

**To: The Chairman and Members of the
Community and Environment Board
(Councillors May, L Dirveiks, Fox, Freer, Gordon,
Lewis, M Moss, Payne, Phillips, Pickard, Sherratt,
Smitten, Y Stanley, and Wykes).**

For the information of other Members of the Council

For general enquiries please contact Jenny Price,
Democratic Services Officer, on 01827 719450 or
via e-mail jennyprice@northwarks.gov.uk.

For enquiries about specific reports please contact
the officer named in the reports.

The agenda and reports are available in large print
and electronic accessible formats if requested.

COMMUNITY AND ENVIRONMENT BOARD AGENDA

8 June 2009

The Community and Environment Board will meet in The
Chamber, The Council House, South Street, Atherstone,
Warwickshire on Monday 8 June 2009, at 6.30pm.

AGENDA

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on official
Council business.**
- 3 **Declarations of Personal or Prejudicial Interests**
(Any personal interests arising from the membership of
Warwickshire County Council and the various
Town/Parish Councils of Councillors Fox (Shustoke),
Freer (Atherstone), Lewis (Kingsbury), M Moss
(Kingsbury), Phillips (Kingsbury), Y Stanley
(Polesworth) Sherratt (Coleshill) and Smitten
(Polesworth) are deemed to be declared at this
meeting).

- 4 **Request for discussion of En Bloc items.**
- 5 **Minutes of the Meeting of the Board held on 23 March 2009** - copy herewith, to be approved as a correct record and signed by the Chairman.

PART A – ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 6 **Presentation on Recycling in North Warwickshire** – Assistant Director (Streetscape)
- 7 **Playbuilder Programme** – Report of the Assistant Director (Leisure and Community Development)

Summary

This report outlines the potential implications of the national Playbuilder Programme for North Warwickshire and invites members to determine the local priorities for inclusion within the Programme.

The Contact Officer for this report is Alethea Wilson (719212).

- 8 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2008 – March 2009**

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Community and Environment Board for April 2008 to March 2009.

The Contact Officer for this report is Robert Beggs (719238).

PART B – ITEMS FOR EN BLOC DECISIONS (YELLOW PAPERS)

- 9 **Environmental Damage (Prevention and Remediation) Regulations 2009** – Report of the Assistant Director (Regulatory)

Summary

The purpose of this report is to provide Members with a brief summary of the Council's responsibilities under the new Environmental Damage Regulations which came into force this year. As an enforcing authority for the regulations North Warwickshire Borough Council must put in place the appropriate delegations to ensure that officers can carry out these duties.

The Contact Officer for this report is Dean Walters (719330).

- 10 **Environmental Health Enforcement Policy and Protocols – Updates** - Assistant Chief Executive and Solicitor to the Council

Summary

The report provides an update to previously agreed policy and protocols relating to environmental health following legislative and personnel changes.

The Contact Officer for this report is David Baxendale (719322).

**PART C - EXEMPT INFORMATION
(GOLD PAPERS)**

- 11 **Exclusion of the Public and Press**

Recommended:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

- 12 **Land at St Lawrence Road, Ansley Village – Covenant** – Report of the Assistant Director (Leisure and Community Development)

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE COMMUNITY AND ENVIRONMENT BOARD

23 March 2009

Present: Councillor Fowler in the Chair.

Councillors Forwood, Freer, Gordon, May, Phillips, Sherratt, Smitten and Wykes.

Apologies for absence were received from Councillors Pickard and Y Stanley.

Councillor Lewis was also in attendance.

58 **Declarations of Personal or Prejudicial Interests**

Any personal interests arising from the membership of Warwickshire County Council of Councillors Forwood and Fowler, and membership of the various Town/Parish Councils of Councillors Freer (Atherstone), Phillips (Kingsbury), Sherratt (Coleshill) and Smitten (Polesworth) were deemed to be declared at the meeting.

Councillor Fowler declared a personal interest in Minute 63 (Financial Assistance to Outside Organisations) by reason of being a member of North Warwickshire CAB and vacated the Chair for this item. Councillor May took the Chair for this item.

59 **Minutes**

The minutes of the meeting held on 26 January 2009, copies having been previously circulated were approved as a correct record and signed by the Chairman.

60 **Coleshill Leisure Centre**

The Assistant Director (Leisure and Community Development) and the Assistant Director (Streetscape) informed the Board of concerns in respect of the design, layout and construction and performance of Coleshill Leisure Centre. Potential options for its future replacement and proposals for the means by which its future replacement might be part-funded were highlighted.

Resolved:

- a That the current position in respect of the condition of Coleshill Leisure Centre, be noted and that officers keep Members informed of any changes in this position;**
- b That before further consideration of the merits of the options contained in the report, officers are instructed to organise a consultation event in Coleshill to seek the views of local residents as to the type and location of any new indoor leisure facility in Coleshill; and**

Recommendation to Executive Board

- c That the Executive Board be requested to consider to ring-fence any receipts from the future sales of the adjacent car park and the existing Coleshill Leisure Centre site for a replacement indoor leisure facility in Coleshill, subject to the future preparation and acceptance of the required sustainable and viable feasibility studies and business plans.**

61 Pest Control – Charges

The Assistant Chief Executive (Special Projects) provided further details on an earlier proposal regarding the pest control service charges and sought a decision from the Board.

Resolved:

That the treatment of mice shall be provided free of charge to residents of pensionable age and those on specified means tested benefits and that a flat rate fee of £25.00 including VAT be charged to all other residents.

62 Abandoned Vehicles and DVLA Devolved Powers

The Assistant Chief Executive (Special Projects) reported to the Board an opportunity to address abandoned and/or untaxed vehicles in a more flexible way and sought confirmation of a proposal to adopt devolved powers from the DVLA.

Resolved:

- a That the DVLA devolved powers as set out in the report of the Assistant Chief Executive, be adopted in principle and used in accordance with the report; and**
- b That the detailed operating protocols be considered and approved by the Environment and Safer Communities Portfolio Groups in due course.**

63 Financial Assistance to Outside Organisations

The Assistant Director (Leisure and Community Development) requested the Board consider two applications for Annual Grants.

Resolved:

- a That the two awards for Annual Grants to Voluntary Organisations be approved and administered as indicated in the report of the Assistant Director (Leisure and Community Development); and**
- b That the principles of the Third Sector Strategy with regard to 'Public Sector Investment' be supported and that officers continue to work on the development of a single tendered**

agreement for the provision of third sector support and volunteer development services.

64 Street Wardens

The Board was informed of the various options for the introduction of town or street wardens into the main urban areas of the Borough and the context within which such schemes had been introduced elsewhere. The Assistant Director (Streetscape) set out proposals for the development of a warden service which would complement the arrangements already in place whilst furthering the Council's aims and priorities around Community Engagement and Protecting the Environment.

Resolved:

- a That the introduction of a Street Warden scheme as set out in paragraph 6.1 of the report of the Assistant Director (Streetscape), be approved; and**
- b That a report on the success of the scheme be brought back to the Board after six months for consideration along with further information on future car parking enforcement requirements, how the service has continued to integrate with other Council services, and the broader issue of enforcement across a wide range of divisions and service areas.**

65 Atherstone Market

The Board was asked to consider requests to use the Market Square for events in 2009. The Assistant Director (Streetscape) sought Members views on a mechanism for approving future requests and the introduction of charges for certain events. Members were updated on Atherstone Town Council's continued interest in taking over the ownership/lease of the Market Square.

