

MEETING: CABINET MEMBER - ENVIRONMENTAL
DATE: Wednesday 7 April 2010
TIME: 12.00 pm
VENUE: Town Hall, Southport (This meeting will also be video conferenced to the Town Hall, Bootle)

Councillor

DECISION MAKER: Tattersall
SUBSTITUTE: Brodie - Browne

SPOKESPERSONS: P Hardy D Jones

SUBSTITUTES: Friel Ibbs

COMMITTEE OFFICER: Paul Fraser
Telephone: 0151 934 2068
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The Cabinet is responsible for making what are known as Key Decisions, which will be notified on the Forward Plan. Items marked with an * on the agenda involve Key Decisions

A key decision, as defined in the Council's Constitution, is: -

- any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater
- any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

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A G E N D A

Items marked with an * involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>	
1.	Apologies for Absence		
2.	Declarations of Interest Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.		
3.	Minutes of the Meeting held on 26 February 2010		(Pages 5 - 8)
4.	Dry Materials Recycling Contract - Interim Arrangement Report of the Operational Services Director	All Wards	(Pages 9 - 14)
5.	Driver Certificate Of Professional Competence Training Report of the Operational Services Director	All Wards	(Pages 15 - 20)
6.	Vehicle/Plant Replacements 2009/2012 Report of the Operational Services Director	All Wards	(Pages 21 - 30)
7.	Environmental Protection Department Sickness Absence Report (3rd Quarter - 2009/10) Joint report of the Environmental and Technical Services Director and the Operational Services Director	All Wards	(Pages 31 - 36)
8.	Age Restricted Sales - Update 2009/10 Report of the Environmental and Technical Services Director	All Wards	(Pages 37 - 42)
9.	Air Quality Update Report of the Environmental and Technical Services Director	All Wards	(Pages 43 - 54)

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|-----|---|----------------------------------|--------------------|
| 10. | Primary Authority Partnership - Pontins | All Wards | (Pages 55 -
60) |
| | Report of the Environmental and Technical Services Director | | |
| 11. | Update On Port Related Activities | Church; Derby;
Ford; Linacre; | (Pages 61 -
70) |
| | Report of the Environmental and Technical Services Director | | |

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON FRIDAY, 5 MARCH 2010. MINUTE NOS. 105, 106 AND 107 ARE NOT SUBJECT TO "CALL-IN"

CABINET MEMBER - ENVIRONMENTAL

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON FRIDAY 26 FEBRUARY 2010

PRESENT: Councillor Tattersall

ALSO PRESENT: Councillors Friel and P Hardy

102. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D. Jones

103. DECLARATIONS OF INTEREST

No declarations of interest were received.

104. MINUTES OF THE MEETING HELD ON 10 FEBRUARY 2010

RESOLVED:

That the Minutes of the meeting of the Cabinet Member held on 10 February 2010 be confirmed as a correct record.

105. REGIONAL COASTAL MONITORING PROGRAMME

The Cabinet Member considered the report of the Head of Regeneration and Technical Services seeking approval to procure bathymetric survey services in relation to the Regional Coastal Monitoring Programme using the Buying Solutions Framework; and requesting that the Capital Programme be increased to reflect the revised cost of the project subject to Environment Agency approval.

RESOLVED:

That, subject to receiving 100% grant approval from the Environment Agency:

- (1) Halcrow Group Ltd. be commissioned to undertake Bathymetric surveys via the Buying Solutions Framework at a cost of £295.00; and
- (2) the Cabinet be requested to increase the Capital Programme to reflect the revised cost of the project.

Agenda Item 3

CABINET MEMBER - ENVIRONMENTAL- FRIDAY 26 FEBRUARY 2010

106. RECYCLING COLLECTION SERVICE - FUTURE SERVICE SPECIFICATION

The Cabinet Member considered the report of the Environmental Protection Director seeking formal approval to commence the necessary processes to ensure that suitable arrangements were in place to continue to provide a recycling collection service when the current contractual arrangement expired, and indicating that a decision on this matter was required as the current Dry Recycling Collection contract was due to end on 31 March 2011 and a recycling collection service must continue to be provided.

The report indicated that the Council had a statutory duty to collect at least four materials for recycling from households, as well as still having tonnage related recycling/composting targets to achieve; that the current contract with Abitibi Bowater Recycling Europe (subcontracted to P.D. Logistics) would come to an end on 31 March 2011 and could not be extended; that a household recycling collection service must continue to be provided from 1 April 2011 onwards to comply with statutory obligations; and that the current contract included the servicing and cleaning of bring banks.

The report also detailed the pressures for change and indicated that, although Sefton was closely approaching its current long-term recycling/composting target of 40%, it was envisaged that a higher target of 50% would be imposed as the EU Waste Directive was transposed into national legislation later this year and regional and sub-regional strategies aligned; that there was also a significant desire from the Council and Sefton residents to recycle an increased range of materials from their homes, particularly the recycling of plastic bottles and cardboard; that these materials could be accepted at the Merseyside Waste Disposal Authority's (MWDA) new Materials Recovery Facility (MRF) which was under construction at Gillmoss and should be operational by the first quarter of 2011; and that the Overview and Scrutiny Committee (Regeneration and Environmental Services) Working Group had concluded that delivering recyclable materials to this facility would be the most practical option when considering how to incorporate both of these materials into a new recycling service.

The Overview and Scrutiny Committee Working Group, at its meeting held on 16 December 2009, had recommended that a 'co-mingled' collection be introduced, subject to an acceptable/beneficial arrangement being agreed by all MWDA member authorities; that under a co-mingled collection system recyclable materials were stored, collected and transported mixed together; that the mixed recyclables were then partly mechanically and partly hand sorted into different materials at the MRF; and that under the new recycling service, food waste would be continued to be collected on a weekly basis on the same day as other containers were collected/emptied.

Paragraphs 23-37 of the report detailed the complex financial implications of the scheme, but that whichever service was ultimately established, it

would have a significant financial impact and therefore the anticipated cost would need to be included in the Medium Term Financial Plan for 2011/12 onwards.

The report concluded that the co-mingled service did provide an opportunity for residents to recycle both plastic bottles and cardboard and that the Council was often criticised for being unable to offer the collection of these materials via the current collection service; that the collection of plastic was likely to become a statutory requirement in future; that local experience suggested that the amount of recyclable material collected via a fortnightly co-mingled wheelie bin service would increase; and that such an increase would be of benefit to Merseyside as a whole, but at extra cost to Sefton whatever the method of collection adopted in the future.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED:

That the Cabinet be recommended to:

- (1) approve the recommendations made by the Overview and Scrutiny Committee (Regeneration and Environmental Services) Working Group that a 'co-mingled collection' be developed, subject to an acceptable/ beneficial arrangement being recommended by Finance Directors and subsequently agreed by all MWDA Member Authorities and authorise the Operational Services Director to make the necessary arrangements for the implementation of the new recycling collection service that will operate from April 2011 onwards;
- (2) pending a satisfactory conclusion to the above, to authorise simultaneously the Operational Services Director to make arrangements to tender for the provision of a kerbside sort recycling collection service, based on the materials currently collected with cost options for the addition of new materials; and
- (3) note the potential cost increase associated with either collection service and include such cost in the Medium Term Financial Plan.

107. ENVIRONMENTAL PROTECTION DEPARTMENT - FEES AND CHARGES 2010/11

The Cabinet Member considered the report of the Environmental Protection Director proposing an increase in fees and charges in 2010/11 for the range of services delivered by his Department; and indicating that a decision on this matter was required in order to achieve the income requirement of the department for 2010/11.

The report indicated that other than any areas specifically identified in the Council's budget proposals, the setting of fees and charges fell outside the

Agenda Item 3

CABINET MEMBER - ENVIRONMENTAL- FRIDAY 26 FEBRUARY 2010

budget setting framework and it was left to individual departments to determine any need for increases; that fees and charges were reviewed and adjusted to reflect current service delivery costs (including material costs such as pesticides, cleaning chemicals etc.), national guidelines and/or inflation; and that none of the fees and charges included within the report for services delivered by the department had been specifically identified in the Council's budget proposals for 2010/11.

DEFRA had not yet published LAPPC fees and charges and Sefton had no discretion in relation to such matters; and approval was sought to adopt such fees and charges once published by DEFRA.

Annex A to the report provided details of the proposed increase in fees and charges.

RESOLVED:

That the Cabinet be recommended to approve the proposed fees and charges for 2010/11 as detailed in annex A of the report, together with the LAPPC fees and charges for 2010/11 once announced by DEFRA.

Agenda Item 4

REPORT TO: Cabinet Member – Environmental

DATE: 7th April 2010

SUBJECT: Dry Materials Recycling Contract – Interim Agreement

**WARDS
AFFECTED:** All

REPORT OF: J G Black - Operational Services Director

**CONTACT
OFFICER:** Clare Melser – Tel: 0151 288 6144

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To advise the Cabinet Member – Environmental of the implications of Cheshire Recycling Ltd, trading as AbitibiBowater Recycling Europe entering administration on February 11th 2010.

REASON WHY DECISION REQUIRED:

To gain approval from the Cabinet Member – Environmental to enter into an interim agreement for the provision of the Dry Recycling Service, to ensure the continuity of service until key decisions on the future of the service have been established.

RECOMMENDATION(S):

The Cabinet Member – Environmental authorises the Operational Services Director to establish an Interim Agreement for the continuing provision of a recycling collection service.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Following the call-in period.

Agenda Item 4

ALTERNATIVE OPTIONS: None, It would be very difficult to procure an alternative service provider at short notice due to the specialist nature of this service.

IMPLICATIONS:

Budget/Policy Framework:

Financial: Cost of Interim Agreement will be within existing budget. However, the gross increase in revenue expenditure for 2011/2012 to procure a new service was predicted to be in the region of £1.9m (Finance Department FD 324) which has been included in the Council's MTFP, this revenue implication may now occur during 2010/2011

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources	No			
When?				

