

**Motherwell, 28 August 2019 at 2 pm.**

A Meeting of the **ENVIRONMENT AND TRANSPORTATION COMMITTEE**

**PRESENT**

Councillor McPake, Convener; Councillor Reddin, Vice-Convener; Councillors Anderson, J. Ashraf, Cochrane, Cullen, Docherty, Douglas, Goldie, Gourlay, Lennon, Logue, McManus, McNeil, Stocks, Weir, Wilson and Woods.

**ALSO PRESENT**

In accordance with Standing Order 64(A), Councillors Pettigrew, Fisher, H. McVey and Curran attended as substitutes for Councillors Di Mascio, Duffy, Fannan and Roarty respectively.

**CHAIR**

Councillor McPake (Convener) presided.

**IN ATTENDANCE**

Head of Environmental Assets; Head of Regulatory Services and Waste Solutions; Business Manager (Environmental Asset Maintenance), and Committee Officer.

**APOLOGIES**

Councillors Carragher, Di Mascio, Doolan, Duffy, Fannan, Roarty and Annette Valentine.

**DECLARATIONS OF INTEREST IN TERMS OF THE ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000**

1. Councillor McPake declared an interest in paragraph 11 by virtue of his appointment as a Member of Amey Public Services LLP, left the meeting and took no part in the determination of the item.

**The Convener exercised his discretion to vary the order of business as hereinafter minuted.**

**UPDATE ON WASTE SOLUTIONS SERVICE AND DEPOT RATIONALISATION**

2. There was submitted a report by the Head of Regulatory Services and Waste Solutions (1) confirming that the Fleet, Waste and Land Services divisions currently occupied ten separate depot facilities throughout the North Lanarkshire area; (2) intimating that, following a review of the depot facilities and the service delivery model, it was determined that a superior service could be achieved through the rationalisation of the depots, which could also deliver an overall financial saving for the Council; (3) setting out (a) the current and proposed depot facilities included in the overall rationalisation exercise, and (b) the steps being taken in order to rationalise the depot facilities, which would result in an overall reduction in the number of depots from ten to four; (4) highlighting (a) that the overall capital costs associated with the rationalisation exercise were estimated at £1.417m, with funding available from the Community Investment Fund in relation to the capital cost implications, and (b) that it was anticipated that the rationalisation exercise would result in an overall annual revenue saving of £250,000 and a potential capital receipt to the Council of around £3m; (5) advising (a) that there was a legal obligation, in respect of any premises which produced waste, to have an appropriate Duty of Care certificate, which proved that the waste was being removed by the contractor and disposed of in an appropriately licensed facility; (b) that Waste Services currently provided the Duty of Care

certificate free of charge to all customers, which was not in keeping with similar services provided by the private sector, and (c) that it was proposed, as of 1 April 2020, to introduce an annual fee of £30 for this document, with the exception of the 200 charities who received this service and would continue to receive the documentation free of charge; (6) detailing (a) the results and proposed next steps in relation to the review of assisted bin pull-outs, and (b) the current recycling performance and proposed steps in order to increase overall recycling levels, and (7) providing an update on the Clyde Valley Residual Waste Contract.

Councillor Goldie, seconded by Councillor Anderson, moved, as an amendment, that the recommendations contained within the report be revised as follows:-

- (1) This Committee requests a Moratorium on the depot rationalisation (page 34, 2.1.1) until a Special Meeting of the Environment and Transportation Committee in which detailed reports on the proposed rationalisation, the impact on changes to the bin pull-out services, the Council's recycling plans, including access to recycling centres and recycling within high rise properties;
- (2) Approves the introduction of an annual £30 charge for Duty of Care documentation;
- (3) Notes the current recycling performance of the Council and the current and future factors which are influencing this, and
- (4) Requests a review of the Clyde Valley Waste Plan and its benefits to this Authority.

The Convener determined that in terms of Standing Order No. 31 the Amendment was not competent. Thereafter, the Convener moved the recommendations as detailed in the report.