Resolved:

- a That the requests to use the Market Square for events in 2009 as set out in the report of the Assistant Director (Streetscape), be approved;**
- b That a minimum charge of £400.00 for commercial events that incur specific costs to the Council, be approved;**
- c That Atherstone Town Council's continued interest in taking over the ownership/lease of the Market Square, be noted;**
- d That a further report be brought back to the Board in twelve months time to update Members on the issues; and**

Recommendation to Council

- e That the Assistant Director (Streetscape) in consultation with the Chair and Vice Chair of the Community and Environment Board be given delegated authority to determine all requests for use of the Market Square.**

66 **Admissions Policy – Atherstone Swimming Pool**

The Assistant Director (Leisure and Community Development) reported that following a review of the Admissions Policy at Atherstone Swimming Pool, amendments were proposed in order to ensure the provision of a healthy and safe environment for all users of the facility.

Resolved:

That the revised Admissions Policy, as attached and identified in Appendix A to the report of the Assistant Director (Leisure and Community Development) be approved and adopted with immediate effect.

67 **North Warwickshire Play Strategy and Play Partnership**

Members were informed of the progress of the North Warwickshire Play Strategy which provided a co-ordinated approach to play provision and development throughout the Borough.

Resolved:

That the progress of the North Warwickshire Sport, Play and Active Recreation Group in its delivery of relevant actions identified in the Borough-wide Play Strategy, be noted.

68 **Leisure and Community Development Action Plans**

The Board was informed of the progress that had been made in respect of achieving the actions identified in the Leisure and Community Development Division's approved 2008/09 action plans. Additionally, Members were invited to comment upon the actions plans that provided a framework for activity to be undertaken within the Partnership and Development section of the Leisure and Community Development Division throughout 2009/10.

Resolved:

- a **That the progress made by the Leisure Facilities and Partnership and Development sections in achieving the outcomes identified in the approved 2008/09 actions plans, be noted; and**
- b **That the 2009/10 action plans of the Partnership and Development section of the Leisure and Community Development Division, be noted and endorsed.**

69 **Minutes of the Joint Community Life, Environment/Health Well-being and Leisure Portfolio Groups meeting held on 11 February 2009.**

Minutes of the Joint Community Life, Environment/Health Well-being and Leisure Portfolio Groups meeting held on 11 February 2009 were received and noted.

70 **Contaminated Land Update**

The Assistant Chief Executive (Special Projects) provided Members with an update of the work that had been carried out in the last few years with regard to contaminated land in the Borough and informed them of the proposed way forward. The Board was asked to note the updated Strategy which had been reported to the Environment Portfolio Group.

Resolved:

That the report be noted.

71 **Parks, Open Spaces and Horticultural Service Performance and Grounds Maintenance Service Review**

The Assistant Director (Leisure and Community Development) and the Assistant Director (Streetscape) set out the framework for a review of the Borough Council's Grounds Maintenance service and summarised the outcome of a benchmarking exercise undertaken in respect of its 2007/08 Parks, Open Spaces and Horticultural services.

Resolved:

That the findings of the Parks, Open Spaces and Horticultural Services Performance Report and the actions proposed in respect of the identified Grounds Maintenance Service Review, be endorsed and noted.

72 **Sports and Leisure Facility Management APSE Performance Report**

The Assistant Director (Leisure and Community Development) summarised the headline outcomes of a benchmarking exercise undertaken in respect of the Borough Council's 2007/08 Sports and Leisure Facility Management service.

Resolved:

That the findings of the Sports and Leisure Facility Management Service Performance report, be noted.

P. FOWLER
Chairman

Agenda Item No 7

Community and Environment Board

8 June 2009

Report of the Assistant Director (Leisure and Community Development)

Playbuilder Programme

1 Summary

- 1.1 This report outlines the potential implications of the national Playbuilder Programme for North Warwickshire and invites Members to determine the local priorities for inclusion within the Programme.

Recommendation to the Board

That the potential implications of the national Playbuilder Programme for North Warwickshire be noted and, subject to their willingness to engage in the Programme, Members determine their play area priorities for inclusion within the local Business Plan Framework.

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 The Portfolio and Shadow Portfolio Holders for Health, Well-being and Leisure, Environment, Safer Communities, Community Life, Housing and Resources have had the opportunity to comment on the content of this report.

3 Background

- 3.1 In support of the National Play Strategy, Central Government has awarded top-tier local authorities (in Warwickshire's case this is the County Council) funding to develop new play provision and embed child-friendly space within the plans and frameworks for their communities. Given that it has no "play" function of its own, Warwickshire County Council is commissioning local district and borough authorities, through the Warwickshire Play Partnership, to deliver new or refurbished play spaces within their areas.
- 3.2 From a countywide allocation of over £1.2 million, North Warwickshire has provisionally been allocated £203,125 to deliver three or four new/improved play spaces within the Borough. This clearly represents an opportunity for this Authority and/or parish/town councils to renew a number of their play areas, most logically according to the priorities set out in the multi-agency North Warwickshire Play Strategy and the adopted North Warwickshire Green Space Strategy.

4 Playbuilder Programme

4.1 The focus of the Playbuilder Programme is on taking a “design-led” approach to the commissioning of new or improved facilities, a process that necessitates a high degree of community engagement. It also seeks to provide spaces that make much greater use of natural elements in the landscape than has traditionally been the case. For North Warwickshire, this would represent a move away from the “design and build” process that has been used to refurbish sites in the Play Area Development Programme.

4.2 Having been awarded Government funding, the County Council is committed to developing 22 new or improved play spaces across Warwickshire by 31 March 2011. In support of this timetable, local district and borough councils are required to submit their “Business Plan Frameworks” to the County Council in June 2009. The timescale for both planning and implementation, therefore, is very short. Perhaps not surprisingly, a number of members of the Play Partnership, including the Borough Council, have expressed concern over their internal capacity to deliver upon their associated commitments within this timescale, especially given the desire to use a design-led delivery process, which requires both time and expertise. Nevertheless, the Play Partnership is now advancing discussions through a working group to develop proposals for the joint commissioning of:

- Project management
- Landscape design / consultation expertise
- Supply of equipment / materials
- Construction works

10% of the capital funding identified above can be allocated to cover the cost of professional fees.

4.3 In North Warwickshire, whilst recognising that a number of Parish/Town Councils could benefit from the funding by enhancing their own play spaces in a way that would advance priorities identified in the local Play and Green Space Strategies, legitimate concerns are held about their capacity to respond in the prescribed manner in the very limited time available within the Playbuilder Programme. Should the Board actively wish to engage in the Programme, however, there is an urgent need to identify up to four sites for inclusion within the local Business Plan Framework. Logically, this should be done by reference to the priorities identified in the North Warwickshire Play Strategy and the Green Space Strategy, both of which have been endorsed and adopted by the Borough Council. It would also be helpful, however, if these sites could be evenly distributed across the Area Fora and evidence a “mix” of Borough and Parish/Town Council provision. Having recourse to the content of Appendix A (Priorities for Site Selection), this could be achieved if the play areas in Ridge Lane, New Arley, Baddesley Ensor and Kingsbury were selected for development. Each of these sites has been identified as a priority within the Play and Green Space Strategies and one is located within each Area Forum locality. Two are owned by the Borough Council and two by Parish Councils. If the Parish Councils in Arley and Baddesley Ensor are unable or unwilling to be included within the Playbuilder Programme, the Borough Council sites in Old Arley and Grendon could be incorporated instead. The Board should additionally be aware that it has already prioritised the site in Ridge Lane for development and made budgetary provision for the required future maintenance and replacement costs.

...

