

MINUTE of MEETING of the ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 4 JUNE 2019.

Present – Councillors Tom Conn (Chair), Alison Adamson, Diane Calder, Chris Horne, Dave King, George Paul, Andrew McGuire (Substituting for Cathy Muldoon)

Apologies – Councillor Cathy Muldoon

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Panel confirmed the Minute of its meeting held on 2 April 2019 as a correct record. The Minute was thereafter signed by the Chair.

3. PERFORMANCE REPORT

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services advising of current levels of performance for all indicators which were the responsibility of the Environment Policy Development and Scrutiny Panel.

The Head of Operational Services advised that the council's performance management system, Pentana, measured the performance of service activities through the use of key performance indicators (KPI's). Pentana used a simple traffic light system to show if progress was on target (green), in danger of falling behind target (amber) or below target (red).

The report advised that there were currently 36 High Level Key Performance Indicators under the remit of the panel and were categorised as follows:-

- 24 green
- 4 amber
- 8 Red

The report provided details with regard to the 8 red indicators. Appendix 1 to the report contained full details of each indicator.

In conclusion it was advised that the report informed the panel of the performance of the wide range of activities within Operational Services. The information contained in the report and appendices would allow the panel to focus on the issues that services currently faced and included indicators where services performance was currently below target.

It was recommended that the Panel note the performance information and determine if further action or enquiry was necessary for any of the indicators mentioned within the report.

Decision

To note the contents of the report

4. OPERATIONAL SERVICES MANAGEMENT PLAN 2019/20

The panel considered a report (copies of which had been circulated) by the Head of Operational Services outlining the purpose, scope and content of the Operational Services Management Plan for 2019/2020, a copy of which was attached to the report.

The Head of Operational Services explained that the Management Plan comprised of the following sections

1. An introduction by the Head of Service
2. A service overview of the key activities for each part of the service and an explanation of how these support the delivery of the council's priorities.
3. A summary of how the service would charge as part of the council's Transforming Your Council agenda.
4. A detailed section on each aspect of the service.
5. The service action plan for 2019/20 and its scorecard for the previous year.

It was noted that the service also completed a number of significant changes during the year to conclude its part of the Transforming Your Council Agenda. It delivered a number of key capital projects in the Roads and Open Space asset management parts of the council's Capital Programme.

In conclusion the management plan provided the framework for service delivery in the coming financial year.

It was recommended that the panel note the terms of the report and the Management Plan for 2019/2020.

Decision

To note the contents of the report and the Operational Services Management Plan 2019/2020.

5. PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

MANAGEMENT PLAN 2019/2020

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the contents of the Planning, Economic Development and Regeneration Management Plan 2019/20, a copy of which was attached to the report.

The Head of Planning, Economic Development and Regeneration explained that the Management Plan comprised of the following sections:

1. An overview from the head of service outlining the key service areas, how these align to the council priorities, and how performance against them was measured.
2. An overview of activities relating to transforming your council, service structures and employee engagement.
3. A series of service specific sections incorporating activity budgets, resource allocation and performance.
4. An overview of the management processes and action plan to support delivery of services and corporate priorities.
5. A scorecard indicating performance against specific key indicators.

During 2018/19, Planning, Economic Development and Regeneration Services provided a wide range of services to all areas of the council, local communities and business. Each contributing to positive outcomes in the eight corporate priorities.

In conclusion the management plan provided the framework for service delivery in the coming financial year, including those services that report through other Policy Development and Scrutiny Panels.

It was recommended that the panel note the terms of the report and the Management Plan for 2019/2020.

Decision

To note the contents of the report and the Planning, Economic Development and Regeneration Management Plan 2019/2020.

6. FOOD SERVICE PLAN 2019/2020

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the Food Service Plan 2019-20 and of the need for the council to approve an annual food service plan, a copy of which was attached to the report at Appendix 1.

Since 1 April 2015 Food Standards Scotland had been responsible for all

strategic and policy aspects of food standards and food safety in Scotland.

There were specific legal obligations placed on local authorities in regard to delivering food safety official controls. Section 1 of the Food Law Code of Practice (Scotland) required the statutory obligations covered to be brought to the attention of local authority officials and or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls.

