures because there were fewer agencies to deliver the message. However, vulnerable people were helped. A press release was issued before winter started outlining the various measures the public could take.
2. The use of GP Surgeries to communicate information about energy saving measures was one of the key recommendations in the NICE (National Institute of Clinical Excellence) guidelines.
3. Energy Performance Certificates were required when a house came on the market. However, some properties in the private rented sector did not have them and therefore buyers were unaware of them.
4. The fuel poverty scheme covered people in fuel poverty. However, many villages were not linked to the main gas supply because of cost and logistics. It was agreed to examine this matter further and report back to the Committee.
5. The public was encouraged to sign up to the Lincolnshire Energy Switch and those without internet access or who were illiterate were able to use a specific telephone line and up to five people were able to register using one email address.
6. The numbers in fuel poverty was 9.6%. When the District Local Authorities had carried out housing stock modelling the figure was 15%. The new definition of fuel poverty by the Government should make calculating these figures in future simpler.
7. The cost of heating was less of a problem for people living in social housing because this housing had a higher level of energy efficiency.

RESOLVED

- (a) That the comments made by the Committee be noted and actioned accordingly in the development of a new Lincolnshire Affordable Warmth Strategy.
- (b) That the importance of working with partners on co-ordinated campaigns, continued awareness raising and appropriate enforcement, be reiterated.
- (c) That the continuation of a Lincolnshire Energy Switch, including as an interim measure if necessary, an exemption from procurement to run a winter 2015-16 round and maintain the scheme's momentum, be supported.
- (d) That further consideration of the options for appropriate enforcement of Energy Performance regulations, be supported.
- (e) That lobbying to ensure the Government understands the importance the Council places on effective Energy Performance Certificates and private rented sector minimum energy efficiency standard regulations, be endorsed.
- (f) That officers submit a progress report to a future meeting.

ENVIRONMENTAL SCRUTINY COMMITTEE

4 SEPTEMBER 2015

32 CARBON MANAGEMENT PLAN ANNUAL REPORT

The Committee received a report in connection with the annual review of the Carbon Management Plan 2014/15. When the Plan was first approved in April 2013 to cover the period 2013/18 a target to reduce emissions of carbon by 22% was agreed over that period. If achieved the Plan would reduce energy costs by £2m per annum. Over the last financial year there had been a 6.2% decrease in emissions and since the baseline year of 2011/12 emissions had decreased by 9.7%.

Officers stated that although the figures were nearly on track to meet the five year target it should be borne in mind that the services provided and number of employees employed by the County Council had reduced which could affect the statistics.

Comments made by the Committee included:-

1. The work on energy efficiency taking place in schools was welcomed.
2. The encouragement of cycling and walking to work was welcomed.
3. There were problems with vehicles parking on footpaths.
4. There was still an issue of inappropriate heating and lighting in the County Offices..
5. There was still a problem with changing people's attitudes in connection with the switching off of street lights.

Officers stated that they were aware of the issues of heating in the County Offices and there was a need to work with the Council's property section on this matter. Officers stated that consideration of switching off/dimming street lights had been on-going for a number of years. It was noted that the Highways Scrutiny Committee was considering a revised street lighting policy at its meeting on 14 September 2015.

RESOLVED

(a) That the comments made by the Committee be noted and actioned as appropriate.

(b) That the satisfactory progress towards the target and the expectation of seeing significant progress on strategic property and ICT projects in the current financial year, be noted.

(c) That an update on progress on the two areas detailed in resolution (b) be included in the Committee's Work Programme for February 2016.

33 IMPLEMENTING THE NATURAL ENVIRONMENT STRATEGY

The Committee received a report in connection with progress in implementing the Council's Natural Environment Strategy and the Committee's views were sought on progress to date and on the overall direction of travel in realising the objectives originally set out in the Council's Strategy.