4.4 In this regard, there will be ongoing revenue implications associated with any new or improved play spaces, whether they are provided through the Borough Council or Parish/Town Councils. Provision would only need to be made for these on-going

maintenance and future replacement costs for Borough Council owned sites with Parish/Town Councils arranging their own maintenance and replacement costs. This principle has already been accepted within the context provided by the Authority's Play Area Development Programme, in that it ensures that new provision is both sustainable and appropriately maintained. In the Borough Council's case, there would be a need to make a similar level of provision to that made for play areas within the current Development Programme, which amounts to £5,500 per site per annum.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 There is no new direct financial implication arising from this report, as the Playbuilder Programme is entirely funded through Government support, other than the need to make provision for the future maintenance and replacement of any new development on Borough Council land, as described in paragraph 4.4 above. Subject to Member approval, the Borough Council will be supporting the Programme indirectly, however, through the capacity required to support both the countywide Play Partnership and the installation of new or improved play spaces within North Warwickshire. The vast majority of this capacity will be provided through the Leisure and Community Development Division and by the Landscape Manager in particular.

5.2 Safer Communities Implications

5.2.1 Appropriately designed and located play opportunities for children and young people provide constructive alternatives to anti-social and/or criminal behaviour. Improving the quality and accessibility of play areas will also help to reduce the likelihood of disorder within the community.

5.3 Legal and Human Rights Implications

5.3.1 Any new play area installations will comply with the requirements of all appropriate legislation, including the Disability Discrimination Act 1995, and with recommended European safety standards.

5.4 Environment and Sustainability Implications

5.4.1 The provision of opportunities for constructive activity within communities enhances local cohesion, social inclusion and individual and collective quality of life. It also impacts positively upon the creation of sustainable communities, within which people feel safe, healthy and valued.

5.5 Human Resources Implications

5.5.1 None, other than the significant impact that implementation of the Playbuilder Programme will have upon capacity in the Leisure and Community Development Division and within the Landscape Management section in particular.

5.6 Risk Management Implications

5.6.1 A risk assessment for the project is attached.

5.7 Equalities Implications

5.7.1 An Equality Impact Needs Assessment summary is attached. The Playbuilder programme will be implemented in accordance with the priorities set out in the North Warwickshire Play Strategy and the North Warwickshire Green Space Strategy, both of which have been developed in response to extensive community consultation, including representatives of race equality and disability groups.

5.8 Links to Council's Priorities

5.8.1 Implementation of the Playbuilder Programme in North Warwickshire will impact positively upon the objectives and priorities of the North Warwickshire Play Strategy and the adopted Green Space Strategy. It also has direct links to the corporate priorities to:

- Enhance community involvement and access to services
- Protect and improve the environment
- Tackle health inequalities through improving well-being and providing leisure opportunities to all our citizens
- Work with our partners to tackle crime, the fear of crime and anti-social behaviour
- Make best use of our resources

The Contact Officer for this report is Alethea Wilson (719212).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
1	Landscape Manager	Briefing Note	March 2009
2	WCC	Briefing Note	April 2009

Equality Impact Assessment Summary Sheet

Please complete the following table summarised from the equality impact assessment form. This should be completed and attached to relevant Board reports.

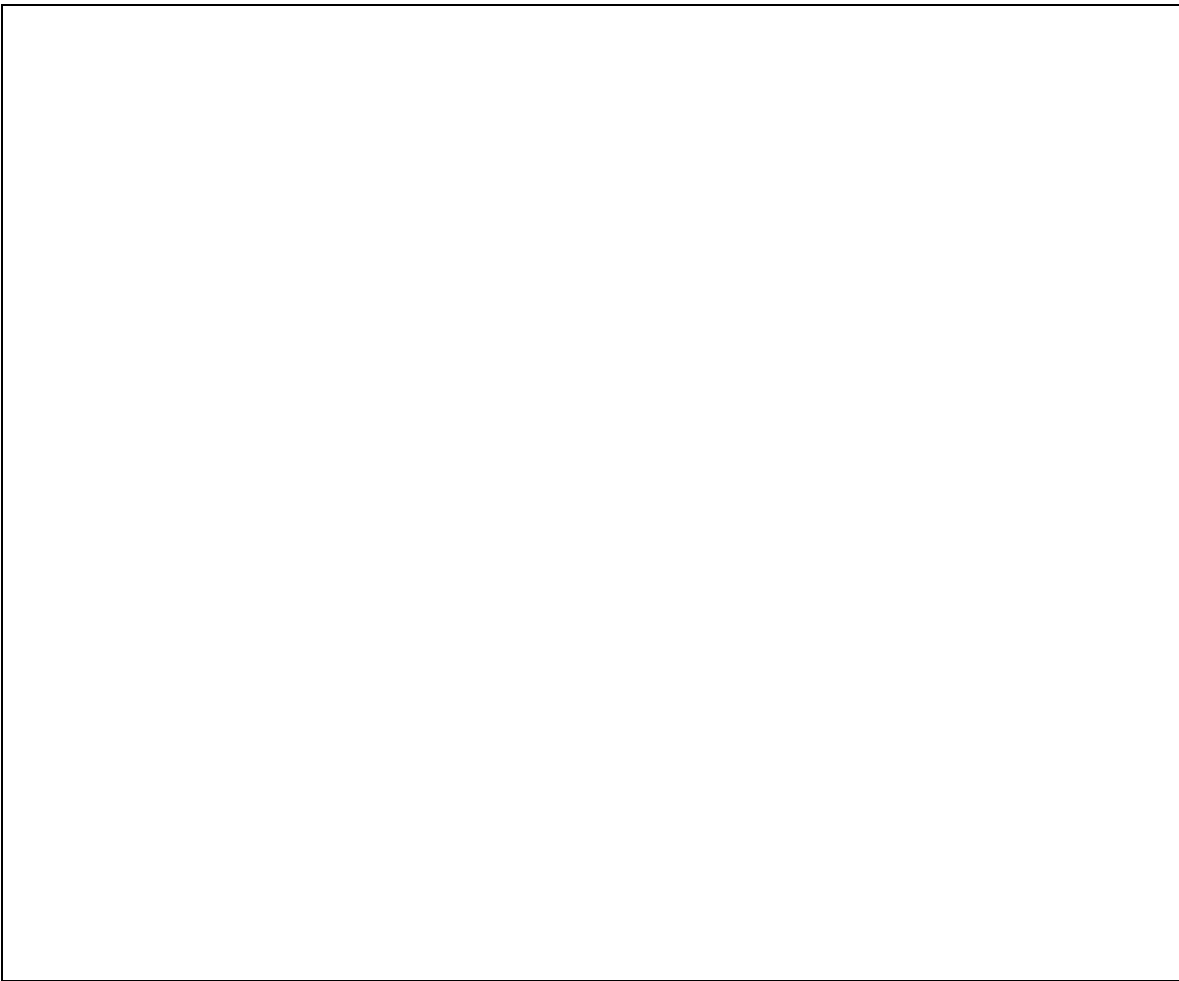
Name of Policy Procedure/Service	Playbuilder Programme
Officer Responsible for assessment	Alethea Wilson

Does this policy /procedure /service have any differential impact on the following equality groups /people

- (a) Is there a positive impact on any of the equality target groups or contribute to promoting equal opportunities and improve relations or:
- (b) could there be a negative impact on any of the equality target groups i.e. disadvantage them in any way