**Decided:**

- (1) that the steps being taken in order to rationalise the depot facilities across the Council be noted;
- (2) that the availability of funding through the Community Investment Fund, in order to support the rationalisation of depot facilities, be noted;
- (3) that the introduction of an annual £30 charge, effective as of 1 April 2020, for Duty of Care documentation be approved;
- (4) that the current recycling performance of the Council, and the current and future factors influencing the performance, be noted;
- (5) that the actions being taken or to be taken, as outlined in the report, in order to increase the overall recycling levels be approved, and
- (6) that it be noted that a further report would be submitted to a future meeting of the Committee, outlining the progress in relation to additional partnership working with other Local Authorities and the development of the Auchinlea facility.

**DEPOSIT RETURN SCHEME**

3. There was submitted a report by the Head of Regulatory Services and Waste Solutions (1) advising that the Scottish Government was proposing the introduction of a Deposit Return Scheme (DRS) in order to improve recycling rates, reduce litter in Scotland and help to tackle climate change; (2) highlighting (a) that DRS's were used across the world as a way to encourage more people to recycle drinks containers, such as bottles and cans, and (b) that the DRS process charged those who bought a drink in such a container a small deposit for the can or bottle, with the deposit returned when

the bottle or can was returned to a collection point to be recycled, and (3) outlining (a) how the DRS would work in Scotland, and (b) the potential impact that the scheme would have on the Council.

**Decided:** that the proposed introduction of the DRS, and the potential impact that the scheme would have on the Council, be noted.

#### **URBAN GULLS - CONTROL OPTIONS**

4. With reference to paragraph 8 of the Minute of the meeting of the Council held on 4 April 2019, there was submitted a report by the Head of Regulatory Services and Waste Solutions (1) presenting the problems associated with urban gulls; (2) intimating (a) that all species of gulls were protected under the Wildlife and Countryside Act 1981, and (b) that it was illegal to injure or kill any gull or damage/destroy any active nest or its contents, unless a specific licence was granted for that purpose by Scottish National Heritage; (3) detailing that one of the most common control measures was licensed nest and egg removal or oiling of eggs, although this approach was expensive and there was little evidence to suggest that it was effective in reducing the overall gull population in a specific area; (4) advising (a) that the Council's Environmental Health Service had contacted community organisations in Carbrain and associated areas of Cumbernauld, who appeared to be most affected by gull nuisance; (b) that two responses had been received during the consultation period, which indicated that the problems associated with gulls were being made worse by residents feeding the birds or the gulls obtaining a food source from litter or incorrect waste storage, and (c) that there was no legislation to prohibit the feeding of gulls, although it was recommended that residents refrain from doing so, and ensure that there were no available food source, and (5) confirming (a) that the Council had produced an information leaflet for residents and businesses, a copy of which was appended to the report, and was available on the Council website, providing information in respect of the presence of urban gulls and what could be done to reduce their prevalence across the local area, and (b) that the Environmental Health Service planned to review and update this information to reflect current advice and guidance, which would then be relaunched across the Council's website and social media channels.

**Decided:**

- (1) that the content of the report be noted;
- (2) that the legal restrictions in place concerning the control of seagulls be noted;
- (3) that it be noted that the costs involved in the Council undertaking works in an attempt to reduce the gull population were prohibitive, and
- (4) that the actions and recommendations, as detailed in the report, in order to mitigate the problem of urban gulls, including the relaunch of public information on the control of the gull population, be endorsed.

#### **REVIEW OF STRATEGY FOR THE INSPECTION OF CONTAMINATED LAND 2019/24**

5. There was submitted a report by the Head of Regulatory Services and Waste Solutions (1) providing, in Appendix 1 to the report, a copy of the 'Review of Strategy for the Inspection of Contaminated Land 2019/24'; (2) advising that the inspection strategy (a) reflected the overall strategic direction and ambitions of the Council, and (b) formed part of the larger regeneration toolkit employed by the Council; (3) intimating (a) that the Council was one of only five local authorities in Scotland which received funding in respect of the extent of vacant and derelict land and associated levels of deprivation in the area, and (b) that, over the period 2018 to 2019, the Council would receive a portion of the £9.444m available from the Vacant and Derelict Land Fund (VDLF), in order to support and implement the objectives of the VDLF; (4) highlighting (a) that, alongside the remediation of land, a key purpose of the strategy was preventing the deterioration of the water environment, including the