Legal:

Risk Assessment:

Asset Management:

CONSULTATION UNDERTAKEN/VIEWS

FINANCE DEPARTMENT AND LEGAL DEPARTMENT

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being		✓	
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy		✓	
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Dry Material Recycling Service Contract – SC3960

Agenda Item 4

Background:

- 1 On 2nd February 2010 Bridgewater Paper Company Ltd was put into Administration. Bridgewater Paper Company Ltd was the parent company of AbitibiBowater Recycling Europe, this immediately raised concerns for the future trading of AbitibiBowater in relation to the Dry Recycling Service Contract (the Contract).
- 2 Despite assurances Cheshire Recycling Ltd., trading as AbitibiBowater Recycling Europe, entered into Administration on 11th February 2010. The appointed Administrators then completed a sale of the Company's business and assets (but not the debts) to Palm Recycling Ltd for a total consideration of £800,000. Palm Recycling did not purchase the Company as a going concern and as such Palm Recycling is under no obligation to settle any amounts outstanding from Cheshire Recycling Ltd (In Administration). Amounts outstanding will rank as a non-preferential claim against Cheshire Recycling Ltd (In Administration) and will not be paid as an expense of the administration.
- 3 Sefton Council is currently owed ~£218k from Cheshire Recycling (In Administration). The Council had however, on the earlier indications of problems, withheld any payments due to the Company amounting to ~ £328k. These payments will be netted off monies owing to Cheshire Recycling (In Administration) under clause 4.39.2.2 of Contract SC3960.
- 4 On 23rd February 2010 Palm Recycling Ltd asked Sefton MBC to consider signing a Novation Agreement to transfer the existing contract to Palm Recycling in place of Cheshire Recycling Ltd. Following advice from both Legal and Finance it was considered that this agreement be refused on the grounds that it does not comply with European procurement rules, the absence of a Parent Company Guarantee and no financial assurance from Palm Recycling Ltd. As a consequence the Legal Director wrote to Cheshire Recycling Ltd. (In Administration) and formally terminated the Contract with effect from 11th February 2010 under clause 4.39.1.6 of Contract SC3960.

Current Situation:

- 5 Service continues to be provided by Palm Recycling Ltd and their sub-contractor PD Logistics Ltd. To date there have been few disruptions to the service with the exception being the bring bank service. This suffered disruptions for 2 weeks, following takeover, due to the change of sub-contractor servicing these containers, this has now been rectified and service has resumed to a satisfactory level.
- 6 Going forward Sefton MBC will be looking to confirm a short-term interim agreement for the continuation of the current service with Palm Recycling Ltd and their sub-contractor PD Logistics Ltd. It is proposed that an initial period until 30th September 2010 be agreed with an option to extend by further 1 month periods.

- 7 Contract SC3960 was due to formally end on 31st March 2011. The Council is already in the process of making key decisions on the long-term arrangements for recycling collection service provision. It would be appropriate to establish suitable interim arrangements to ensure the continuity of the current service until such time as key decisions about future service provision are made.

These key decisions will determine if the Council:

- Continues in the long term to provide a source separated kerbside service with the possibility of enhancing this service by adding additional materials such as plastics and cardboard.
 - Moves away from a kerbside sort service to a co-mingled collection using a third wheeled bin. In this case the Council would be looking to negotiate a reducing service provision over a given timescale in order for a smooth transition to the new method of service delivery.
- 8 It will now be a priority to accelerate the process of securing the future service, via a re-tendering exercise or implementation of an alternative co-mingled service.

Conclusion

- 9 There are various risks with the current situation which must be acknowledged:
- There is currently no official contract between Sefton MBC and Palm Recycling Ltd or PD Logistics Ltd.
 - Subject to a satisfactory Interim Arrangement being agreed service could effectively cease without notice.
 - It would be very difficult to procure an alternative service provider at short notice due to the specialist nature of the service.
 - Any new recycling service is unlikely to be provided within the existing budget.
 - The Gross Increase in Revenue expenditure for 2011/2012 to procure a new service is predicted to be in the region of £1.9m (Finance Department FD 324) and has been included in the Council's MTFP, however this revenue implication may now affect the 2010/2011 financial year.

Recommendation:

- 10 The Cabinet Member – Environmental is requested to authorise the Operational Services Director to enter into an Interim Service Agreement, predominantly in line with the terms of the terminated Dry Materials Recycling Service Contract – SC3960, with Palm Recycling Ltd until 30th September 2010 with the option to extend on a monthly basis to ensure the short term continuity of the current service, pending formal implementation of longer term service arrangements.

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Agenda Item 5

REPORT TO: CABINET MEMBER - ENVIRONMENTAL

DATE: 7th April 2010

SUBJECT: Driver CPC Training

WARDS AFFECTED: NONE DIRECTLY AFFECTED

REPORT OF: J G BLACK – OPERATIONAL SERVICES DIRECTOR

CONTACT OFFICER: V J DONNELLY – 0151 288 6158

EXEMPT/ CONFIDENTIAL: NO

PURPOSE/SUMMARY: To advise the Cabinet Member - Environmental of the introduction of EU Directive 2003/59/EC 'Driver CPC' and the ongoing training requirements, for the Council's 'in-scope' vocational LGV and PCV drivers, to comply with this directive.	
REASON WHY DECISION REQUIRED: To ensure that the Council's vocational 'in-scope' drivers comply with EU Directive 2003/59/EC	
RECOMMENDATION(S): That the Cabinet Member - Environmental approves the implementation of the Driver CPC Training Scheme and notes the associated training costs.	
KEY DECISION:	NO
FORWARD PLAN:	Not Appropriate
IMPLEMENTATION DATE:	Following the expiry of the "call-in" period for the minutes of the meeting

Agenda Item 5

ALTERNATIVE OPTIONS: None	
IMPLICATIONS:	
Budget/Policy Framework:	None

Financial: The costs of training drivers over the next 5 years, as indicated in this report, will be in the region of £38,200. These costs will be found from within existing resources held by the Cleansing Division of the Operational Services Department (£7,350 pa) and the Mobile Library service managed by Leisure Services (£300 pa).

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None

Risk Assessment: None

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS

FD Comments – 247 - The (Temporary) Head of Corporate Finance and Information Services has been consulted and his comments have been incorporated into this report
Leisure and Tourism

Agenda Item 5

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability	√		
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None

EUROPEAN UNION DIRECTIVE 2003/59/EC DRIVER CPC

1. The European Union (EU) Directive 2003/59/EC for the Driver Certificate of Professional Competence came into force for Passenger Carrying Vehicles (PCV) drivers in September 2008 and for Large Goods Vehicle (LGV) drivers in September 2009.
2. The directive is set to have a major impact in relation to vocational driver qualifications and ongoing training requirements for professional "in scope" vocational drivers.
3. New drivers, applying for their first vocational licence, must undertake additional theory and practical tests to gain a Driver Certificate of Professional Competence (CPC). To maintain the qualification they must also undertake 35 hours of approved refresher training every five years, this is referred to as periodic training.
4. Existing drivers have been granted grandfather rights, and therefore do not have to undertake the additional tests, however they do have to complete 35 hours of periodic training within a five-year period. Upon completion of this training they receive a Driver Qualification Card (DQC). By 2013 for PCV drivers and by 2014 for LGV drivers DQC's will have to be carried by all vocational drivers of CPC qualifying vehicles.

SEFTON'S TRAINING REQUIREMENTS - TO COMPLY WITH DRIVER CPC

5. Advice was obtained from the Freight Transport Association and other industry bodies to identify the operations that fall within the scope of the directive and those which are exempt. A review of Council operations, that involve driving PCV and LGV vehicles, has been carried out by the Transport Section of the Operational Services department to determine which services and therefore drivers will be affected by the directive.
6. The review identified that Refuse Collection, Recycling Collection, Skip Service and Large Mechanical Sweeping operations carried out by the Cleansing section and also the Mobile Library Service all fall within the scope of the directive. As a result ~130 drivers currently require periodic (CPC) training to obtain a DQV by August 2014 to comply with this directive.
7. The review also identified that the PCV and minibus operations carried out within the authority are 'out of scope' and therefore the drivers of these vehicles are exempt and do not require periodic training or a DQV.

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APPROVED TRAINING PROVIDERS AND ESTIMATED COSTS

8. Every CPC qualifying training course has to be approved by the Joint Approvals Unit for Training (JAUPT). CPC training has to be carried out by approved training providers. The minimum length of a qualifying course is 7 hours, although this can be delivered as two 3.5-hour sessions over a 24-hour period. The 35 hour requirement can be evenly spread over 5 years (eg 7 hours per year) or delivered in more concentrated blocks dependant on operational requirements.
9. Discussions have taken place with JAUPT approved training providers, including the Freight Transport Association, on the training requirements and course modules for the Council's vocational drivers. The associated costs of quotations received indicate that the cost to comply with this directive are in the region of £38,200 over 5 years, this is based on training 130 'in scope' drivers.
10. Meetings have been held with the departments concerned to discuss training modules, see appendix 1, and to minimise the effect on operations/service delivery. It is proposed that training will be carried out on-site at Hawthorne Road Depot, Bootle.
11. To gain maximum benefit from these courses it is intended to include modules on 'manual handling', 'banksman training' (currently also externally provided). Modules for 'ECO' and 'defensive' driving will be included as these should reduce fuel usage and accident risk. Modules on driver daily checks and defect reporting will also be included to ensure compliance with the requirements of the Council's Goods Vehicle Operator Licence.
12. The costs associated with the delivery of this training will be accommodated within the existing revenue budgets of the services affected by this directive. Training will be administered by the external training provider and co-ordinated by the Transport section of the Operational Services department.