Comments made by the Committee included:-

1. Infrastructure used in connection with the supply of renewable energy was destroying the environment.
2. The burying of cables in the ground was more preferable than using pylons.
3. It was more preferable if the cables from proposed off-shore wind farms came ashore at Grimsby instead of Anderby Creek.
4. The proposed new Visitor Centre at Gibraltar Point and the proposal to provide a coastal walk and Nature Reserve in the area would provide an excellent tourist attraction.
5. It was noted that DONG (a Danish energy company) had engaged with the local community very well in connection with proposals for the supply of energy in the south of the county.

Officers thanked the Committee for their comments adding that there were numerous environmental requirements in place to protect the environment.

A motion by Councillor C Pain, seconded by Councillor A Bridges, that the County Council in its negotiations with Natural England should ensure that the coastal footpath which passes through the Nature Reserve near Gibraltar Point should be made suitable for both tourism and coastal access to ensure full access for tourism and year round tourists, was agreed unanimously.

RESOLVED

(a) That the comments made by the Committee on progress achieved in implementing the Council's Natural Environment Strategy and on the approach being taken to progress implementation for the future, be noted.

(b) That the County Council in its negotiations with Natural England should ensure that the coastal footpath passes through the Nature Reserve near Gibraltar Point which will increase the use of the Nature Reserve and improve coastal access.

34 ESTABLISHMENT OF WASTE WORKING GROUP

The Committee received a report in connection with the establishment of a Waste Working Group to consider waste issues.

Comments made by the Committee included:-

1. The establishment of a Working Group to examine waste issues was welcomed.
2. An examination of household waste sites, including signage and opening times was given as an example of one area the Working Group could examine.
3. The attitude of staff at Household Waste Recycling sites was excellent with the sites at Leadenham and Lincoln being highlighted.

Officers stated that they would need to clarify what information Members would require and added that opening and closing times together with signage to Household Waste Recycling sites was currently being examined.

ENVIRONMENTAL SCRUTINY COMMITTEE

4 SEPTEMBER 2015

The Committee agreed that a letter, on behalf of the Committee, should be sent to all of the Managers of Household Waste Recycling Centres, to thank them and their staff for the excellent service they provided to the public.

RESOLVED

(a) That the following Members be appointed to the Working Group:-

Councillors A Austin, C J T H Brewis, A Bridges, R Oxby, C Pain, R A Renshaw and C L Strange.

(b) That a letter, on behalf of the Committee, be sent to all Managers of Household Waste Recycling Centres, to thank them and their staff for the excellent service they provided to the public.

35 QUARTER 1 PERFORMANCE - 1 APRIL TO 30 JUNE 2015

The Committee received a report and presentation in connection with a new style performance report and the presentation of quarter 1 data against the Council's Business Plan.

In response to a comment by the Committee, officers stated that information provided on the Council's website for the public would be self-explanatory.

RESOLVED

That the new style performance report be noted and supported.

36 THE ENVIRONMENTAL SCRUTINY COMMITTEE'S WORK PROGRAMME

The Committee received a revised tabled Work Programme.

RESOLVED

That the Committee's Work Programme be noted and updated accordingly subject to the following:-

(a) Officers to speak to Stafford Proctor of the Wash Frontagers' Group in connection with postponing his report on "Raising Sea Banks-Wash Frontagers' Group" for a site visit by the Committee on the afternoon of 11 December 2015 (Flood and Drainage Management Scrutiny Committee)

(b) Officers to discuss the programming of a report on the provision of mains gas supply to those villages where it did not exist.

(c) The need to programme a report on problems of smell from Fishtoft Sewerage Works.

(d) The need to programme a report on the "Wild Coast".

The meeting closed at 3.40 pm

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Open Report on behalf of Richard Wills, Executive Director for Environment and Economy

Report to:	Environmental Scrutiny Committee
Date:	23 October 2015
Subject:	Planning Enforcement and Monitoring

Summary:

This report sets out the background to the procedures the Council has in place for monitoring waste sites in Lincolnshire. Following a number of fires at waste sites within the County this report provides Councillors with the mechanisms in place to ensure waste sites are regularly inspected to minimise the risks of unauthorised activity taking place. Breaches of planning control increase the risk of fires or other unacceptable environmental impacts taking place and therefore it is essential that sites are regularly inspected as set out in the Council's Local Enforcement Plan.