Equality Group	Positive impact	Negative impact	Reasons/Comments
Racial	Yes	0	The projects will offer opportunities for all local young people to be involved in developing new play facilities in their area and to benefit from them once they are installed.
Gender	Yes	0	As above
Disabled people	Yes	0	As above – the new facilities will offer greater accessibility than at present
Gay, Lesbian and Bisexual people	0	0	
Older/Younger people	Yes	0	As above
Religion and Beliefs	Yes	0	As above
People having dependents caring responsibilities	0	0	
People having an offending past	0	0	
Transgender people	0	0	

If you have answered **No** to any of the above please give your reasons below



Please indicate if you believe that this document

Should proceed to further Impact assessment - NO

Needs no further action

Risk Management Form

**NORTH WARWICKSHIRE
BOROUGH COUNCIL**

Leisure and Community Development Division

Landscape Management

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
1	Provision of play spaces funded through the national Playbuilder Programme is incorrectly administered / insufficient capacity to deliver	Funding not drawn down / has to be returned Provision does not meet community needs Public dissatisfaction Loss of reputation	4	4	16	Landscape Manager	Participation in Warwickshire Play Partnership working group to progress projects through joint procurement of design, supply and installation services Site selection in accordance with priorities set out in the North Warwickshire Play Strategy and the North Warwickshire Green Space Strategy Design process will draw on extensive consultation with the local community, particularly young people	2	4	8
Risk Ref	Options for additional / replacement control procedure						Cost Resources	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating

Completed By: Alethea Wilson

Date: 28th May 2009

Appendix A

Play Sites

Location	Site	Organisation	Priority by IMD	GSS Priority	NWBC Priority	PC Priority	Community Demand	Priority Score
Atherstone	Minions Close	Borough Council	04	1	3			
Ridge Lane	Recreation Ground	Borough Council	06	1	1	3	1	
New Arley	Hill Top	Parish Council	09	1	3			
Old Arley	Recreation Ground	Borough Council	10	2	2	3		
Dordon	Long Street	Borough Council	12	2	2	3		
Baddesley	Recreation Ground	Parish Council	13	1	3			
Polesworth	Sunset Close	Borough Council	13	3	3			
Fillongley	Recreation Ground	Parish Council	16	1	3	1		
Alvecote	Play Area	Parish Council	18	1	3	1		
Baxterley	Recreation Ground	Borough Council	18	2	2			
Grendon	Boot Hill	Borough Council	18	1	1	3		
Lea Marston	Recreation Ground	Parish Council	18	1	3			
Curdworth	Recreation Ground	Parish Council	21	1	3			
Middleton	Recreation Ground	Parish Council	21	1	3			
Coleshill	Brendan Close	Borough Council	22	2	2			
Shustoke	Recreation Ground	Parish Council	22	1	3			
Water Orton	Recreation Ground	Parish Council	23	1	3			
Atherstone	Warwick Drive	Borough Council	25	1	3			
Kingsbury	Sycamore Road	Borough Council	27	1	1	3	1	

Agenda Item No 8

Community and Environment Board

8 June 2009

Report of the Chief Executive and the Director of Resources

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2008 – March 2009

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Community and Environment Board for April 2008 to March 2009.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 The Portfolio Holder and Shadow Portfolio Holder for Resources, Councillors Bowden and Butcher have been sent a copy of this report and any comments received will be reported to the Board.

3 Background

- 3.1 This report shows the end of year position with the achievement of the Corporate Plan and Performance Indicator targets for 2008/09. The report updates the progress achieved shown in Quarterly reports to each Board during 2008/09.

4 Progress achieved during 2008/09

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the performance with the national and local performance indicators during April to March 2008/09 for the Community and Environment Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not achieved
Green – target achieved.

5 Performance Indicators

5.1 The figures for the national and local performance indicators are subject to review by internal and external audit and should be considered as draft figures at this stage.

6 Overall Performance

6.1 The Corporate Plan performance report shows that 87% of the Corporate Plan targets and 73 % of the performance indicator targets have been achieved. The report shows that individual targets that have been classified as red or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	27	87%
Red	4	13%
Total	31	100%

Performance Indicators

Status	Year End Number	Percentage
Green	27	73%
Red	10	27%
Total	37	100%

7 Summary

7.1 The performance reports show that the majority of the targets have been achieved with some slippage on achievement of target dates in a few cases. The targets have been missed by a small margin in a number of cases including for example the number of missed refuse collections and the inspection of food premises. Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

8.1.1 There are community safety performance indicators which are reported to Executive Board.

8.2 Legal and Human Rights Implications

8.2.1 The new national indicators have been specified by the Secretary of State for Communities and Local Government as part of a new performance framework for local government as set out in the local Government White Paper Strong and Prosperous Communities.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equalities

8.5.1 Some of the actions and indicators highlighted in this report will be contributing towards the Council's equality and diversity objectives for example tackling fuel poverty and the children and families related activities.

8.6 Links to Council's Priorities










8.6.1 There are a number of targets and performance indicators contributing towards the priorities of access to services, tackling health inequalities and protecting and improving our environment.







The Contact Officer for this report is Robert Beggs (719238).



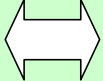
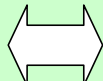
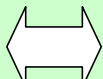
Background Papers

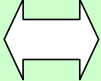
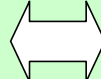
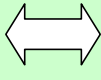
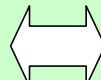
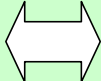

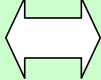
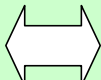
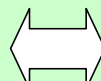
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

Background Paper No	Author	Nature of Background Paper	Date
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

Ref	Start Date	Action	Board	Lead Officer	Theme	Sub-Theme	Update	Traffic Light	Direction
5	Apr-08	Identifying a 'parish liaison officer' to facilitate preparation of Parish Plans and delivery of their objectives, including assisting Parish Councils to identify funding both for Parish Plans and Village/Community Halls.	Community & Environment Board	Director of Community & Environment/Forward Planning Manager	Community Life		Parish Liaison Officer identified in first stage of Planning Review, role being taken on within the Partnership and Development section, on limited basis during 09/10 owing to maternity leave and vacancy freeze.	N/A	
7	Apr-08	Taking action to protect existing village shops and post offices by looking at the possibility of extending the rate relief scheme.	Community & Environment Board	Assistant Director (Revenues & Benefits)/ Economic Development Manager	Community Life		Maximum rate relief being awarded to all post offices following a recommendation from the Community Life portfolio group ratified by the Chairman of the Resources Board in September 2008. NO REPLY	Green	
8	Apr-08	Investigating and pursuing projects and opportunities which help to maintain rural services.	Community & Environment Board	Assistant Director (Revenues & Benefits)/Economic Development Manager	Community Life		Despite delays in getting the successful leader bid signed off by Advantage West Midlands now anticipated by May 2009, potential projects have been identified which will be submitted by the summer of 2009 around access to rural services. £25,000 has now been agreed as growth as part of the 2009/10 budget which will be used as match funding for potential project ideas re delivery of rural services and improved access to rural services that will be agreed with the Community Life Portfolio Group in the next 12 months. The successful Child Poverty Bid will also see the Council utilise the vehicle to address rural isolation issues by taking advice out to the public in more remote and/or deprived areas.	Green	
9	Apr-08	Looking to extend to the rural retail grant scheme.	Community & Environment Board	Assistant Director (Revenues & Benefits)/Economic Development Manager	Community Life		Post office closures have been implemented there is now a need to review provision of grants to rural retailers in the context of the economic downturn and the loss of posts in Economic Development.	Red	
32	Apr-08	Encouraging tailored support for North Warwickshire farmers via the Warwickshire Rural Hub, eg workshop on planned issues, sustaining energy crops, etc.	Community & Environment Board	Forward Planning Manager	Countryside & Heritage		Initial meeting held in March. Further meetings/questionnaires to be arranged. NO CHANGE	Green	
33	Apr-08	Continuing to progress the key actions contained in the Action Plan for the Framework for Rural Action.	Community & Environment Board	Director of Community & Environment	Countryside & Heritage		Leader Bid is critical. Business and Action Plan being prepared. NO CHANGE	Green	
36	Apr-08	Promoting the Redundant Buildings Scheme.	Community & Environment Board		Countryside & Heritage		No longer actively promoted following disbanding of Econ Dev Team though still possible for NWBC officers to signpost to officers in Staffordshire.	Green	
41	Apr-08	Continuing to maintain the cleanliness of the Borough's streets and open spaces, including ensuring that the number of streets failing to meet the cleanliness standard does not exceed our target of 14%.	Community & Environment Board	Assistant Director (Streetscape)	The Environment	The Environment	NI 195 survey completed at end of March 2009 shows overall level to be 11%.	Green	
42	Apr-08	Continuing to take action to improve the quality of the local environment by Working more closely with WCC on cleaning and maintenance along main roads and at town, village and Borough gateways in accordance with a programme to be agreed by June 2008.	Community & Environment Board	Assistant Director (Streetscape)	The Environment	The Environment	Regular liaison takes place between officers of NWBC & WCC. Locations of completed works: A4091 - Middleton, A4097 (service road) - Kingsbury, A446; Allen End, Belfrey Rbt - Dunton Rbt - Hams Hall, Gorse Lane - Wantage Lane. NO CHANGE	Green	