Agenda Item 6

REPORT TO: CABINET MEMBER ENVIRONMENTAL
CABINET
DATE: 7th April 2010
14th April 2010
SUBJECT: Vehicle/Plant Replacements 2009/2010
WARDS AFFECTED: NONE DIRECTLY AFFECTED
REPORT OF: JIM BLACK – OPERATIONAL SERVICES DIRECTOR
CONTACT OFFICER:
V J DONNELLY – 0151 288 6158
**EXEMPT/
CONFIDENTIAL:** NO

PURPOSE/SUMMARY: To advise the Cabinet Member Environmental and Cabinet of the results of the recent tendering exercise as part of the Annual Vehicle/Plant Replacement Programme, and to seek Member Approval to place orders for the new vehicles and plant items.	
REASON WHY DECISION REQUIRED: To comply with Contracts Procedure Rules	
RECOMMENDATION(S): 1) That the Cabinet Member – Environmental recommends that Cabinet: a) Accept the lowest tenders which comply with specification for each category of vehicle and plant. b) Approve the procurement of the replacement vehicles and plant, as listed in Annex One. c) Approve the sum of £1,084,497 to be included in the capital programme to purchase the required vehicles. With Tender reference T305, a 17 seat minibus, being purchased outright via external funding and the balance of the vehicles being purchased via operating lease arranged by the Finance Director. 2) That Cabinet agree the above.	
KEY DECISION:	NO
FORWARD PLAN:	Not Appropriate
IMPLEMENTATION DATE:	Following the expiry of the “call-in” period for the minutes of the meeting

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ALTERNATIVE OPTIONS: None	
IMPLICATIONS:	
Budget/Policy Framework:	None

Financial:

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure		1,084,497		
Funded by:				
Sefton Capital Resources		1,064,545		
Specific Capital Resources		19,952		
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None

Risk Assessment: None

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS

FD 361 – The Interim Head of Corporate Finance and ICT Strategy has been consulted and his comments have been incorporated into this report.

Agenda Item 6

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability	√		
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Vehicle and Plant Tenders - January 2010

Agenda Item 6

BACKGROUND

1. The annual review of the Vehicle and Plant fleet has identified a number of vehicles nearing the end of current operating leases which need to be replaced as they are proving to be expensive to maintain and increasingly unreliable to operate. This will affect service delivery and increase vehicle operating costs for the various user departments/sections that utilise these vehicles.
2. The Cabinet Member will recall that at a previous meeting, held on 16th December 2009, approval was given to commence the tendering process for the procurement of new/replacement vehicles and plant.
3. At this meeting approval was also given to use the Commercial Vehicle Framework Agreement - Contract 565. The benefits to Sefton in utilising this framework are avoiding the hidden costs of conducting a formal tender exercise, reduced time by using a more advanced procedure and benefiting from the combined purchasing power of the Welsh and Merseyside Authorities and the economies that greater annual expenditure achieves.
4. The framework agreement achieves maximum available discounts from the suppliers involved. Suppliers receive support from vehicle manufacturers via dealership or other retrospective agreements. The council has in effect carried out a mini tender exercise via this framework agreement involving designated suppliers, and this has resulted in the majority of vehicles being proposed for purchase will be from suppliers based within the Councils boundary or the geographical sub-region.

RESULTS OF THE TENDERING EXERCISE

5. Attached in Annex One is a summary of the types and numbers of vehicles required together with details of returned tenders and the lowest prices received.
6. Members will note that 14 companies were invited to tender from the Commercial Vehicle Framework Agreement - Contract 565 for the 18 categories of vehicles with a total of 30 tenders received by the deadline.
7. No tenders were received for tender reference number T:316 Citroen Berlingo Vans so departments were consulted on the suitability and costs of Ford Connect Vans to replace existing vehicles. Discussions have also taken place with the Operational Services Department, Cleansing Section and due to recent operational changes certain modifications have been

requested to some vehicles e.g. the supply and fitment of solid GRP Box bodies in lieu of tipping bodies and the fitment of specialist high pressure graffiti cleaning equipment on three vehicles. This has led to further discussion with suppliers to ensure the vehicles will be fit for purpose when delivered. The final selections and modified prices are included in Annex One and Two.

TENDER EVALUATION/FINANCIAL IMPLICATIONS

8. Officers from the Operational Services Department, Transport Section and Finance Department have evaluated the returned tenders. This process requires a number of critical checks and assessments, which include;
 - a) Compliance with specification.
 - b) Arithmetic Accuracy.
 - c) Technical Competence.
 - d) Financial appraisal.
 - e) Warranty and after sales support.
9. Meetings have been held with user departments and vehicle demonstrations provided to ensure that the vehicle and plant items proposed for purchase, and included in the returned tenders, comply with specifications, user requirements and budgetary provision.
10. Annex Two shows the comparisons between the submitted tenders for each category of vehicle, with tenders listed in lowest priced order.

EXISTING DEPARTMENTAL VEHICLES

11. The vehicle and plant items being recommended for replacement are all in secondary lease periods and will not be subject to any lease termination penalties.

ANTICIPATED NEW VEHICLE DELIVERY DATES

12. Due to the specialist nature of certain vehicle types and the fitment of specialist equipment, some will require ~18 weeks to manufacture and build. It is anticipated that all vehicles will be delivered, registered and licensed for use by September 2010.

Agenda Item 6

FINANCIAL IMPLICATIONS

13. The Capital Cost of the vehicles and plant is £1,084,497 detailed below per Department and/or section:

Department or Section	Cost (£)
Operational Services Department - Cleansing	807,376
Leisure Services	111,203
Coast and Countryside	65,856
Coast and Countryside (externally funded)	19,952
New Directions	41,284
Legal Services (Postal Service)	22,500
Children, Schools and Families	16,326
Total	1,084,497

14. With the exception of Tender reference T:305 (17 Seat minibus), which is to be externally funded, the items will be purchased using an Operating Lease Facility arranged by the Finance Department and will not, therefore, impact on the level of capital resources available.
15. Provision exists within the individual Departmental Budgets for the resultant vehicle lease rentals and operating costs including maintenance road fund licence, fuel, insurance and the operators' licence, if required.

CONCLUSION

16. Many vehicles within the current fleet are now considered to be life expired. Maintenance costs are increasing year by year, there is an increased need to hire replacement vehicles, at additional cost to the authority, and service delivery is impaired by unreliability. If services are to be maintained then the phased introduction of replacement new vehicles and plant is considered to be essential.

ANNEX ONE	Tender No	Vehicle Type	Number Required	Number Companies invited to Tender	Number of Returned Tenders	Lowest Price Comply with Specification	Grand Total Vehicle Type	Company Details
	T300	Ford Connect Vans LWB	13	3	2	11,250	146,250	Peoples Liverpool Ltd
		Ford Connect Vans SWB	4	3	2	10,321	41,284	Peoples Liverpool Ltd
	T301	Ford Transit Luton Box Van	3	3	2	23,495	70,485	Peoples Liverpool Ltd
	T303	Ford Transit LWB Single Cab	1	3	2	17,611	17,611	Peoples Liverpool Ltd
		Ford Transit LWB Double Cab	1	3	2	18,554	18,554	Peoples Liverpool Ltd
	T304	Ford Transit Tipper Single Cab	1	3	2	18,788	18,788	Peoples Liverpool Ltd
		Ford Transit Caged Tipper	4	3	2	21,547	86,188	Peoples Liverpool Ltd
		Single Cab with tailift						
	T305	Ford Transit Minibus	1	3	2	19,952	19,952	Peoples Liverpool Ltd
	T307	Isuzu 7.5 Ton Curtainsider	4	3	3	33,565	134,260	Ditchburn Trucks Ltd Maghull
		Isuzu 7.5 Ton Boxvan with tailift and Specialist Graffiti Equip	3	3	3	43,355	130,065	Ditchburn Trucks Ltd Maghull
	T308	Iveco 18 Ton Skiploader	2	2	1	55,387	110,774	Chatfields Bridle Road Bootle
	T312	Ford Galaxy People Carrier	1	3	2	16,326	16,326	Peoples Liverpool Ltd
	T313	Isuzu 7.5 Ton Caged Tipper	1	3	3	32,750	32,750	Ditchburn Trucks Ltd Maghull
	T314	Landrover Defender 110	3	2	1	21,952	65,856	James Edwards Chester
	T317	Iveco 15 Ton Mech Sweeper	2	2	1	87,677	175,354	Chatfields Bridle Road Bootle
	TOTALS		44	14	30		1,084,497	

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ANNEX TWO		NEW VEHICLES AND PLANT TENDER RESULTS January 2010					Comparison of Submitted Tenders	
Tender No	Vehicle Type	Number Companies invited to Tender	Number of returned Tenders					
T:300	Ford Connect Vans LWB	3	2			Tenderer No 1	11,250	
						Tenderer No 2	11,998	
	Ford Connect Vans SWB	3	2			Tenderer No 1	10,321	
						Tenderer No 2	11,069	
T:301	Ford Transit Luton Van	3	2			Tenderer No 1	23,495	
						Tenderer No 2	Non Compliance with specification	
T:303	Ford Transit LWB Single Cab	3	2			Tenderer No 1	£17,611	
						Tenderer No2	17,981	
	Ford Transit LWB Double Cab	3	2			Tenderer No 1	18,554	
						Tenderer No 2	18,729	
T:304	Ford Transit Tipper Single Cab	3	2			Tenderer No 1	18,788	
						Tenderer No 2	20,225	
	Ford Transit Caged Tipper	3	2			Tenderer No 1	21,547	
	Single Cab with Tailift					Tenderer No 2	22,984	
T:305	Ford Transit Minibus	3	2			Tenderer No 1	19,952	
						Tenderer No 2	20,657	
T:307	Isuzu 7.5 Ton Curtainsider	3	3			Tenderer No 1	33,565	
						Tenderer No 2	35,308	
						Tenderer No 3	35,320	
	Isuzu 7.5 Ton Boxvan with Specialist Graffiti Equipment	3	3			Tenderer No 1	43,355	
						Tenderer No 2	45,089	
						Tenderer No 3	45,110	
T:308	Iveco 18 Ton Skiploader	2	1			Tenderer No 1	55,387	
T:312	Ford Galaxy People Carrier	3	2			Tenderer No 1	16,326	
						Tenderer No 2	16,457	
T:313	Isuzu 7.5 Ton Caged Tipper	3	3			Tenderer No 1	32,750	
						Tenderer No 2	33,508	
						Tenderer No 3	34,100	
T:314	Landrover Defender 110	2	1			Tenderer No 1	21,952	
T:317	Iveco 15 Ton Mech Sweeper	2	1			Tenderer No 1	87,677	

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REPORT TO: Cabinet Member - Environmental

DATE: 7th April 2010

SUBJECT: **ENVIRONMENTAL PROTECTION DEPARTMENT
SICKNESS ABSENCE REPORT (3rd Quarter - 2009/10)**

WARDS AFFECTED: All

REPORT OF: P Moore
Environmental Protection Director

CONTACT OFFICER: Jim Black
Operational Services Director

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To advise the Cabinet Member – Environmental of the current level of sickness absence within the former Environmental Protection Department, during the period April to December 2009 and the actions taken to reduce such absence in accordance with the Council's Sickness Absence Management Policy and targets.