Actions Required:

That the contents of this report are noted.

1. Background

- 1.1 This report sets out how the Council carries out its statutory function relating to planning monitoring and enforcement and the legislative background to that duty.
- 1.2 The adopted LEP - Local Enforcement Plan (Review August 2014) sets out the policies the Council has adopted to carry out the monitoring and enforcement function. Although the LEP is not in itself a statutory requirement, its existence is recommended in paragraph 207 of the National Planning Policy Framework (NPPF) 2012 which states, 'Local Planning Authorities should consider publishing a Local Enforcement Plan' setting out, among other advisories, how an authority manages enforcement proactively in a way that is appropriate to their area. Lincolnshire County Council prepared its own LEP shortly after and the LEP 2012 was adopted, now updated as set out above.
- 1.3 The authority has a statutory duty to carry out 'appropriate periodic inspections' of waste sites and to investigate alleged breaches of planning control. With regard to 'periodic', the LEP states that a minimum of one inspection a year should be carried out. In reality for example, a waste transfer station incorporating a materials recycling facility is more frequently

inspected, particularly if there are any issues at that site, and this may result in monthly inspections or more on average for a period of time. Not only are such inspections carried out by enforcement personnel, other site visits are carried out by planning officers who feed back their findings to the enforcement team if breaches are noted. A number of inspections are carried out in conjunction with the Environment Agency with whom Lincolnshire County Council (LCC) is signatory to a Joint Enforcement Protocol. This joint working was seen to be working effectively with the joint prosecution of a skip operator, SOS Skips, in the city of Lincoln in 2014. Whilst a prosecution has been successful the waste remains on site and measures to ensure the waste is removed are still being considered.

- 1.4 Whilst planning authorities have a duty to investigate alleged breaches of planning control, it has discretion whether or not to take formal action. The test is called the 'expediency test'. Guidance to the decision-making process is set out in the LEP which is available for public viewing on LCC's website. Details of every enforcement investigation are set out on the Council's website and when a new case is opened, a link is sent to the local Member and also to the Environment Agency.
- 1.5 Planning breaches are not, in most cases criminal, but the taking of formal action criminalises failure to comply with such notices. Whilst the planning system is generally not criminalised, a range of enforcement powers are given to local authorities called the 'Toolkit' to remedy the effects of unauthorised development and other planning breaches. These include Enforcement Notices, Stop Notices, and Injunctions. The expediency test sets out the action that is appropriate to a particular breach.
- 1.6 Penalties for most planning offences have, until this year, been capped at a maximum of £20,000. This cap has now been removed for most offences and brings a greater level of deterrent to those who consider planning crime is an attractive economic alternative to compliance. The deterrent is also increased by the Proceeds of Crime Act 2002 which is applicable to planning offences.
- 1.7 The main goal of the Council's planning and monitoring function, however is compliance not prosecution. To this end a significant proportion of officer time and resources is given. An example is a Waste Awareness Day. This was organised by the Council and held on 7 October 2015. It was well-attended by waste operators, with presentations by Lincolnshire Fire and Rescue, the Environment Agency and Planning Enforcement. A number of waste operators commented they would like to see another Waste Day event in the not too distant future. It is expected that such events will lead to a greater level of co-operative working between the waste industry and the authority and its partners and as a result, a greater level of compliance.

2. Conclusion

That the contents of the report are noted.

3. Consultation

None

a) Policy Proofing Actions Required

None

4. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Neil McBride, who can be contacted on 01522 554814 or neil.mcbride@lincolnshire.gov.uk.

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Open Report on behalf of Richard Wills, Director responsible for Democratic Services

Report to:	Environmental Scrutiny Committee
Date:	23 October 2015
Subject:	Environmental Scrutiny Committee Work Programme

Summary:

This item enables the Committee to consider and comment on the content of its work programme for the coming year.