Ref	Start Date	Action	Board	Lead Officer	Theme	Sub-Theme	Update	Traffic Light	Direction
43	Apr-08	Reviewing the role and scope of our Public Realm Partnership by July 2008 to seek greater ownership and involvement from other agencies.	Community & Environment Board	Assistant Director (Streetscape)	The Environment	The Environment	Partnership working with Amey Mouchel on A446 & A452 - litter picking of central reservation. Arrangements are being prepared by Optima to offer joint weekend working trial on A5 with Tamworth, Lichfield, NWBC & Rugby councils. NO CHANGE	Green	
44	Apr-08	Maintaining the clean-up programme, including both actively seeking help from Parishes to identify new areas for action by July 2008 and also looking at the cost and viability of extending clean-ups into areas owned by other agencies, etc.	Community & Environment Board	Assistant Director (Streetscape) /Assistant Director (Leisure & Community Development)	The Environment	The Environment	All Parish Councils will be asked in December / January to complete a questionnaire seeking their views on the issues in their area and asking what support they require to develop more community clean-up activities. 15 clean-up packs will be available to the Parishes. The clean-up packs will contain litter pickers, gloves, small scale graffiti removal kits, high-visibility jackets, litter awareness posters, information on how to organise a clean-up guidance inclusive of relevant health and safety information. Copies of ENCAMS "Guide to Improving your Local Environment" will be made available to improve local environment quality. Support is also being put in place for the Streetscape Division and Community Development to work with our partners Leicester Housing Association to arrange a "Community Clean-up" event in Spring 2009 on the Stoneleigh Estate in Hartshill. NO REPLY	Green	
45	Apr-08	Continuing to develop effective and proactive measuring for the reduction of litter, fly tipping and dog fouling, including both raising awareness (including working with local schools) and taking enforcement action.	Community & Environment Board	Assistant Director (Streetscape)/ACE (Special Projects)	The Environment	The Environment	Polesworth High School joined QE School of Atherstone by signing Litter Pledge in July that will result in regular litter picking activities. NO REPLY	Green	
46	Apr-08	Carrying out an options appraisal by October 2008 looking at the financial viability and operational effectiveness of Town Wardens in partnership with other agencies.	Community & Environment Board	Assistant Director (Streetscape)/ACE (Special Projects)	The Environment	The Environment	Report taken to C&E Board 23 March 09 with proposals for Street Wardens. NO REPLY	Green	
47	Apr-08	Continuing to assess how different types and levels of equipment and resources can improve grass cutting across the Borough and to identify potential priority areas by June 2008.	Community & Environment Board	Assistant Director (Streetscape)	The Environment	The Environment	The outcome of this is dependant on the results of the Green Space Strategy. NO CHANGE	Red	
48	Apr-08	Reviewing all aspects of the Grounds Maintenance Specification, with a view to improving service outcomes and operational efficiency by March 2009.	Community & Environment Board	Assistant Director (Streetscape) /Assistant Director (Leisure & Community Development)	The Environment	The Environment	Data submitted to APSE for benchmarking the service, brief prepared for consultancy to review mapping and bill of quantities to inform a revised specification. NO REPLY	Green	

Ref	Start Date	Action	Board	Lead Officer	Theme	Sub-Theme	Update	Traffic Light	Direction
49	Apr-08	Continuing the ongoing programme of recycling in various ways, including through education and awareness raising programmes and school visits, in line with the agreed action plan.	Community & Environment Board	Assistant Director (Streetscape) /Assistant Director (Leisure & Community Development)	The Environment	The Environment	"Recycle for North Warwickshire" leaflet was delivered to households in May which generated close to 2 thousand requests to the contact centre for further information and / or recycling containers. 130 people completed an online questionnaire expressing their views on the recycling service. The results of which have been communicated in an article in November's edition of North Talk. A subsequent article in the next edition will be aimed at answering the main questions raised, along with a descriptive journey of recycled materials following collection. WRAP consultation to take place to assess the effect and resource issues for food waste collection. NO CHANGE	Green	
50	Apr-08	Introducing recycling collection schemes for flats, isolated properties and pilot recycling banks for plastics and cardboard and major recycling sites in the Borough by May 2008.	Community & Environment Board	Assistant Director (Streetscape) /Assistant Director (Leisure & Community Development)	The Environment	The Environment	Banks for plastics and cardboard installed at Atherstone and Coleshill. Additional capacity now provided at these sites. Flats recycling - Suitable container system procured and awaiting delivery and installation on sites. Recycling of Business Waste trial agreed with WCC, first collections now made. Revised Can Bank scheme at bring sites introduced. More extensive recycling for schools in process.	Green	
51	Apr-08	Implementing, where practicable, the actions of the Climate Change strategy and continuing to work with partner organisations within particularly the Environment Group of the Strategic Local Partnership and the Warwickshire Climate Change Partnership.	Community & Environment Board	Assistant Director (Streetscape)	The Environment	The Environment	Work ongoing with the climate change action plan. There is a need to consider the implications of the new national indicators NI 185 & 194 regarding CO2 reduction from local authority operations and the reduction in Nox and primary PM10 emissions. NO CHANGE	Red	
52	Apr-08	Commencing implementation of the Green Space Strategy in accordance with the approved action and funding plans.	Community & Environment Board	Assistant Director (Leisure & Community Development)	Health & Wellbeing	Health & Wellbeing	Green Space Strategy approved by the Executive Board in December 2008. Action and Funding Plan approved in principle. Relevant actions being progressed in the current year. NO CHANGE	Green	
53	Apr-08	Producing a corporate Health, Well-being and Leisure Strategy by September 2008, which will address issues related to the development of and access to the Council's leisure facilities, including looking at healthy, lifestyle opportunities and, in partnership with the PCT, providing better access to those people with particular health problems and residents on low incomes.	Community & Environment Board	Director of Community & Environment	Health & Wellbeing	Health & Wellbeing	Initial Strategy prepared. Work is now focusing on specific areas, currently Coleshill and surrounding wards, and the need to develop an evidenced based context that supports potential initiatives such as those to be advanced through, for example, Building Schools for the Future.	Green	