REASON WHY DECISION REQUIRED:

It is a requirement of the Council's Sickness Absence Management Policy that formal reports are made to the appropriate Cabinet Member if the departmental sickness absence rate is in excess of 6%, the Council's target sickness absence rate is 4%.

RECOMMENDATION(S):

That the Cabinet Member - Environmental agrees that appropriate actions are being taken to continue to manage sickness absence within the Environmental & Technical Services and Operational Services Departments

KEY DECISION: No

FORWARD PLAN: Not appropriate

IMPLEMENTATION DATE: N/A

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ALTERNATIVE OPTIONS:

None

IMPLICATIONS:**Budget/Policy Framework:**

The effective management of sickness absence is a key objective of the Council's Corporate Plan.

Financial:

None

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal:

None

Risk Assessment:

None

Asset Management:

None

CONSULTATION UNDERTAKEN/VIEWS

None

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None

BACKGROUND

1. The Council's Sickness Absence Management Policy requires that a formal report is made to the appropriate Cabinet Member if a Department's sickness absence rate exceeds 6% in any monitoring period.
2. For the period 1st April 2009 to 31st December 2009 the total sickness absence rate for the Environmental Protection Department was 6.53%.

Sickness Absence Levels over the monitoring period

3. For the period 1st April 2009 to 31st December 2009 the breakdown of the Department's sickness absence is shown in Annex 1.
4. From Annex 1 it can be seen that the Council's reporting trigger value of 6% was exceeded by the Vehicle Maintenance Section's operational staff (9.60%); the Public Health and Housing Section (8.35%); the Commercial Section (8.11%); the Cleansing Section's operational staff (7.77%); and the Building Cleaning Section's operational staff (5.61%). The Council's target sickness absence rate of below 4% was exceeded by the Transport Section (4.58 %).

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5. Looking at these service areas the split between long-term absence (LTA) and short-term absence (STA) was;

Section	LTA (Target 1.8%)	STA (Target 2.2%)	Combined (Target 4%)
Vehicle Maintenance (Ops)	4.86%	4.74%	9.60%
Public Health & Housing	4.13%	4.22%	8.35%
Commercial	6.01%	2.10%	8.11%
Cleansing (Ops)	4.52%	3.25%	7.77%
Building Cleaning (Ops)	5.15%	0.46%	5.61%
Transport	2.62%	1.96%	4.58%

6. In relation to long-term absence, 2 members of staff within the Vehicle Maintenance Section were absent due to sickness for more than 4 weeks, one of these was due to an accident, the other is still a long-term sickness absence. Of the 4 members of staff within the Commercial and Public Health and Housing Sections one person has already retired on ill-health grounds and another is a potential case for ill-health retirement and is currently being assessed for this. The other 2 members of staff have now returned to work.
7. In relation to the Cleansing Section's operational staff, 41 members of staff were absent for more than 4 weeks. Of these 32 have now returned to work, 4 have retired (3 on ill health) and 1 has resigned. 4 members of staff remain on long-term sickness absence.
8. In relation to the Building Cleaning Section's operational staff, 38 members of staff were absent for more than 4 weeks. Of these 28 have now returned to work, 1 has retired on ill health grounds, 2 have resigned, 3 have died and 2 have been dismissed. 2 members of staff remain on long-term sickness absence.
9. The Transport Section has had 1 member of staff absent for more than 4 weeks, during the monitoring period, who has now returned to work.
10. All of the remaining long-term cases will continue to be reviewed and dealt with in accordance with the Council's Sickness Absence Management Policy.

11. In relation to short-term sickness absence there are three Sections that have exceeded the target during this monitoring period. The management within each of these sections will continue to review any cases of repeat sickness absence and will apply the control mechanisms contained within Council's Sickness Absence Management Policy where necessary.

Actions taken to monitor and control sickness absence

12. The Environmental Protection Department fully complies with the procedures specified within the Council's Sickness Absence Management Policy, including undertaking;
- 'Back to Work' interviews for all staff following any period of sickness absence;
 - 'Sickness Reviews' where staff have had more than 3 occasions of absence during a rolling 6 month period; or where there is any recurring recognisable pattern of absence;
 - Referrals to Occupational Health for all long-term sickness absence (over 4 weeks) and for any sickness absence for 'stress' (over 2 weeks);
 - Reference to the Sickness Absence Panel (Chief Executive & Personnel Director) for long-term absences, where appropriate.
 - Formal action, including termination of employment, where appropriate.
 - Sickness absence monitoring as a regular item on the Departmental Management Team agenda and for specific Section Management Teams.
13. Whilst this is a further occasion that the Environmental Protection Department has had to report on exceeding the formal reporting trigger value for sickness absence percentages it must be recognised that the impact of the absence control measures taken is not reflected within the statistical reports for a period of 12 'rolling' months.
14. In light of the above information the Cabinet Member – Environmental is asked to agree that appropriate actions are being taken within the Department to manage sickness absence.

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REPORT TO: CABINET MEMBER ENVIRONMENTAL

DATE: 7th April 2010

SUBJECT: **AGE RESTRICTED SALES – UPDATE 2009/10**

WARDS AFFECTED: All

REPORT OF: Peter Moore
Environmental and Technical Services Director

CONTACT OFFICER: Andrew Naisbitt
Section Manager, Trading Standards
0151 934 4014

EXEMPT/CONFIDENTIAL: No

PURPOSE/SUMMARY:

To provide the Statutory Annual Review of the enforcement action undertaken by the Trading Standards Section for 2009/10 in relation to legislation intended to control the sale of age restricted products and to advise the Cabinet Member – Environmental of:

- a) The outcome of the enforcement programme in relation to age restricted products for 2009/10.
- b) The proposed enforcement programme in relation to age restricted products 2010/11.
- c) The ongoing “Knock Back” scheme designed to assist licensees in the prevention of underage sales of alcohol.

REASON WHY DECISION REQUIRED:

The Annual Report on this activity is a statutory requirement.

The control of age restricted sales has positive benefits for Community Safety and young people's health. There is growing pressure from external organisations for the Council to increase the quantity of work in this important area.

RECOMMENDATION(S):

That the Cabinet Member – Environmental, endorses

1. The activities undertaken by the Trading Standards Section in 2009/10 to control age related sales; and
2. The level of activities proposed for 2010/11.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Following the expiry of the ‘call-in’ period for this meeting.

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ALTERNATIVE OPTIONS:

Enforcement of underage sale legislation is a mandatory Statutory duty.

Additional resources could be diverted to this area of enforcement, however this would risk distorting the balanced work programme of the Trading Standards service.

IMPLICATIONS:

Budget/Policy Framework: Age related sales enforcement directly links to the Council's objectives in the LAA.

Financial: The proposed enforcement activities are being met by existing budgets. The "Knock Back" scheme and its future development is funded through existing budgets and funding from Primary Care Trusts.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure	NIL	NIL	NIL	NIL
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure	NIL	NIL	NIL	NIL
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: Sefton Council has a mandatory Statutory duty to enforce a number of pieces of age restrictive legislation.

Risk Assessment: The Council is the Regulating Authority for underage sales. Failure to carry out this duty effectively could risk the claim that the Council has failed in its statutory obligations in this area.

Asset Management: Not Relevant

CONSULTATION UNDERTAKEN/VIEWS

After consultation, Merseyside Police, Sefton Chamber of Commerce and Industry and South Sefton Primary Care Trust all endorsed "Knock Back". The 'trade' was also consulted and provided positive feedback.

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CORPORATE OBJECTIVE MONITORING:				
<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Creating Safe Communities	√		
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People	√		

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT
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None.

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Background

1. The Sefton Council's Trading Standards Section is responsible for enforcing age related sales legislation aimed at protecting the health and well-being of young people. Products such as tobacco, fireworks, solvents, videos, lottery tickets, spray paints and alcohol have their sale age restricted because they are believed to be harmful if purchased and used or misused by people under a specific age.
2. The sale of age restricted products to underage persons, particularly alcohol, contributes to the levels of offending or anti-social behaviour and local concerns about the wider consequences of alcohol consumption.
3. This report also provides the statutory annual review of the enforcement action undertaken by the Trading Standards Section for the period 2009/10 in relation to sales of tobacco.

Enforcement Activity in Sefton 2009/2010

4. In 2009/10, the Trading Standards Section received 16 complaints in relation to alleged underage sales. All have been dealt with by personal visits to the premises concerned. Advice has been given to the owner of each business in respect of the legislation controlling such sales, together with advice in respect of his/her legal responsibilities. This information is also used to inform the covert test purchasing exercises carried out by the Trading Standards Section.
5. Premises selling tobacco products were visited as part of the Trading Standards annual risk-related inspection programme of trade premises. During these inspections, officers checked that the prescribed warning notice was being correctly displayed.
6. The Trading Standards Section, working with Merseyside Police, carried out intelligence led test-purchasing exercises as follows:

Survey Type	Date	No of Premises Visited	No of Sales
Tobacco	June 09	15	3
Alcohol	June 09	7	0
Alcohol	Sept 09	8	2
Alcohol	Oct 09	9	1
Fireworks	Oct 09	11	0
Alcohol	Dec 09	11	0
TOTALS		61	6

N.B. The number of premises visited is determined by complaint data, availability of underage volunteers and geographic spread of the premises.

