

Minutes

Environment Overview and Scrutiny Committee

Tuesday, 10 May 2022, 10:00am

Council Chamber - South Kesteven House,
St. Peter's Hill, Grantham. NG31 6PZ



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Nikki Manterfield (Chairman)
Councillor Gloria Johnson (Vice-Chairman)

Councillor Ashley Baxter
Councillor John Cottier
Councillor Phil Dilks
Councillor Dean Ward
Councillor Hannah Westropp

Cabinet Members present

Councillor Adam Stokes (Deputy Leader of the Council)
Councillor Rosemary Trollope-Bellew (Cabinet Member for Culture and Visitor Economy)
Councillor Mark Whittington (Cabinet Member for Waste Services and Climate Change)

Officers

Anne-Marie Coulthard (Assistant Director for Operations and Public Protection)
Richard Wyles (Chief Finance Officer)
Clova Townhill (Waste Team Manager)
Heather Green (Licensing Team Leader)
Serena Brown (Sustainability and Climate Change Officer)
Amy Pryde (Democratic Services Officer)

55. Comments from Members of the public

Tim Harrison raised the following points in relation to agenda item 10, Government Consultation on Taxi & Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities:

- The speaker was speaking on behalf of the drivers at Autocabs, owners of Grantham Taxis, Amber Taxis, Streetcars and CB Taxis.
- The Council had followed a hackney carriage and private hire licensing policy under the guise of air quality management.

- A previous Member had been contacted on two occasions via email: one relating to the aspirations of the Council to improve vehicle emissions, the other relating to gratefulness to the Council that a new development in Spittlegate Heath would produce extra income from customers. Over 4000 new houses would mean 7000 more unregulated vehicles, polluting the local air.
- After the consultation, taxi companies were advised that it was too late for their input.
- Another email was sent to a Cabinet Member, where this led to a falsehood aimed at misleading other Committee Members.
- The trade had been through the worst 2 years due to covid.
- Doubling the purchase cost of the tool of trade to a taxi driver would mean that buying a car two years newer than previously, meant a 100% increase in outlay, increase in fuel prices, licensing, insurance and running costs.
- Unfair restriction of trade that is not applied to other traders in the local area.
- Whether unfair pressure on trading on the homegrown taxi trade was considered by the Council.
- Access to vehicles which single drivers can not afford to purchase, expenses would rise.
- Whether an Equality Impact Assessment was conducted by the Council as it was a requirement in law.

Neil Dumbleton raised the following points in relation to agenda item 10, Government Consultation on Taxi & Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities:

- That the current hackney carriage and private hire licensing policy was not fit for purpose, because of the following reasons:
 - Method of consultation being flawed and virtually ineffective
 - In response to a Freedom of Information request to the Licensing Department regarding the number of letters and direct contact between independent taxi drivers was 409 emails.
 - Other methods to notify the taxi trade was notifications in two newspapers, an interview on BBC Radio Lincolnshire, a post on the Council's website and laminated pieces of paper on taxi rank street lampposts.
- That all potential changes should be directly in writing in a timely manner to the license holder.
- That the consultation had little use of purpose it allowed the Council's Licensing department to 'tick a box' and provide results gathered.
- The content of the 2020 policy fails on 90% of objectives set out to achieve in section 1.2.
- The trades had been established professionally and respectively before the policy was conceived.
- The trade was yet to see evidence from the Council's Licensing department of support or input.
- When the trade would see action from the Council on driver safety.
- The protection of the environment was a failed objective of the policy.

- The trade of South Kesteven were being punished for Grantham town centre being an air quality management area.
- That Grantham was 4.73 sq miles, meaning only 1.28% of the total area of South Kesteven. 57,344 households were in South Kesteven with an average of 1.3 vehicles per household, meaning approximately 74,547 vehicles of all ages. 368 hackney carriage and private hire vehicles in South Kesteven, which makes us 0.5% of the vehicles in the whole district.
- Almost all of the hackney carriages were compliant with the euro five emission standard.
- That the Council were seeing fit to and imposed a five-year age limit, an increased financial burden to under depleted members of the trade.
- That the policy was not fit for purpose due to lack of respect and contempt shown by those who are given the responsibility of implementing the policy and those who question the actions and rationale.
- That the 2020 policy be set aside, and a new policy be undertaken that involves contribution from all stakeholders and affected groups.

56. Apologies for absence

All Committee Members were present.

57. Disclosure of Interests

There were none.

58. Action Notes from the meeting held on 30 November 2021

Members **AGREED** the Action Notes of the meeting held on 30 November 2021, as a correct record.

59. Action Notes from the meeting held on 8 March 2022

Clarification was sought on the terminology of 'Action Notes' and 'Minutes'.