Ref	Start Date	Action	Board	Lead Officer	Theme	Sub-Theme	Update	Traffic Light	Direction
54	Apr-08	Continuing to co-ordinate and implement relevant sections of the North Warwickshire Play Strategy, in accordance with the approved action and funding plans.	Community & Environment Board	Assistant Director (Leisure & Community Development)	Health & Wellbeing	Health & Wellbeing	On-going, in accordance with approved Action and Funding Plan. Progress being reported to C&E Board on 23 March. NO CHANGE	Green	
55	Apr-08	In conjunction with Atherstone Town Council, providing a new play area in Atherstone by September 2008 (thereby completing the three year Play Area Development Programme).	Community & Environment Board	Assistant Director (Leisure & Community Development)	Health & Wellbeing	Health & Wellbeing	A delay in the approval of the external funding application (to WREN) and further detailed consultation with local residents means that installation of the play area will now take place in April 2009. Project approval received from the Town Council. Work to commence asap.	Red	
56	Apr-08	Completing the development of the allotment site in Warton by March 2009 and developing a further site in Mancetter, subject to the availability of resources.	Community & Environment Board	Assistant Director (Leisure & Community Development)	Health & Wellbeing	Health & Wellbeing	Development of the allotment site in Warton is proceeding satisfactorily. The potential project in Mancetter has been deferred by the C&E Board, pending the outcome of land use and demand-led considerations. A further potential scheme in Hurley is currently under consideration. NO CHANGE	Green	
57	Apr-08	Developing a North Warwickshire Allotment Association through which to provide encouragement, advice and mutual assistance.	Community & Environment Board	Assistant Director (Leisure & Community Development)	Health & Wellbeing	Health & Wellbeing	Establishment of, and support for, the Allotment Federation for North Warwickshire are developing well. NO CHANGE	Green	
58	Apr-08	Reviewing, in conjunction with Warwickshire PCT, both the Wellness Centre and co-ordinating the sustainable development of Wellness Matters, including its potential expansion into targeted outreach communities using mobile facilities.	Community & Environment Board	Assistant Director (Leisure & Community Development)	Health & Wellbeing	Health & Wellbeing	Action being progressed in conjunction with Warwickshire PCT and through the Community Partnership's Health and Well-being Theme Group. Outreach activity already being undertaken. NO CHANGE	Green	
59	Apr-08	Continuing to implement the agreed Action Plan for investing in children and young people's health and well-being.	Community & Environment Board	Assistant Director (Leisure & Community Development)	Health & Wellbeing	Health & Wellbeing	Action Plan being implemented. NO CHANGE	Green	
60	Apr-08	Ensuring compliance with the Council's statutory responsibilities as a partner on the Warwickshire Safeguarding Children Board.	Community & Environment Board	Assistant Director (Leisure & Community Development)	Health & Wellbeing	Health & Wellbeing	On-going. Revised Compact signed. New Child Protection Policy being produced. NO CHANGE	Green	
61	Apr-08	Continuing to prioritise children, young people and their families in the delivery and co-ordination of leisure service provision in accordance with agreed Council priorities and structures and as identified in the Health Well-being and Leisure Strategy.	Community & Environment Board	Assistant Director (Leisure & Community Development)	Health & Wellbeing	Health & Wellbeing	On-going. NO CHANGE	Green	
62	Apr-08	Ensuring that the focus of one of the Council's Community Development Officers is dedicated to identifying and addressing the needs and aspirations of children and young people across the range of service provision, in partnership with Extended Services Teams.	Community & Environment Board	Assistant Director (Leisure & Community Development)	Health & Wellbeing	Health & Wellbeing	In addition to the Council's dedicated "youth officer", the CDO (Young People & Inter-generation), a minor re-structure in the Partnership and Development section has led to the recruitment of a CPO (Youth Engagement), who also focuses on the needs and aspirations of children and young people. NO CHANGE	Green	

Ref	Start Date	Action	Board	Lead Officer	Theme	Sub-Theme	Update	Traffic Light	Direction
66	Apr-08	Reviewing the Business Plan and continuing to expand Borough Care, Telecare and Domestic Violence services.	Community & Environment Board	Assistant Director (Housing)	Health & Wellbeing	Health & Wellbeing	Awaiting steer from Members regarding issues raised in capacity and resources paper presented to them. NO CHANGE	Green	
67	Apr-08	Assisting WCC with TeleHealth pilot scheme.	Community & Environment Board	Assistant Director (Housing)	Health & Wellbeing	Health & Wellbeing	Telecare referrals continue at very low rate and number of disconnections exceeding installations. Review of telecare being undertaken by WCC. No information yet forthcoming as to review findings or conclusions. At this stage WCC are proposing to extend existing partnership to March 2010 with an option of a further year. NO CHANGE	Green	
70	Apr-08	Continuing to co-ordinate a wide range of targeted community safety projects, including work with young people, both to provide diversionary activities, and to meet the wider needs and aspirations of young people, inter-generational work, development of community speed watch and investigating the potential for community action groups to address anti-social behaviour in green spaces.	Community & Environment Board	Assistant Director (Leisure & Community Development)	Safer Communities	Safer Communities	Activities 4 U and Call 4 Sport are being targeted at priority areas for reports of anti social behaviour. These initiatives are successful in engaging young people in positive diversionary activities. A problem solving approach to identified anti social behaviour problems is being used on a multi agency basis. This has shown to be effective in Polesworth and is being rolled out in Atherstone and Hartshill. Reports of anti social behaviour incidents have decreased overall by 3.2%. Friday and Saturday night discos arranged in October to enhance diversionary activities provided with a mixed response. A bid to the Home Office for £25, 900 for alcohol related partnership activities has been successful. The bid has provided a theatre based performance in schools with Crag Rats on the harms of substance misuse, additional PCSO' operations, test purchases and other alcohol related activities. Initiatives put in place to deliver the activities of the bid.	Green	