7. The underage alcohol sales led to 3 Fixed-Penalty Notices and 3 Police Cautions. The underage tobacco sales resulted in 3 written warnings.
8. The National Performance Framework for Trading Standards requires greater co-operation between neighbouring Local Authorities in respect of common problems. "Knock Back" is a joint initiative with Liverpool, Knowsley, St Helens and Stoke Trading Standards in response to requests from the licensed trade for practical guidance in the prevention of underage sales of alcohol. The guidance takes the form of a free pack and assists licensees in training their staff on underage sales prevention. The project addresses both 'On' and 'Off' licensed premises

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9. The Trading Standards Service played a lead role in *Operation Soft Drink*, a multi-agency project that ran from 6th October 2008 to 12th December 2008, a period of 10 weeks. Intelligence provided by the Community Safety Team was used to inform the targeting of the intervention. The intervention itself involved a range of separate, but complementary activities, including alcohol proxy-purchasing exercises, underage alcohol test-purchasing, litmus testing of drink containers and the issuing of ultraviolet light ID Testers. A follow-up intervention, *Operation Soft Drink 2 – Buy Booze They Lose*, was undertaken in 2009, again adopting a multi-intervention social marketing approach and again this had a positive impact on the problem of underage drinking and resident perception of that problem. *Operation Soft Drink 2 – Buy Booze They Lose* was reported more fully to the Cabinet Member – Environmental on 21st October 2009. The Trading Service will continue to contribute to coordinated multi-agency enforcement exercises that form part of the Government’s National Alcohol Strategy and Sefton’s Alcohol Harm Reduction Strategy.

Proposed Enforcement Programme for 2010/2011.

10. On 21st October 2009, the Cabinet Member – Environmental was presented with a report entitled *Sefton Trading Standards Alcohol Survey Of Young People – August 2009*. That report detailed how regional surveys of young people in 2005, 2007 & 2009 were used to help inform a strategy for dealing with the sale of alcohol to young people who are underage. The primary objective of the research was to identify how and where youngsters obtain alcohol in order to effectively plan intelligence led campaigns.
11. The abovementioned report highlighted that in respect of purchasing alcohol:
- The percentage of 14-17 year olds in Sefton claiming to buy their own alcohol has increased by 6% since the 2007 survey, but is still lower than reported in 2005.
 - In 2007 the proportion of 14-17 year olds claiming to purchase their own alcohol in Sefton was in line with the regional average at 28%. In 2009 this figure has risen to 34%, 8% higher than the regional average. Across the North West, Sefton has the third highest incidence of 14-17 year olds claiming to purchase their own alcohol.
 - The findings suggest that young females are more likely to purchase their own alcohol than young males in Sefton. The proportion of 15 year olds claiming to buy their own alcohol has increased by 6% since 2007, slightly higher than the rise amongst 16 year olds (3%).
12. Consequently the Trading Standards Section is planning to increase the number of enforcement exercises from six to eight intelligence led test purchasing exercises in 2010/11. It is intended these exercises will target alcohol sales, fireworks and cigarettes. This is consistent with the Trading Standards North West regional priorities. The service will respond to information supplied by the local community and the Police and target the exercises accordingly.
13. The Trading Standards Section is continuing to work with its partners to develop and promote the “Knock Back” scheme by
- Updating and re-launching the ‘on licence’ Knock Back pack containing specific guidance for pubs, clubs and restaurants.
 - Produce a new version of the Knock Back pack designed to offer training, advice and guidance to retailers of all age restricted products, rather than just alcohol.

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- Appraising the new TSNW 'Age Check' resource (available spring/summer 2010) with a view to incorporating into Knock Back if suitable.
14. Enforcement of the age restrictive legislation will contribute to the priority objectives and targets defined in the Local Area Agreement and the Sefton Crime and Disorder Reduction Strategy, addressing local concerns regarding the consequences of alcohol consumption and supporting the aims of the 'Choosing Health' White Paper, with the aim of decreasing the numbers of young people smoking and drinking.
 15. The comments of the Cabinet Member, Environmental, in liaison with the other Party Spokespersons, on the proposed level of enforcement activity and details of any local intelligence regarding alleged underage sales are welcomed at this stage, prior to the commencement of the 2010/11 underage sales enforcement programme.

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REPORT TO: CABINET MEMBER - ENVIRONMENTAL

DATE: 7th April 2010

SUBJECT: **AIR QUALITY UPDATE**

WARDS AFFECTED: All Wards

REPORT OF: Peter Moore
Environmental and Technical Services Director

CONTACT OFFICER: Gary Mahoney
0151 934 4300

EXEMPT/CONFIDENTIAL: No

PURPOSE/SUMMARY:

To advise Cabinet Member Environmental of:

- a) The Outcome of an Application to the Low Emissions Strategies Partnership Regional Groups Initiative (RGI) for support to develop a Low Emissions Strategy (LES) for the Liverpool City Region
- b) The receipt of extra funding from DEFRA's Air Quality Grant Fund for Sefton's air quality monitoring programme

REASON WHY DECISION REQUIRED:

The demonstrate the support of the Cabinet Member Environmental for progressing the development of a Low Emissions Strategy for the Liverpool City Region and for the proposals for spending the air Quality Grant.

RECOMMENDATION(S):

That Cabinet Member Environmental:

1. Endorses the proposed development of a Liverpool City Region Low Emissions Strategy and the production of a report to the board of the Liverpool City Region
2. Approves the expenditure associated with the Air Quality Grant for improving Sefton's air quality monitoring programme.

KEY DECISION: No

FORWARD PLAN: Not appropriate

IMPLEMENTATION DATE: Immediately following the expiry date of the "call-in" period for the Minutes of this meeting.

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ALTERNATIVE OPTIONS:

The only alternative would be not to endorse the development of a City Region LES and not approve the proposal for spending the Air Quality Grant. These options were rejected because development of a LES will form a part of Sefton's statutory air quality action plan. Furthermore, participation in the RGI has already attracted funding and consultancy support. The proposals for spending the Air Quality Grant are necessary to develop the statutory Air Quality Action Plan.

IMPLICATIONS:

Budget/Policy Framework: None.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure	£40,000			
Funded by:	DEFRA Air Quality Grant			
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None.

Risk Assessment: None.

Asset Management: None.

CONSULTATION UNDERTAKEN/VIEWS

The Planning and Economic Development Department have been consulted in the development of the Low Emissions Strategy

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CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Local Air Quality Management Technical Guidance (LAQM TG03)

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Low Emission Strategies

1. During the air quality beacon year the Beacon Councils, in conjunction with a number of partner organisations, developed guidance on Low Emissions Strategies (LES). LES are concerned with the implementation of a range of measures that could help reduce atmospheric transport emissions associated with new developments by using the planning system. Their aim is to reduce the emission of carbon and toxic air pollutants, principally by promoting the uptake of low emissions fuels and technologies.
2. The guidance was successful and funding was secured from DEFRA and DCLG to continue the promotion of LES. This led to the formation of The Low Emissions Strategies Partnership (LESP), which included Sefton as a founder member, and the initiation of a peer group project in which participating local authorities sought to develop aspects of LES within their areas. Sefton participated in the peer group project, developing a draft policy guidance note concerning the use of Section 106 agreements and planning conditions to secure emissions reductions from new developments. This work has progressed well, due in part to the enthusiastic support of colleagues from Planning and Economic Development Department, and Sefton is considered to be one of the most advanced of the 15 Peer Group project authorities.
3. The success of the Peer Group project secured further national funding from DCLG and DEFRA and the LESP board used this money to begin the Regional Groups Initiative (RGI). The RGI aims to provide local authorities, who have experience of LES, with financial and consultancy support to promote the development of LES within their region or sub region. The funding was sufficient to support 3 groups of local authorities and therefore local authorities were asked to bid to become Regional Champions under the scheme. A successful bid, led by Sefton, to develop a LES for the Liverpool City Region was made. As a result of this £20,000 and 20 days of consultancy support has been made available to Sefton to promote the development of LES within the City Region

The City Region Low Emissions Strategy

4. There are 6 elements to the proposal to develop a LES for the City Region:
 - (1) Develop a LES planning policy guidance note agreed across the sub-region that can be developed into a formal planning policy document called an SPD (Supplementary Planning Document).
 - (2) Include LES within the next Local Transport Plan (LTP3)
 - (3) Explore whether the use of offset contributions from new developments can be used to support additional funding for the introduction of low emissions buses
 - (4) Examine how LES can be used to minimise and control construction emissions

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- (5) Examine how LES can be used through taxi licensing to achieve a reduction in emissions from taxis.
 - (6) Examine how LES can be included in local authority sustainable procurement policies
5. The proposal has received support from the Chief Environmental Health Officers Group, the District Planning Officers Group and the Merseyside Senior Transport Engineers Group.
 6. The development of common planning policy guidance will build on the development work already undertaken in Sefton as part of the peer group project. The planning policy guidance aims to establish the provision of electric vehicle charging points as a standard requirement for new developments and secure other emissions reductions from large and medium sized developments. The emphasis is on securing emissions by giving developers a choice on how this may be achieved. The policy will clearly quantify emissions reductions that can be achieved and will form an important part in participating authorities' Air Quality Action Plans.
 7. Great care is being taken to ensure that all the requirements are reasonable, not overly prescriptive and will not discourage development. One of the advantages of developing city region guidance is that this uniform approach provides developers with a level playing field and prevents one authority being played off against another. A draft copy of the Sefton policy guidance is attached at Annex 1, exact emissions reductions requirements have yet to be calculated.
 8. Up to now LES has largely focused on using the planning system to secure emissions reductions but it has been recognised that transport policies and in particular Local Transport Plans, will also have an important role to play. Working in conjunction with the Merseyside Transport Partnership, it is intended to include LES in LTP3. This is a new area of work and it is intended to use the consultancy support available from the RGI to consider alternative vehicle technologies, their likely future development and whether or not they should be supported. Realistic policies with regard to these technologies will then be proposed for inclusion in LTP3.
 9. The other elements of the strategy all relate to issues that are important to the City Region. For example, research has shown that taxis form a much more important part of the transport infrastructure of the City Region than many other comparable areas of the country. Therefore any emission reduction improvements that can be made to the taxi fleet are likely to have significant beneficial impacts.
 10. Each element of the strategy will be developed by small groups of officers from across the City Region, mostly by the use of e-mail, but with face-to-face meetings where necessary.
 11. A final report on the outcomes of the project will be submitted in March 2011