Actions Required:

To consider and comment on the work programme as set out in Appendix A to this report.

1. Background

The Committee's work programme for the coming year is attached at Appendix A to this report. The Committee is invited to consider and comment on the content of the work programme.

Work Programme Definitions

Set out below are the definitions used to describe the types of scrutiny, relating to the items on the Work Programme:

Budget Scrutiny - The Committee is scrutinising the previous year's budget, or the current year's budget or proposals for the future year's budget.

Pre-Decision Scrutiny - The Committee is scrutinising a proposal, prior to a decision on the proposal by the Executive, the Executive Councillor or a senior officer.

Performance Scrutiny - The Committee is scrutinising periodic performance, issue specific performance or external inspection reports.

Policy Development - The Committee is involved in the development of policy, usually at an early stage, where a range of options are being considered.

Consultation - The Committee is responding to (or making arrangements to) respond to a consultation, either formally or informally. This includes pre-consultation engagement.

Status Report - The Committee is considering a topic for the first time where a specific issue has been raised or members wish to gain a greater understanding.

Update Report - The Committee is scrutinising an item following earlier consideration.

Scrutiny Review Activity - This includes discussion on possible scrutiny review items; finalising the scoping for the review; monitoring or interim reports; approval of the final report; and the response to the report.

2. Conclusion

To consider and comment on the Work Programme.

3. Consultation

a) Policy Proofing Actions Required

This report does not require policy proofing.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Environmental Scrutiny Committee Work Programme

5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Simon Evans, who can be contacted on 01522 553607 or Simon.Evans@lincolnshire.gov.uk.

ENVIRONMENTAL SCRUTINY COMMITTEE

Chairman: Councillor Lewis Strange

Vice Chairman: Councillor Victoria Ayling

23 October 2015, 10.00am		
Item	Contributor	Purpose
Lincolnshire County Council's Role in Planning	Phil Hughes, Strategic Planning Manager	Status Report
Planning Enforcement and Monitoring Processes	Andy Gutherson, County Commissioner	Status Report

4 December 2015, 10.00am		
Item	Contributor	Purpose
Quarter 2 Performance – 1 July to 30 September 2015	Sean Kent, Group Manager Environmental Services	Performance Scrutiny
Low Carbon Heating Network – Progress Report	Sean Kent, Group Manager Environmental Services	Update Report

11 December 2015, 10.00am		
Flood and Drainage Management Scrutiny Committee		
Item	Contributor	Purpose
Raising Sea Banks – Wash Frontagers' Group	Stafford Proctor, Wash Frontagers' Group	Status Report
Louth and Horncastle Flood Alleviation Schemes Update	Deborah Campbell, Environment Agency	Update Report
Boston Barrier Update	Deborah Campbell, Environment Agency	Update Report
Black Sluice Catchment Update	Deborah Campbell, Environment Agency	Update Report
Capital Programme and Environment Agency Medium Term Plan	Mark Welsh, Flood Risk and Development Manager	Status Report
Investigations held under Section 19 of the Flood and Water Management Act 2010	Mark Welsh, Flood Risk and Development Manager	Update Report

29 January 2016, 10.00am		
Item	Contributor	Purpose
Budget Proposals for 2016/17	Dave Simpson, Head of Finance	Budget Scrutiny
Climate Local Action Plan Annual Report	Doug Robinson, Sustainability Team Leader	Update Report
Water Recycling Centres Update (Ingoldmells, Spalding and Fishtoft)	Paul Dimpleby, Anglian Water	Update Report

26 February 2016, 10.00am		
Flood and Drainage Management Scrutiny Committee		
Item	Contributor	Purpose
Louth and Horncastle Flood Alleviation Schemes Update	Deborah Campbell, Environment Agency	Update Report
Investigations held under Section 19 of the Flood and Water Management Act 2010	Mark Welsh, Flood Risk and Development Manager	Update Report

For more information about the work of this Committee please contact Simon Evans, Health Scrutiny Officer, on 01522 553607 or by e-mail at Simon.Evans@lincolnshire.gov.uk