Division	Section	Board	PI Ref	Sub PI	Revision	Description	Year End Target	National Best Quartile	SPARSE Best Quartile	Performance	Traffic Light Red/Amber/Green	Direction	Comments	Update
Regulatory & Community Support	Community Support	Community & Environment Board	CS-LPI 1	-	0203	Percentage of calls answered through the Central Control system within 30 seconds. (TSA national standard 80%) :	90%			97%	Green	↔		
Regulatory & Community Support	Community Support	Community & Environment Board	CS-LPI 2	-	0203	Percentage of calls answered through the Central Control system within 60 seconds. (TSA national standard 96.5%):	97.00%			99.10%	Green	↑		
Regulatory & Community Support	Community Support	Community & Environment Board	CS-LPI 4	-	0203	The percentage of qualifying applications for connection acknowledged within 1 working day of receipt of the application :	100%			100%	Green	↔		
Regulatory & Community Support	Community Support	Community & Environment Board	CS-LPI 5	-	0203	The percentage of new Lifeline phone and pendant connections installed within seven working days of receipt of the application, in the cases where there is an existing telephone jackpoint and nearby electric socket. :	99%			100%	Green	↔		
Regulatory & Community Support	Community Support	Community & Environment Board	CS-LPI 6	-	0203	The percentage of client's details inputted and amended in the Central Control System within 12 hours of receipt. :	100%			100%	Green	↔		
Regulatory & Community Support	Community Support	Community & Environment Board	CS-LPI 9	-	0203	To carry out a follow up check within 10 working days of lifeline installation, to check that the client is happy & familiar with the operation of the system :	99%			100%	Green	↔		
Regulatory & Community Support	Commercial and Licensing / Health Promotion	Community & Environment Board	ACPI H1	a	0203	The percentage of food premises inspections that should have been carried out that were carried out for: : High-risk premises.	100%			91%	Red	↓	Shortfall due to departure of EHM and the number of prosecutions and the introduction of TRIM.	
Regulatory & Community Support	Commercial and Licensing / Health Promotion	Community & Environment Board	ACPI H1	b	0203	The percentage of food premises inspections that should have been carried out that were carried out for: : Other premises.	100%			87%	Red	↔		
Regulatory & Community Support	Commercial and Licensing / Health Promotion	Community & Environment Board	NI184			Food establishments in the area which are broadly compliant with food hygiene law	100%			83%	Red	↔		
Regulatory & Community Support	Housing, Domestic and Pollution Control	Community & Environment Board	EH-LPI 1	-	0203	To respond to all complaints and requests for service within three working days (Environmental Health) :	97%			99.5%	Green	↔	99.7% FLARE, 99.2% pest control, 99.5% combined	
Regulatory & Community Support	Housing, Domestic and Pollution Control	Community & Environment Board	BVPI 218	a	0506	Percentage of new reports of abandoned vehicles investigated within 24hrs of notification. :	N/A	98.22%		100.00%	Green	↔	new contractor 2009/10	
Regulatory & Community Support	Housing, Domestic and Pollution Control	Community & Environment Board	BVPI 218	b	0506	Percentage of abandoned vehicles removed within 24 hours from the point at which the Authority is legally entitled to remove the vehicle :	N/A	97.76%		95.00%	Red	↔	new contractor 2009/10	
Regulatory & Community Support	Housing, Domestic and Pollution Control	Community & Environment Board	NI196			Improved street and environmental cleanliness - flytippng	Grade 2 Effective proposed			Grade 1	Green	↑	expected grade 1 highly effective, caveat that this is difficult to maintain year on year and cannot 'improve' further.	Subject to final confirmation from Defra return
Streetscape	Refuse and Recycling	Community & Environment Board	BVPI 82	ai	0506	Percentage of household waste arisings : which have been sent by the Authority for recycling	12%	24%	a+b = 46%	11.66%	Green	↓	This result is almost on target and probably would have been without the disruption cause by the snow in February. It is apparent that there was 'loss' in collected weight for that period.	

Division	Section	Board	PI Ref	Sub PI	Revision	Description	Year End Target	National Best Quartile	SPARSE Best Quartile	Performance	Traffic Light Red/Amber/Green	Direction	Comments	Update
Streetscape	Refuse and Recycling	Community & Environment Board	BVPI 82	bi	0506	The percentage of household waste sent by the Authority for composting or treatment by anaerobic digestion. :	18%	18%	a+b = 46%	18.43%	Green	↓	Garden waste collection is above target however the last quarter performance was still lower than anticipated, again possibly a reflection of the weather conditions.	
Streetscape	Refuse and Recycling	Community & Environment Board	BVPI 84	a	0506	Number of kilograms of household waste collected per head of the population. :	480	380.8	c. 375	463	Green	↑	Target achieved but compared to best quartile it is well above. It should be noted that this is considered to be due primarily to the 'ease' of weekly residual waste collections.	
Streetscape	Refuse and Recycling	Community & Environment Board	BVPI 88	-	0203	Number of collections missed per 100,000 collections of household waste :	20			25	Red	↑	Above target but still a reflection of a highly efficient service.	
Streetscape	Refuse and Recycling	Community & Environment Board	REF-LPI 2	-	0203	Percentage of missed collections put right by the end of the next working day. :	95%			89%	Red	↓	Below target but with the effects of snow conditions could have been much worse. In relative terms this is a good performance but it is considered that it can be improved.	
Streetscape	Refuse and Recycling	Community & Environment Board	NI191			Residual household waste per head	751kg			759	Red	↓	Marginally above target but weights of residual waste indicate that the overall trend has been a reduction.	
Streetscape	Refuse and Recycling	Community & Environment Board	NI192			Household waste recycled and composted	30%			30.10%	Green	↓	On target but it is a little disappointing given that early trends were quite well in advance. Undoubtedly the vagaries of climate have affected the outturn.	
Streetscape	Refuse and Recycling	Community & Environment Board	NI193			Municipal waste landfilled	65%			69.90%	Red	↓	Above target but as stated above there is reduction in residual waste. This figure includes road sweeping weights which are higher than previously collected.	
Streetscape	Facilities Management	Community & Environment Board	BVPI 156	-	0203	The percentage of authority buildings open to the public in which all areas are suitable for and accessible to disabled people. :	42.80%			42.80%	Green	↔		
Leisure & Community Development	Leisure Facilities	Community & Environment Board	ACPI I1	a	0203	Swimming pools and sports centres: : The number of swims and other visits per 1,000 population.	7170			7,011	Red	↑	Very minor variation from year end target	
Leisure & Community Development	Leisure Facilities	Community & Environment Board	ACPI I1	b	0203	Swimming pools and sports centres: : The net cost per swim/visit	2.17			1.93	Green	↑		

Agenda Item No 9

Community and Environment Board

8 June 2009

**Report of the
Assistant Chief Executive
and Solicitor to the Council**

**The Environmental Damage
(Prevention and Remediation)
Regulations 2009**

1 Summary

- 1.1 The purpose of this report is to provide Members with a brief summary of the Council's responsibilities under the new Environmental Damage Regulations which came into force this year. As an enforcing authority for the regulations North Warwickshire Borough Council must put in place the appropriate delegations to ensure that officers can carry out these duties.

Recommendation to the Board

That staff detailed in Section 3.7 are authorised under the Environmental Damage (Prevention and Remediation) Regulations 2009 for the purposes as detailed in this report.

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 Councillors Wykes and Derveiks, Portfolio Holder and Shadow Portfolio Holder have been consulted and any comments will be reported to the Board.

3 Report

- 3.1 The Environmental Damage (Prevention and Remediation) Regulations came into force in England on 1 March 2009. They are based on the "polluter pays principle" so those responsible prevent and remedy environmental damage, rather than the tax payer funding it. The regulations only apply to environmental damage in the most serious cases and only apply to damage after the 1 March 2009.

- 3.2 Environmental damage specifically relates to;

a) Adverse effects on the integrity of a Site of Special Scientific Interest (SSSI) or on the conservation status of species and habitats protected by European Union legislation outside SSSIs.

b) Adverse effects on surface water or groundwater consistent with a deterioration in the water's status.

- c) Contamination of land that results in a significant risk of adverse effects on human health.
- 3.3 The emphasis in the first instance is on the business or operator to identify when there is an imminent threat or actual damage and to take immediate action. Enforcing authorities must determine if there is environmental damage and decide who is responsible and what the necessary remedial measures should be. This could require the service of a remediation notice. Authorities may also take steps to prevent or remedy damage and may require further information or action from operators.
- 3.4 Various bodies such as the Environment Agency and Natural England have different roles under the regulations and Local Authorities have specific responsibilities for damage caused by operators who hold environmental permits with them under the Environmental Permitting Regulations. Local Authorities are also responsible for damage to land other than SSSIs by operators who do not possess environmental permits.
- 3.5 Incidents of environmental damage, as defined by the regulations, are expected to be relatively rare but officers will need delegated powers to carry out their duties should incidents of this nature take place.
- 3.6 Councils need to delegate powers to officers under Section 31 of the Environmental Regulations and this part of the legislation can be seen below. Some parts of this apply to officers operating in coastal authorities but the main point of this is that without persons being authorised the authority cannot enforce any part of the regulations. The actual procedures for dealing with environmental damage are similar to those for dealing with statutory nuisance. If environmental damage has occurred and formal action is required a remediation notice can be served to rectify the situation. Should this notice not be complied with then legal action can be taken in the Courts. Works in default can also be carried out if the operator does not comply with any direction given.