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DEFRA Air Quality Grant

12. In May 2009 an application was made for £56,000, from DEFRA's Air Quality Grant Fund, towards the development of the statutory Air Quality Action Plan. The fund is normally over-subscribed and authorities seldom receive the entire grant requested and in this instance Sefton received £16,000.
13. DEFRA has subsequently written to a number of authorities advising them that extra funding is now available, from this year's grant fund, and offering additional funds to undertake specific actions that were identified in the 2009/10 air quality grant application.
14. DEFRA have made £40,000 of additional Air Quality Grant funding available to Sefton, to be spent as follows:
 - (1) £10,000 contribution to the Low Emissions Strategies Partnership. This is DEFRA's preferred method of funding the partnership.
 - (2) £25,000 to support a proposed road-washing trial at the AQMA near Millers Bridge, Bootle.
 - (3) £5000 to support the development of LES within Sefton.
15. There is some flexibility with regard to the funding allocated for spending within Sefton, but any changes would have to be agreed with DEFRA. The funding will be received shortly and there is no time limit by which it must be spent.

Annex 1 - Lower Transport Emissions, Planning Policy Note (Sefton)

Introduction

It is proposed that lower emissions (particularly transport) from new development will be encouraged through the planning system and that this will be addressed in the future through the LDF, including the Core strategy and Supplementary Planning Documents. The timing for SPDs are likely to be once Core Strategies are developed and adopted. Core Strategies need to ensure the inclusion of a policy that adequately addresses the need for lowering emissions.

This interim this policy note intended to be adopted by the Council's Planning Committee addresses the need for lowering transport emissions through the planning system, where new development is being proposed. This accords with the Government's publication 'Low Carbon Transport: A greener future July 2009'. Its implementation is supported by the Low Emission Strategies, Good Practice Guidance (Consultation draft). This document was prepared by 'The Beacons Low Emission Strategies Working Group'. This is a Government backed initiative. An implementation toolkit is currently being prepared to support applicants. Developers are advised to refer to this guidance (website address).

Objectives

A Low Emissions Strategy can provide a package of measures to help mitigate the transport impacts of development. Objectives include;

- Reduction in carbon emissions
- Reduction in toxic emissions
- An accelerated uptake of cleaner fuels and technologies in and around development
- Guidance to help developers understand how to evaluate LES and incorporate into future scheme designs

Policy Context

Government policy is encouraging the planning system to effectively manage the environmental impacts of new development. This includes the emission of air pollutants and green house gasses. PPS23 Planning and Pollution Control (2004) outlines the statutory basis for applying a combination of planning conditions and legal obligations to address this impact. This advice is material to decisions on individual planning applications. PPS23 is expected to be taken into adequate account by Regional Planning Bodies through Regional Spatial Strategies and Local Planning Authorities in preparing Local Development Documents.

A material planning consideration under PPS23 can include development, that may lead to impacts on health. It can also include the location of development, where it may give rise to pollution, either directly or indirectly, but also in ensuring that other uses and developments are not as far as possible, affected by major existing or potential sources of pollution. National environmental objectives, through for example Air Quality Management Areas (AQMAs) are material planning considerations.

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Low emission measures will be required as planning conditions. Where off-setting is considered or wider community benefits are sought, it may be appropriate for the developer to enter into a planning obligation through a Section 106 agreement.

Other planning advice relevant to lower transport emissions can be found in PPS1: Delivering Sustainable Development, PPS1 Supplement: Planning and Climate Change, PPS6: Planning for Town Centres, PPG13:Transport.

UDP policies CS3 and EP2 Pollution and RSS policy DP9 Promoting Environmental Quality are existing local planning policies supportive of lower emissions. The Part 1 consultation on RS2010, includes transport as one sector for encouraging lower carbon emissions.

Air quality duties in Sefton have highlighted that transport emissions play a significant role in contributing to health based, Air Quality Targets being exceeded. Sefton Council are in the process of designating, Air Quality Management Areas (AQMAs), under Section 82 of the Environment Act 1995. This is due to the likelihood that health based limits for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) will be exceeded in parts of Sefton. A map of AQMAs are included in Appendix XX.

Policy Implementation

A Local Emissions Strategy (LES) can provide a package of measures to help mitigate the transport impacts of development by encouraging the accelerated uptake of cleaner fuels and technologies, in and around a development. They compliment other design and mitigation options, such as travel planning.

Developers will be expected to submit an LES statement as part of their application, according to development type. A national toolkit is available to help developers assess the impacts of their LES, including the costs, effects and benefits from adopting low emission fuels and technologies.

The strong preference is that an LES statement will provide measures to mitigate the amount of carbon emissions from transport created by the development. If this is not feasible or LES measures are unable to meet in full the requirements set down in this policy note, then a developer contribution will be expected towards community infrastructure and initiatives to support a low carbon economy.

Table 1 sets out the agreed size thresholds for development from which parking standards for Merseyside are based. These are set out and explained in the Sefton 'Ensuring Choice of Travel SPD'.

Table 1 also includes the amount of Carbon reduction for Large and Major types of development, which require a TIA or Transport Statement. The LES statement, will select from a menu of interventions, in respect of meeting carbon reduction. This approach will need to be supported by the LES Toolkit

The carbon reduction targets (to be agreed) are derived from TRICs model and the amount of journeys that the development will generate and the average distance per trip needs to be thought through before an average reduction target can be calculated. [RESEARCH/INVESTIGATION REQUIRED Needs to be thought through with LES Toolkit consultants].

Table 1: Size of Development					
Type of Development (If unsure, contact the Planning Department)	Minor	Medium	Large	Major	Carbon Reduction Emissions
A1 Food Retail	<200m ²	200 - 500m ²	500- 800m ²	>800m ²	X tons per YYm ²
A1 Non-food Retail	<200m ²	200 - 800m ²	800 - 1500m ²	>1,500m ²	X tons per YYm ²
A3 Restaurants & Cafes	Less than 250m ²		250 m ² to	>2,500m ²	X tons per YYm ²
A4 Drinking Establishments				>600m ²	X tons per YYm ²
A5 Hot Food Takeaway				>500m ²	X tons per YYm ²
A2 Financial and Professional Services B1 Business Higher - or further education - Institutions	Less than 200m ²	201m ² – 1000m ²	1001 - 2500m ²	>2501m ²	X tons per YYm ²
B2 Industrial Uses	Less than 500m ²	500 - 1000m ²	1000 - 2500m ²	More than 2500m ²	X tons per YYm ²
B8 Storage and Distribution	Less than 500m ²	500 - 2000m ²	2000 - 5000m ²	More than 5000m ²	X tons per YYm ²
C1 Hotels	Fewer than		30 to 70 bedrooms	More than 70 bedrooms	X tons per YYm ²
C2 Residential Institutions			All other residential institutions	Hospitals	X tons per YYm ²
C3 Dwelling Houses	Fewer than 10 dwellings	10 to 30 dwellings	30 to 50 dwellings	More than 50 dwellings	X tons per YYm ²
m² = the total floorspace of the development in square metres					

An important LES measure to be included in any statement is the introduction of 'Electric vehicle recharging infrastructure'. This is required based on the agreed Merseyside parking standards for development. The requirements are set out in Table 2.

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Table 2: Minimum Provision of Parking Bays and charging points for Electric Vehicles in New developments	
Houses: All houses with at least one off-street parking space or garage space	One charging point per house
Flats:	At least one or 10%, (whichever is the greater) parking spaces must be marked out for use by electric vehicles only, together with an adequate charging point for each marked bay.
Petrol Filling Stations New and refurbished	One alternate fuel pump for every four pumps
All Other Development:	At least one or 10% (whichever is the greater) parking spaces must be marked out for use by electric vehicles only, together with an adequate charging point for each marked bay

In most cases the transport carbon reduction target will apply to major and large development as defined in Table 1. However where a Transport Assessment, A Transport Statement or a Travel Plan is required an LES statement should be integrated within this work, explaining actions for carbon reduction.

Table 3 below summarises (based on the Ensuring Choice of Travel SPD) the criteria for when this information should be requested.

Table 3		
	Information	When a requirement
	<ul style="list-style-type: none"> A Transport Assessment 	<ul style="list-style-type: none"> Major Developments (generate a significant number of trips) It could affect the Strategic Road Network Or it may create significant issues relating to road safety, access, road capacity or pollution. E.g within or adjacent to an AQMA, where development results in increased traffic flows to AQMAs either existing or proposed.
	<ul style="list-style-type: none"> A Transport Statement*1 	<ul style="list-style-type: none"> Large Development in addition to an accessibility checklist, or where additional information is sought (air quality assessment?).

<ul style="list-style-type: none"> • A travel Plan 		<ul style="list-style-type: none"> • If the Planning Application is for a large or major development, • any smaller development that employs 200 or more staff or that estimates >100,000 visitors per year. • or in an Air Quality Management Area (AQMA), but threshold for
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*1 It's worth noting that where low emissions are to be covered through a transport statement, it is likely that a developer will require a specialist consultant to prepare an air quality assessment, in addition to an engineering consultant.

Once the LES assessment has been carried out the statement should be submitted for agreement. Details of how the Strategy will be monitored and evaluated should be included. It may be appropriate on key schemes to agree a mechanism for reviewing and updating an LES to take into account advances in knowledge.