drinking water resource; (b) that the Council wished to improve the condition of water bodies and protected areas that were not in a 'good' or 'excellent' condition, as defined by the Scottish Environment Protection Agency (SEPA) River Classification, and (c) in, Appendix 2 to the report, a note of the current SEPA River Classification for the rivers in North Lanarkshire; (5) setting out the Council's priorities when dealing with contaminated land and the aims and objectives of the strategy in order to deliver on these priorities, and (6) confirming that it was intended that the strategy be reviewed every five years, unless a change in legislation or other external factors necessitated an earlier review.

**Decided:**

- (1) that the content of the report be noted, and
- (2) that the 'Review of Strategy for the Inspection of Contaminated Land 2019/24', as outlined in Appendix 1 to the report, be endorsed and approved.

**FLEET PROCUREMENT - VEHICLE CONTRACTS**

6. There was submitted a report by the Head of Regulatory Services and Waste Solutions (1) advising that the Executive Director (Enterprise and Communities), under delegated authority, had approved the award of two call-off contracts for the purchase of 166 vehicles; (2) intimating that (a) the first contract was for the supply and delivery of cars, with a total value of £681,340.32, and (b) the second contract was for the supply and delivery of light medium vehicles, with a total value of £3,214,356.28, and (3) detailing the suppliers to whom the contracts had been awarded.

**Decided:** that the actions of the Executive Director (Enterprise and Communities), under delegated authority, to award the contracts, for the supply and delivery of cars and light medium vehicles, to the suppliers detailed in the report be noted.

**WINTER SERVICE POLICY AND PROCEDURES 2019/20**

7. There was submitted a report by the Head of Environmental Assets (1) presenting, in the Appendix to the report, details of the proposed Winter Service Policy and Procedures 2019/20; (2) advising that the Council had an obligation under the Roads (Scotland) Act 1984 to take such steps as it considered reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads; (3) highlighting that this obligation was discharged through the Council's Term Maintenance Contract with Amey Public Services Limited Liability Partnership, and (4) intimating that, in order to ensure that this obligation was met, the Council was required to undertake an annual review of its processes and procedures.

Councillor Goldie, seconded by Councillor Anderson, moved, as an amendment, that additional priorities be added to the Primary Path Network, as detailed in the Winter Service Policy Procedures 2019/20 appended to the report and, specifically, page 12 of the agenda:-

"Footpaths around sheltered housing complexes and health facilities should be treated as priorities, be added to the Primary Path Network, in addition to the current footway, footpath and cycle route priorities. They should be treated on a precautionary salting/gritting basis."

The Convener determined that in terms of Standing Order No. 31 the amendment was not competent. Thereafter, the Convener moved the recommendations as detailed in the report.

**Decided:**

- (1) that the content of the report and Appendix be noted, and

- (2) that the Winter Service Policy and Procedures 2019/20, as detailed in the Appendix to the report, be agreed as the basis for winter service delivery in the coming year.

#### **SCOTTISH WATER SECTION 7 - MEMORANDUM OF UNDERSTANDING**

8. There was submitted a report by the Head of Environmental Assets (1) providing background information with regard to the adoption of a Memorandum of Understanding (MOU) between North Lanarkshire Council and Scottish Water; (2) advising that the purpose of the MOU was to provide a framework to enable Scottish Water and local authorities to work together to specify maintenance responsibilities for shared drainage systems constructed as part of new developments, known as a Section 7 Agreement under the Sewerage (Scotland) Act 1968, and (3) highlighting (a) the type of maintenance that the Council would be expected to undertake as part of the Section 7 Agreement, and (b) that the funding for maintenance of sites with a Section 7 Agreement may result in additional pressure on the Council's budget.