Safe food and drink was something which the vast majority of the population took for granted and the safety of this fundamental human need relied on a competent, trustworthy and properly regulated and managed supply monitored mainly by Environmental Health Officers working with local authorities. The purpose of the Food Service Plan was to outline how such controls were delivered in West Lothian using existing resources.

The service plan identified the different aspects and aspects of service delivery to ensure a rounded, balanced and effective approach to public health protection. The plan also reflected the prioritisation of the service and recognised that not all aspects could be delivered in line with the requirements of the Food Law Code of practice (Scotland). The Food Service Plan also reflected a number of positive outcomes in terms of improvements to food safety standards within West Lothian food establishments including increasing levels of compliance, maintaining high levels of customer satisfaction from business operators.

The Food Service Plan detailed important elements of performance by presenting statistics and case studies to illustrate the balance between the output and outcomes of service delivery. Everyone working within the service had a responsibility for ensuring delivery of the best service possible. Performance was also monitored and assessed by various methods and reported internally and publically.

The Head of Planning, Economic Development and Regeneration concluded by providing details of the performance of the previous Food Service Plan for 2018-19 and provided a list of the challenges that remained in the new Food Service Plan for 2019-20.

It was recommended that the panel notes and considers the recommendations which were intended to be submitted to Council Executive:-

1. Note the contents of the report and accompanying Food Service Plan; and
2. Approve the Food Service Plan 2019/20.

Decision

1. To note the terms of the report; and
2. Agreed that the report be forwarded to the next appropriate

meeting of the Council Executive with the recommendation that it be approved.

7. HEALTH AND SAFETY SERVICE PLAN 2019/2020

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing the Health and Safety Service Plan 2019/20 and advising of the need for the council to approve an annual health and safety service plan, a copy of which was appended to the report.

In order to meet the requirements of the National Local Authority Enforcement Code, the council was required to develop and approve an annual health and safety service plan. The national code was given legal effect under Section 18 of the Health and Safety at Work etc. Act 1974.

The plan outlined how health and safety would be monitored and enforced within West Lothian businesses and other regulated activities. Whilst the main responsibility for ensuring health and safety remained with the businesses and individuals who create the risk, environmental health officers had a statutory duty in ensuring effective risk management, supporting businesses, protecting the West Lothian community, and contributing to a wider public health agenda.

The key role of the service was public health protection. The service shared enforcement and regulatory responsibilities for health and safety with the Health and Safety Executive (HSE). The main demands on the service were driven by routine risk rated inspections and interventions, accident reports and investigations, and concerns and requests for service regarding health and safety.

The report then moved on to provide information on how performance would be monitored and assessed. The changing nature of demands on the service required a flexible approach to balancing priorities and officers and managers continued to take a constructive and professional approach to such matters ensuring good performance in a number of areas.

The report concluded with information on the key challenges for 2019/2020 and beyond.

It was recommended that the panel note and consider the following recommendations which were intended to be submitted to Council Executive:-

1. Notes the content of the report and accompanying Health and Safety Service Plan; and
2. Approve the Health and Safety Service Plan 2019/20

Decision

1. To note the terms of the report.

2. Agreed that the report be forwarded to the next appropriate meeting of the Council Executive with the recommendation that it be approved.

8. BROXBURN FLOOD PROTECTION SCHEME

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on progress being made to deliver the final component of the Broxburn Flood Protection Scheme.

The Head of Operational Services explained that the extent of what could be delivered by the Broxburn Flood Protection Scheme was constrained by available Scottish Government funding.

Subsequent studies, based on new modelling guidelines, revised climate change projections, improved data and more sophisticated modelling capabilities had the effect of increasing the number of properties, which may be at risk in all locations and lowering the standard of protection provided by existing measures.

Based on estimated costs, there was currently sufficient funding in place to construct the final component of the original scheme but to a more contemporary standard of protection, provide protection to properties at West Main Street and provide property-level protection to properties at Parkwood Gardens and New Holygate, neither of which were part of the original scheme.

Given the number of properties which recent modelling suggested were at risk from infrequent but more severe events, it had been intended to take forward follow-up schemes but low benefit-to-cost ratios would be unlikely to attract future government funding.

The proposed package of measures when implemented would improve the protection to 40 properties at Nicol Road and Pyothall Court, Broxburn, 3 at West Main Street, Broxburn and 17 at Parkwood Gardens and New Holygate, Broxburn.