Other Useful Information (to be developed further)

The types of LES measures that Sefton would like to see considered in a development scheme, include (needs developing further LES to advise):

- Facilitating 'low emission vehicle' infrastructure, such as electric vehicle recharging points and other sustainable/renewable refuelling stations eg natural gas/biomethane
- Providing information on the relative emissions of different fuels and technologies to promote choice
- Offer incentives to influence change in vehicle use eg store cards, preferential parking
- As part of work place travel plans including car clubs, facilitate the provision of low emission vehicles, but also walking, cycling and use of public transport
- Requiring vehicle operators to develop a Low Emission Strategy by assessing their emission footprint and agreeing a strategy for cost-effective improvement through the take up of new technology (**see Freight Best Practice on line Benchmarking**)
- Consideration of procurement plans and their ability to influence emissions as part of LES
- Ensuring adequate storage and encouraging partnerships to reduce deliveries
- Contribute to the wider community provision of low emission infrastructure, such as charging points, low emission public transport or waste collection practices
- It may be advantageous to identify larger developments as either Low Emission Schemes or Low Emission Zones

Equality Impact Statement
Sustainability Statement and Statement of Compliance
Sustainability Report
Adoption Statement

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REPORT TO: Cabinet Member - Environmental

DATE: 7th April 2010

SUBJECT: **PRIMARY AUTHORITY PARTNERSHIP - PONTINS**

WARDS AFFECTED: All

REPORT OF: Peter Moore
Environmental & Technical Services Director

CONTACT OFFICER: Terry Wood, Commercial Section Manager
Tel: 0151 934 4301

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To inform Cabinet Member – Environmental of preliminary discussions held with a view to entering into a Primary Authority Partnership with Pontins in relation to Food Safety.

REASON WHY DECISION REQUIRED:

The Department seeks Cabinet Member – Environmental's approval of the scheme, which will allow the Department to proceed into the formal arrangement with Pontins.

RECOMMENDATION(S):

That Cabinet Member – Environmental endorses the proposed Primary Authority arrangement and the establishment of the partnership with Pontins.

KEY DECISION: No.

FORWARD PLAN: No.

IMPLEMENTATION DATE: Immediately following the expiry date of the "call-in" period for the Minutes of this meeting.

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ALTERNATIVE OPTIONS:

The Authority could decide not to enter into a Primary Authority arrangement with Pontins. The Primary Authority Scheme is being heavily promoted by the Local Better Regulation Office (LBRO) as an important element in delivering the *Hampton* principles of a risk-based, consistent, proportionate and effective regulatory system.

IMPLICATIONS:**Budget/Policy Framework:****Financial:**

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None

Risk Assessment: N/A

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS

NONE

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People			

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None.

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Background

1. The Cabinet Member – Environmental will recall a report on 19th November 2008 which detailed the introduction of the Primary Authority Scheme (PAS). The scheme established by the Local Better Regulation Office (LBRO) was designed to help fulfil Hampton’s vision of a regulatory system, at a national and local level, that is risk-based, consistent, proportionate and effective.
2. The PAS seeks to build on the long-standing voluntary schemes for “Home Authority” and “Lead Authority” agreements between local authority regulators and businesses which operate across local authority boundaries. The voluntary schemes have never really maximised their potential because they have not always been delivered consistently or effectively.
3. Under PAS a local authority can be registered with LBRO as the Primary Authority and therefore becomes responsible for giving advice and guidance to a business which operates across more than one local authority area. When this arrangement is in place, any other local authority (known as the enforcing authority for the purpose of the scheme) that proposes to take enforcement action against the organisation MUST contact the Primary Authority first.
4. The Primary Authority has the power to veto this proposed enforcement action if they believe it is inconsistent with the advice or guidance that it has previously given to the organisation concerned. This compulsory duty of enforcement authorities to contact the Primary Authority before taking action is one of the strengths of the scheme. It addresses many of the weaknesses of the voluntary schemes and should ensure a consistent and proportionate service to businesses operating on a national/regional basis.
5. If an enforcing authority and the Primary Authority cannot reach agreement LBRO has an arbitration service to which both parties can state their case. LBRO will then, based on the evidence it has, determine if the proposed enforcement action is appropriate and should proceed. Their decision is final and binding on all parties.
6. The PAS also allows local authorities to claim costs from a business for whom it is acting as a Primary Authority. This is a recognition that if the scheme is to be successful it will take time for a Primary Authority to undertake this additional responsibility which in many cases will be very complex. Local Authorities would not be able to participate in the scheme without being properly resourced and it is an acknowledgement that this cost should not be borne by the local tax payers but by the business receiving the benefit.
7. Because of the wide remit of regulatory services LBRO has recognised that a Local Authority may not always be able to act as Primary Authority across the full range of activities and individual businesses may not require a Primary

Authority relationship for the full range of regulatory activities. Accordingly they have made it possible for arrangements to be as broad or as narrow as necessary to suit both parties. The process is usually initiated by a business when they approach a local authority with a request that it enters into a Primary Authority relationship.

Pontins

8. Pontins approached the Department in the latter part of 2009 requesting a Primary Authority relationship. A series of preliminary meetings have taken place with the company and a provisional agreement reached with Pontins to act as their Primary Authority for food hygiene.
9. This is seen as an ideal opportunity for the Department to get experience of operating a Primary Authority arrangement. There are currently five Holiday Parks nationwide and contact has been made with all of the local authorities within whose areas the parks are located, with a view to gauging their current level of compliance and previous performance history. Reports from these local authorities has been positive.
10. The arrangement also gives the Department the opportunity to work more closely with and assist an organisation who propose to invest millions of pounds into the local economy.
11. The Department's responsibility will be to advise Pontins on compliance with the law in relation to food safety. This will mean ensuring their systems, if followed, will assure food safety across their entire estate. Inspection of individual Pontins' sites remains the responsibility of the local authority where the holiday park is situated. However, the local authority in question must be guided by any inspection plan we determine and must refer to us before taking any formal enforcement action in relation to food safety.
12. Obviously this work is over and above that which would normally be undertaken at Pontins and a charging regime has been provisionally agreed with the company. It is our estimate that this extra work could amount to approximately 50 hours in the first year and for this a charge would be levied on Pontins of £2,500. If the work required is greater than 50 hours an hourly charge will be made of £52.73 per hour for everything over 50 hours.
13. This is an exciting opportunity for the Department and if all goes well the arrangement could be expanded in the future to gradually include other work areas such as food standards and health and safety.

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Agenda Item 11

REPORT TO: Cabinet Member, Environmental

DATE: 7th April 2010

SUBJECT: **UPDATE ON PORT RELATED ACTIVITIES**

WARDS AFFECTED: Linacre, Ford, Derby and Church

REPORT OF: Peter Moore
Environmental and Technical Services Director

CONTACT OFFICER: Mr G Martin
Principal Environmental Health Officer
0151 934 2098

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To advise the Cabinet Member - Environmental on the environmental aspects of Port activities for the year 2009.

REASON WHY DECISION REQUIRED:

The annual Docks Report provides information and progress on a range of environmental issues. Any notable incidents that occur during the year will be the subject of a separate specific Cabinet Member - Environmental report.

RECOMMENDATION(S):

That the Cabinet Member - Environmental notes the report and the continuing improvements being made towards minimising the environmental impact of Port activities.

KEY DECISION: No

FORWARD PLAN: Not applicable

IMPLEMENTATION DATE: Immediately following the expiry date of the "call-in" period for the Minutes of this meeting.

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ALTERNATIVE OPTIONS:

The current arrangements for minimising environmental impact from the docks involves regular liaison with the Docks Company and, where necessary, the use of the Council's statutory powers. This approach has proved effective and any alternative is likely to prove less effective in balancing the needs of the Company and the local community.

IMPLICATIONS:

Budget/Policy Framework: None.

Financial: None

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N		When?		
How will the service be funded post expiry?				

Legal: None

Risk Assessment: N/A

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

NONE

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None

Agenda Item 11

Background

1. This report examines the issues that have arisen in respect to Port activities in 2009. Complaints fall into four categories that are discussed below. The total number of complaints received is shown in Table 1 and in more detail in Annex A. General air quality issues are also discussed.

Noise

2. A total of 7 noise complaints were received during 2009 as detailed below:-
3. In February 2009 a resident from the Bootle area contacted the Council regarding unspecified noise coming from the Dock area. The complainant was issued with log sheets and an officer from the Environment Team left a number of telephone messages on the complainant's answerphone requesting clarification on the noise problem. The customer did not return log sheets or respond to the messages left. No further action was possible and the case was closed.
4. In April 2009 a complaint about construction noise on the dock estate was received from a resident in the Seaforth area. An officer from the Environment Section contacted the Docks Company and identified that the noise was caused by construction of a new docks building during the early hours of the morning. A visit was made to the construction site and the site foreman was advised about appropriate hours of work. Contact was made with the complainant who advised that no further early morning noisy works were happening and the client was satisfied. The case was then closed.
5. In June 2009 a resident from Bootle made a complaint about a motor type noise. The complainant was contacted and requested to keep a log of the noise to ascertain if there was a pattern to the noise and return the completed logs back to us. No log sheets were returned by the complainant and the case was closed.
6. In August 2009 a Seaforth Resident made a complaint about general noise coming from the dock area. Contact was made with the complainant who was requested to complete and return logs detailing the noise disturbance. No logs were returned and as such no further action was possible.
7. In December 2009 a Seaforth resident made a complaint about an intermittent generator type noise allegedly coming from an ACL container ship whenever it berthed in the dock. The complainant was requested to Log the noise and also contact the Docks Company on the dedicated complaint line whenever the noise was a problem. Log sheets were returned by the complainant and the officer investigating the case made contact with the Docks Company. Investigations were conducted and a refrigerator unit on an ACL ship was identified as the noise source. The operator of the ship was advised to turn the refrigerator off when not in use and the complainant reported that the noise is no longer a problem. The case has now been closed.