Powers of authorised persons

Section 31.—

- (1) Enforcing authorities may authorise persons for the purposes of enforcing these Regulations.
- (2) The powers in section 108 of the Environment Act 1995(a) apply in relation to these Regulations, and the powers of persons authorised by the Environment Agency in that section are exercisable by persons authorised by any enforcing authority.
- (3) Those powers are extended to all areas to which these Regulations apply.
- (4) In addition, a person authorised by the Secretary of State enforcing these Regulations in relation to the sea may at any time board and inspect—
 - (a) a ship or marine installation in the United Kingdom territorial waters adjacent to England;
 - or
 - (b) a United Kingdom ship (within the meaning of section 1(3) of the Merchant Shipping Act 1995) or a marine installation in the renewable energy zone (as

defined in section 84 of the Energy Act 2004**(b)**

- (5) For the purposes of exercising the powers in this Regulation, the authorised person may require a ship or marine installation—
 - (a) to stop; or
 - (b) to do anything else that will facilitate the boarding of that or any other ship or marine installation.
- (6) An authorised person who has boarded a ship or marine installation may, for the purposes of disembarking from the ship or installation, require that or any other ship or marine installation—
 - (a) to stop; or
 - (b) to do anything else that will enable the authorised person, and any person accompanying that person, to disembark.
- (7) An authorised person may require any person on board a vessel or marine installation to afford such facilities and assistance with respect to matters under that person's control as the authorised person considers would facilitate the exercise of any power conferred by this section.
- (8) It is an offence to fail to comply with instructions given under this regulation, or knowingly to provide false or misleading information.

3.7 The following staff posts are proposed for authorisation;

Environmental Health Managers
Senior Environmental Health Officer
Senior Pollution Control Officer
Pollution Control Officers
Environmental Health Officers

4 **Report Implications**

4.1 **Finance and Value for Money Implications**

4.1.1 This has an implication in terms of staff time but is unquantifiable. Also should the person responsible for environmental damage be unidentifiable the Council may have to carry out works in default.

4.2 **Legal and Human Rights Implications**

4.2.1 None – proper protocols to notify and engage with landowners, affected or at risk neighbours and relevant/appropriate parties will have to be followed.

4.3 **Environment and Sustainability Implications**

4.3.1 This legislation has a positive impact on preventing and remedying damage to the environment.

4.4. **Safer Communities**

4.4.1 This legislation allows the Council to take action against operators who cause Environmental damage.

4.5 **Human Resources Implications**

4.5.1 Staff time as discussed above.

4.6 Risk Management Implications

4.6.1 This follows current policies and protocols in line with the contaminated land function in pollution control. Therefore a new risk matrix is not required.

4.7 Links to Council's Priorities

4.7.1 Protection of the environment, in addition to the function being mandatory.

The Contact Officer for this report is Dean Walters (719330).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 10

Community and Environment Board

8 June 2009

Report of the Assistant Chief Executive and Solicitor to the Council

Environmental Health Enforcement Policy and Protocols - Updates

1 Summary

- 1.1 The report provides an update to previously agreed policy and protocols relating to Environmental Health following legislative and personnel changes.

Recommendation to the Board

That the revised policy and protocols as appended be adopted.

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 Councillors Wykes and Dirveiks, Fox and Morson, Johnston and Winter, Portfolio and Shadow Portfolio Holders for Environment, Safer Communities and Housing have been consulted and their replies will be reported verbally to the Board.

3 Report

- 3.1 The Council carries out many functions and duties which relate to the environment and enforcement, and has had, for many years, a policy and series of protocols which describe how those functions are delivered. This is to demonstrate transparency and consistency, amongst other principles. Originally, this was in response to Best Value Performance Indicator 166, which has subsequently been replaced by the less detailed and prescriptive but more outcome focused National Indicator 192. It is a subject receiving greater attention and prominence since the creation of the Department of Business, Enterprise and Regulatory Reform (DBERR), the Better Regulation Executive and Local Better Regulation Office (LBRO), primarily to direct and support the enforcement work of Councils and other regulators in regard to businesses. However, the policy and protocols do not relate only to businesses, but to individuals also.
- 3.2 From time to time, as new laws or guidance are created or amended, as personnel and staffing structures change and in the light of operational experience, it is necessary to revise that policy and/or protocols to reflect the changes. The latest revision to those documents has been circulated to Members electronically and a hard copy placed in the Group Rooms.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 Focused or targeted enforcement based on intelligence and risk assessment, together with proportionality, consistency, fairness and transparency should all contribute to the delivery of efficient and effective regulatory activity which is less likely to be subject to appeal, challenge or being overturned and less wasteful as regards the impact of its efforts.

4.2 Safer Communities Implications

4.2.1 Intelligent enforcement should contribute positively to delivering safer communities.

4.3 Legal and Human Rights Implications

4.3.1 Meeting legal and human rights implications is the principal intention of this policy and protocols.

4.4 Environment and Sustainability Implications

4.4.1 Positive by ensuring that the Council carries out appropriate enforcement action to protect the environment and the quality of life for the communities of North Warwickshire.

4.5 Risk Management Implications

4.5.1 Not required, as a minor change to an existing policy.

4.6 Equalities Implications

4.6.1 None – impact assessment not required.

4.7 Links to Council's Priorities

4.7.1 Several, including Protecting and improving our environment, working with our partners to tackle crime, the fear of crime and anti-social behaviour, Improving housing in the Borough and Making the best use of resources through achieving a balanced budget and developing our workforce.

The Contact Officer for this report is David Baxendale (719322).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Equality Impact Assessment Summary Sheet

Please complete the following table summarised from the equality impact assessment form. This should be completed and attached to relevant Board reports.

Name of Policy Procedure/Service	Enforcement – environmental health
Officer Responsible for assessment	D Baxendale

Does this policy /procedure /service have any differential impact on the following equality groups /people

- (a) Is there a positive impact on any of the equality target groups or contribute to promoting equal opportunities and improve relations or:
- (b) could there be a negative impact on any of the equality target groups i.e. disadvantage them in any way

Equality Group	Positive impact	Negative impact	Reasons/Comments
Racial	n/a	n/a	See general note
Gender	n/a	n/a	See general note
Disabled people	n/a	n/a	See general note
Gay, Lesbian and Bisexual people	n/a	n/a	See general note
Older/Younger people	X		Specific protocol on fixed penalty issues and juveniles
Religion and Beliefs	n/a	n/a	See general note
People having dependents caring responsibilities	n/a	n/a	See general note
People having an offending past	X		Any potential repeat offenders may receive more serious punishments, and awareness of this risk may deter repeat offending.
Transgender people	n/a	n/a	See general note

If you have answered **No** to any of the above please give your reasons below

n/a

general note – we conduct specific proactive equalities monitoring of enforcement / regulatory activity by way of writing to all clients for jobs closed on a monthly basis. Any information relating to potential equalities issues would be picked up and actioned via that process.

Please indicate if you believe that this document

Should proceed to further Impact assessment

Needs no further action