It was recommended that the Panel

1. Notes the current status of the original flood protection scheme; and
2. Considers the following recommendations which were intended to be submitted to the Council Executive :-
 - Approves the proposal to proceed with implementation of the final component of the existing flood prevention scheme protecting residential properties at Nicol Road and Pyothall Court, Broxburn; and

- Authorises officers to augment existing defences at West Main Street, Broxburn and promote a property-level protection scheme at New Holygate and Parkwood Gardens.

Decision

1. To note the contents of the report
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

9. TRANSPORT (SCOTLAND) BILL - STAGE 1 REPORT

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the Transport (Scotland) Bill Stage 1, which was published on 7 March 2019.

The report advised that the Transport (Scotland) Bill was progressing through the Scottish Parliament, and included consideration of the creation and enforcement of Low Emission Zones (LEZ), options for more flexibility in the provision of bus services, smart ticketing, a ban on pavement and double parking, changes to roadworks regulations, the financing of regional transport partnerships and the governance of Scotland's canals.

The Scottish Parliament's Rural Economy and Connectivity Committee published its Stage 1 report on 7 March, and although the Committee supported the general principles of the Bill, it stated that "greater clarity was required on a number of issues as the Bill continued its parliamentary passage".

The Bill covered five areas in addition to LEZ, including bus services and smart ticketing. With regard to bus services being in decline, the committee cited the reduction of direct bus support in rural areas and congestion and lack of appropriate infrastructure in some urban areas as contributing to the decline. However the Committee believed that the provisions proposed in the Bill were unlikely to make a marked difference in arresting the decline in bus patronage. The Committee thought the requirement that local authorities could only provide bus services if they were to fulfil an unmet public transport need created an unnecessary restriction.

The Committee recommended that the Scottish Government bring forward a stage 2 amendment to remove the restriction and allow local authorities greater flexibility in their ability to provide local bus services. Additionally, the Scottish Government should provide additional information on how it expected the provisions that would allow councils to run bus services to operate in practice and to indicate what guidance and support would be available to them to ensure they did not fall foul of competition law.

The report recommended that the Panel note the Transport (Scotland) Bill, Stage 1 report which was published on 7 March 2019 by the Scottish Parliament's Rural Economy and Connectivity Committee.

Decision

To note the contents of the report.

10. THE USE OF CHEMICAL FOR SPORTS PITCH MARKING

The Panel considered a report (copies of which had been circulated) advising of the European Union's decision to ban the chemical Finale 150 that was currently used for weed spraying sports pitch lines; and how this would change the service's approach and methodology for future pitch marking.

The report advised that NET's, Land and Countryside's methodology for line marking was to mark the location of the lines as an indicator for pitch users by weed spraying the lines into the grass surface. Thereafter pitch users had responsibility for routinely overmarking the lines prior to games.

The weed spraying chemical currently used by the council was Finale 150, which contained Glufosinate Sodium. Finale 150 was the most commonly used chemical and was the most cost effective.

Following a review of the use of Glufosinate Sodium, the Health and Safety Executive and the European Union took the decision to ban its sale from 31 December 2018.

It was noted that there was only one other weed spraying chemical available on the market that could be used for line marking purposes. However this product was considerably more expensive and less effective which would mean that the service would need to increase the number of applications of chemical to maintain lines. Therefore the service had to review the delivery for line marking sports pitches.

The Head of Operational Services explained that a desktop evaluation process was undertaken by officers following the removal of the chemical Finale 150 from the market to cost out alternative options for line marking sports pitches. Details of the following three options were outlined in the report:-

- Preline
- Fortnightly Overmarking
- Amendment to Current Processes

In conclusion the report advised that the current methodology could no longer continue due to the ban of the sale of the chemical currently used for weed spraying line markings.

It was recommended that of the other available options outlined in the report that the option that was most cost effective and could be delivered within existing resources was to amend the current process to measure and mark sports pitches twice annually and to extend the responsibilities for overmarking to pitch users.

The report recommended that the Panel note the current situation regarding the use of Finale 150 and the impact that the removal of the product would have on the council's service standards, in particular the requirement for additional resource from sports pitch users.

Decision

To note the contents of the report.

11. WORKPLAN

The Panel considered the list of items that would form the basis of the panel's work over the coming months.

Decision

To note the contents of the workplan.