8. A further noise complaint was received in December from a Litherland resident regarding a generator type noise that continued constantly throughout the nighttime period. In accordance with the docks complaint procedure, the complainant was requested to log the disturbance and return the completed log. Contact was also made with the Docks Company who agreed to undertake initial investigations. These investigations are ongoing.
9. In December 2009, a Waterloo resident contacted the Council to complain about noise allegedly from European Metal Recycling (EMR) processing metal until 10pm. Contact was made with the Docks Company, the Environment Agency, who issue a waste management licence for the site, and the complainant who was requested to complete noise log sheets. This investigation is ongoing.

Dust

10. In total 4 complaints regarding dust from the docks were received in 2009.
11. In April 2009 a dust complaint was received from a Bootle resident. The resident was contacted and agreed to complete and return a dust log sheet as the problem was intermittent. No log sheets were returned by the client and the case was closed.
12. A further complaint about intermittent dust was received in April from a Waterloo resident. The client agreed to log the times when the dust was a problem and return the log sheets for investigation. No log sheets were returned and the case was closed.
13. In July 2009 a Bootle resident complained about dust collecting on his windowsills. The complainant was issued with log sheets that were subsequently completed and returned. Samples of the dust that had settled on the complainant's property were taken for analysis. The main constituents were found to be sand, soil and burnt carbon from road traffic and combustion. There was no evidence of dust from the operations associated with the docks complex. In view of the results of the analysis no further action was possible, the complainant was contacted and the case closed.
14. In September 2009 a Bootle resident contacted the Council about brown dust at her property. An officer visited the complainant and observed significant accumulations of brown dust deposited on her property and in the surrounding area. The source of the dust was thought to be associated with scrap metal handling. The scrap metal operations near to the complainant's premises at the docks are controlled by a Waste Management Licence issued and enforced by the Environment Agency (EA). Staff from the Council's Environment Section are due to meet with the EA and a major scrap metal operator in the near future to examine the problem in more detail and to try and secure an improvement.

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15. As a direct result of information provided by the Council's Environmental Protection officers about a dust incident involving scrap metal operations at EMR on 7 June 2008, EMR Ltd at Alexandra Dock accepted a formal caution for a breach of permit condition. This action was taken by the Environment Agency for non-compliance with the Waste Management Licence contrary to Section 42 of the Environmental Protection Act 1990 at this site.

Odour

16. A total of 5 complaints about odour from the dock complex were received in 2009 which are detailed below:
17. In June 2009 an odour complaint was received from a Bootle resident. An officer visited the area within an hour of receiving the complaint but no odour could be detected at the complainant's premises. The officer undertook further assessments on the dock estate, but no odour was identified. The complainants were requested to contact the department again should they be affected by the odour in future. No further contact was received and the complaint was closed.
18. In July 2009 a Seaforth resident complained about a gas smell over a weekend period alleging that the docks were the source of the odour. Contact was made with the complainant the next working day that confirmed that the odour was no longer present. An officer contacted the Docks Company and Transco to ascertain whether any other complaints had been received and whether any source had been identified. No complaints had been received by these organisations and no source could be identified. The complainant was updated and requested to contact the Department again should the problem recur. No further action was possible.
19. In August a complaint regarding a gas type smell was received from a Bootle resident. An officer visited on the day of the complaint. However, the odour had disappeared and the source could not be traced. The customer was requested to contact the department should the odour recur. No further contact has been received and the complaint closed.
20. A further unspecified odour complaint was received in August from a Bootle resident. The complainant was issued with log sheets to complete and return. The complainant was also contacted by telephone and 2 voice mail messages left. The complainant did not return any log sheets or return the voice mail call. No further action was possible.
21. A complaint about an animal feed type odour was received in October 2009. The complainant was contacted who advised that the odour had dissipated. The client was requested to contact us if the odour recurred. No further contact was received and the case closed.

Water

22. In April 2009 a Bootle resident contacted the department advising that water in the docks was polluted. The customer was contacted and advised that the Environment Agency is responsible for dealing with water pollution matters and his complaint was referred to them.

Air Quality

23. The Council formally declared three Air Quality Management Areas (AQMAs) in January 2009. The AQMAs are located at the bottom of Princess Way, along the A565 between South Road and College Road and in the area around Millers Bridge. The Authority will shortly be completing a Further Assessment of air quality in each of these areas. The Further Assessment is a more in-depth analysis of air quality in the Management Areas and will include a detailed source apportionment and modelling exercise. Work has begun on developing Action Plans for each AQMA to try and secure compliance with the Air Quality Objectives. Residents and the wider community have been informed of the declaration and consulted as to what they see as the key issues in the Management Areas and the actions they perceive would be most effective. Further consultation will be undertaken as the Action Plan is developed.
24. The AQMAs are heavily influenced by traffic but investigations showed that the Millers Bridge AQMA was also influenced by emissions from two operations on the Port, EMR and JMD Haulage. Officers from the Council's Environment Section are working closely with the Environment Agency to look at possible dust management improvements at EMR. JMD haulage has now relocated. The relocation was phased beginning in August 2008 and was completed at the beginning of 2009.
25. The number of exceedances of the PM10 (small dust particles) daily standard measured at Millers Bridge in 2009 remained significantly lower than in 2007. Monitoring and assessment will continue but it would appear that the improvements in dust control achieved at EMR and the relocation of JMD haulage have had a beneficial effect
26. EMR obtained planning permission for a pyrolysis plant to process automotive shredder waste generated on site. The plant will lead to a significant reduction in vehicle movements, which will benefit the Air Quality Management Areas. The Environmental Protection Department raised concerns following their analysis of the applicant's submitted data about the emission of chromium. The analysis showed that the ambient levels of chromium VI would exceed the new proposed EPAQS (Expert Panel on Air Quality Standards).
27. The Environment Agency is responsible for ensuring that processes of this type comply with the relevant emission standards (for all emissions including noise) through the issue of a permit to operate. It is a requirement of the permitting process that the Local Authority is consulted on all new permit applications.

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Planning Committee has formally requested Environmental Protection Officers to convey their concerns regarding chromium levels to the Environment Agency and that the Environment Agency is requested not to issue a permit until it can be shown that all the relevant standards, in particular the new EPAQS standard for chromium VI, can be complied with.

General

28. Close liaison with the Docks Company has continued in 2009 and a number of meetings have been held which have dealt with environmental issues and improvements. The Docks Company agreed to reinstate the out-of-hours complaint contact number, where residents can lodge a complaint direct with company, and this number is now operational (tel 0151 949 1212). Joint working between Environmental Health, Port Health and the Environment Agency has continued and all now attend the Docks Liaison Meetings.
29. As can be seen, given the nature of the operations on the dock estate, the level of complaints remains low. It is hoped that continued close working with all the appropriate agencies will continue to help minimise the impact that the docks have on local residents and the environment.
30. Any significant issues relating to the port that arise during 2010 will be reported to the Cabinet Member through the quarterly performance monitoring process.

Table 1: Docks complaints summary

	2006	2007	2008	2009
Cargill Brocklebank - odour	0	0	0	0
Cargill Seaforth - odour	0	0	0	0
Odour - other	107	2	2	5
E.ON - dust	3	2	1	0
EMR - dust	2	2	1	1
Other - dust	5	1	1	3
EMR - noise	1	1	0	1
Other - noise	9	8	13	6
Smoke	1	0	0	0
Light	0	0	0	0
Waste on land	0	0	0	0
Air Quality	3	0	0	0
other	0	0	4	1
Total	131	16	22	17

Annex A : Annual Complaints Summary By Month

Port Related Complaints 2007

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Cargill Brocklebank - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Cargill Seaforth - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Odour - other	1	0	1	0	0	0	0	0	0	0	0	0	2
E.ON UK - dust	0	0	0	0	1	1	0	0	0	0	0	0	2
EMR - dust	0	0	0	0	1	0	0	1	0	0	0	0	2
Other - dust	0	0	0	1	0	0	0	0	0	0	0	0	1
EMR - noise	0	0	1	0	0	0	0	0	0	0	0	0	1
Other - noise	0	1	0	1	0	2	1	0	0	2	1	0	8
Smoke	0	0	0	0	0	0	0	0	0	0	0	0	0
Light	0	0	0	0	0	0	0	0	0	0	0	0	0
Air Quality	0	0	0	0	0	0	0	0	0	0	0	0	3
Total	1	1	2	2	2	3	1	1	0	2	1	0	16

Port Related Complaints 2008

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Cargill Brocklebank - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Cargill Seaforth - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Odour - other	0	1	0	0	0	0	0	1	0	0	0	0	2
E.ON UK - dust	0	0	0	0	0	0	1	0	0	0	0	0	1
EMR - dust	0	0	0	0	0	1	0	0	0	0	0	0	1
Other - dust	0	0	0	0	1	0	0	0	0	0	0	0	1
EMR - noise	0	0	0	0	0	0	0	0	0	0	0	0	0
Other - noise	2	3	0	1	0	0	3	1	1	0	2	0	13
Smoke	0	0	0	0	0	0	0	0	0	0	0	0	0
Light	0	0	0	0	0	0	0	0	0	0	0	0	0
Air Quality	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	4	0	0	0	0	0	0	4
Total	2	4	0	1	1	5	4	2	1	0	2	0	22

Port Related Complaints 2009

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Cargill Brocklebank - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Cargill Seaforth - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Odour - other	0	0	0	0	0	1	1	2	0	1	0	0	5
E.ON UK - dust	0	0	0	0	0	0	0	0	0	0	0	0	0
EMR - dust	0	0	0	0	0	0	0	0	1	0	0	0	1
Other - dust	0	0	0	2	0	1	0	0	0	0	0	0	3
EMR - noise	0	0	0	0	0	0	0	0	0	0	0	1	1
Other - noise	0	1	0	1	0	1	0	1	0	0	0	2	6
Smoke	0	0	0	0	0	0	0	0	0	0	0	0	0
Light	0	0	0	0	0	0	0	0	0	0	0	0	0
Air Quality	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	1	0	0	0	0	0	0	0	0	1
Total	0	1	0	4	0	3	1	3	1	1	0	3	17

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