**Decided:**

- (1) that the content of the report be noted;
- (2) that it be agreed to adopt the MOU between the Council and Scottish Water, with regard to the ability to enter into individual Section 7 Agreements;
- (3) that it be noted that funding for maintenance sites with a Section 7 Agreement may result in additional pressure on the Council's budget, although continued maintenance of these sites was essential to reduce the risk of localised flooding, and
- (4) that the current position in North Lanarkshire in relation to the legacy surface water drainage systems be noted.

#### **ENVIRONMENTAL IMPROVEMENT TASKFORCE**

9. There was submitted a report by the Head of Environmental Assets (1) seeking approval for the formation of an Environmental Improvement Taskforce, for an initial six-month period (October 2019 to March 2020) to resource the litter picking of verges and community deep cleans; (2) advising that it was proposed to form three teams of four operatives based in the North, Central and South areas, and (3) highlighting (a) that the cost for the establishment of the three teams was £491,000 per annum, with a cost of £245,000 to establish the teams during the initial six month period, and (b) that the additional costs would be accommodated through the Change Management Fund for 2019/20, and thereafter would be addressed through the Council's budget setting process.

**Decided:** that the formation of an Environmental Improvement Task Force, for an initial six month period commencing in October 2019 through to March 2020, in order to resource the litter picking of verges and community deep cleans, be approved.

#### **CONTRACTS AWARDED BELOW COMMITTEE APPROVAL THRESHOLD**

10. There was submitted a report by the Head of Asset and Procurement Solutions providing, in the Appendix to the Report, details of contracts which had been awarded by the Head of Asset and Procurement Solutions, under delegated authority, during the period from 1 April to 30 June 2019.

**Decided:** that the content of the report and Appendix be noted.

Councillor McPake, prior to consideration of the following item of business, declared an interest by virtue of his appointment as a Member of Amey Public Services LLP, left the meeting and took no part in the determination of the item.

Councillor Reddin assumed the Chair.

**AMEY PUBLIC SERVICES LLP: OPERATIONAL AND FINANCIAL PERFORMANCE MONITORING REPORT FOR YEAR END 2018/19 AND YEAR 8 BEST VALUE REVIEW OUTCOME**

11. With reference to paragraph 11 of the Minute of the meeting of the former Policy and Resources Committee held on 6 December 2018, when it was agreed that the Head of Environmental Assets conduct a market testing exercise to demonstrate that option 3(a) represented best value for the Council, there was submitted a report by the Head of Environmental Assets (1) outlining Amey Public Services Limited Liability Partnership's (APS LLP) performance against its business objectives and Council priorities for year ending 2018/19, service delivery highlights over the previous six months, and financial performance as at 31 December 2018; (2) advising that, in terms of the Review, the Head of Environmental Assets had conducted a market testing exercise to identify whether amending some of the existing contract rates and prices for a term beyond 2021 would be more beneficial to the Council than ceasing the contract at its natural termination date; (3) highlighting (a) the process undertaken in relation to the benchmarking exercise; (b) that the market testing exercise had been completed, which indicated that extending the existing contract did represent best value to the Council; (c) that of the 2,745 items contained in the contract schedule of rates, agreement had been reached on the amendment of 114 of these items, and (d) that, as a result of this exercise, the existing contract would be extended up to June 2024, as per previous approval granted by the former Policy and Resources Committee on 6 December 2018, and (4) intimating (a) that work was currently underway with APS LLP to determine where the partnership was contributing to The Plan for North Lanarkshire and the associated Programme of Work, and (b) that the outcome from this exercise, and future reporting arrangements, would be presented to Committee in due course.

**Decided:**

- (1) that APS LLP's operational performance for 2018/19, along with the service delivery highlights over the previous six months, be noted;
- (2) that APS LLP's financial performance as at 31 December 2018 be noted;
- (3) that the market testing exercise, which demonstrated that amending APS LLP's rates provided value for money for the Council, be noted;
- (4) that it be noted that, as a result of the market testing exercise, the existing contract would be extended to June 2024, as per the previous approval given by the Policy and Resources Committee on 6 December 2018, and
- (5) that the work underway to encapsulate APS LLP's contribution to The Plan for North Lanarkshire and the associated Programme of Work be noted.