The Chairman confirmed that these were Minutes and the title would be consistent in the future.

Members **AGREED** the Action Notes of the meeting held on 8 March 2022, as a correct record.

60. Updates from the previous meeting

One Member raised a query regarding previous agenda items and why they had not been included within the action sheet:

- Green Flag Status at Council parks, including Jubilee Park
- Water Refill Stations

Feedback was requested on whether the Council had formally liaised with 'Friends of Jubilee Park'.

Further feedback was requested on the outcome of the 'Water Refill Stations' and whether the Council had consulted with towns within the district.

ACTION:

For an update to be provided on agenda items 'Water Refill Stations' and 'Green Flag Status at Council parks, including Jubilee Park'.

The Cabinet Member for Waste and Climate Change confirmed that the action relating to the new recycling centre had been answered at the end of the previous meeting.

A query was raised on where the relevant correspondence could be found on this matter.

It was clarified that the answer to the action was available to view at point 53 of the minutes from the meeting held on 8 March 2022.

61. Food Waste Collection Trial - Final Report

The Assistant Director of Operations and Public Protection presented the report on behalf of the Cabinet Member for Waste and Climate Change.

The trial started in 2018 and was completed on behalf of the Lincolnshire Waste Partnership to establish the amount of food waste collected in a certain area of South Kesteven.

The funding from Lincolnshire County Council ended in June 2020, then South Kesteven District Council continued the trial until March 2022.

The results of the trial outlined:

- That the scheme found an average of 26 tonnes per month of food waste being collected from the area in the beginning.
- During the Covid-19 pandemic, the average tonnage collected reduced.
- The amount of mixed dry recycling and residual waste increased significantly during the Covid-19 pandemic.
- By the final 10 months of the trial, the average monthly amount collected had changed to 20 tonnes.
- Participation was at 63% at the end of the trial.
- As a conclusion of the scheme, on average, the Council collected an average of 1.7kilograms of food waste each week per participating household.
- Food waste represented approximately 11% of the total waste produced.
- Food waste collections increased the amount of waste recycled by approximately 10.5%.

A survey of participants showed that most households agreed with the trial, however not everybody participated, reasons given included due to composting their food waste, producing only small amounts of food waste or some households felt they did not produce any food waste.

The scheme was suspended in anticipation of DEFRA's response to their consultation on the national roll-out of a food waste scheme, which would become mandatory for all local authorities. The response to the consultation was still awaited.

One Member expressed disappointment over the popular scheme being suspended and the lack of budget to fund the continuation of the scheme.

A query was raised on whether feedback had been received from the households that participated in the trial of the scheme.

It was confirmed that towards the end of the trial, the Council wrote to all participants to thank them and provide information on the suspension. The Council did not receive any complaints about the closure of the trial.

The Cabinet Member for Waste and Climate Change confirmed he had received two emails from participants of the trial, who expressed concerns over the closure of the scheme. A response was sent explaining background information on the decision of closure.

The Cabinet Member for Waste and Climate Change highlighted unintended consequences as a result of waste collection schemes.

One Member queried a comment made around food waste collection scheme increasing the overall carbon footprint.

Another Member noted that 96% of participants thought the scheme was a successful and that the Council could explore overcoming the difficulties.

The Cabinet Member for Waste and Climate Change outlined some potential options that may be feasible in the future.

AGREED:

That the Committee notes the results of the South Kesteven District Council Food Waste Collection Trial.

62. Update on Environment Act - impact on Local Authority

The Assistant Director for Operations and Public Protection provided the Committee with a presentation that outlined an update on The Environment Act 2021 and the impacts this had on the Council's waste collection services.

In summer 2021, DEFRA released three consultations relating to recycling and the disposal of waste. The Council responded to the consultations and the results were awaited on two of the three.

The Committee were reminded of what the consultations included:

- A framework for protecting and enhancing the natural environment through long-term, legally binding targets.
- DEFRA required to set legally binding environmental targets by late 2022.
- Main provisions relating to waste management
 - Improved consistency in recycling collections
 - Enhanced producer responsibility (EPR)
 - Deposit return schemes (DRS)
- DEFRA consulted on proposals in summer 2021.
- Results of consultations were expected early 2022.
- EPR consultation response received – to be implemented in a phased manner from 2024.

The consistency in recycling with the most significant implications for districts related to:

- Free of charge fortnightly garden waste collections during growing season.
- Separate weekly food waste collections would become mandatory for all households by 2023.
- Core set of recyclables to be collected separately (glass, plastic, metal and paper/card) by 2023/24.
- Business premises will also have to separate their waste for collection.

The consultation response for Enhanced Producer Responsibility (EPR) was received on 26 March 2022:

- Reforms to be implemented from 2024.
- Producers to pay the costs of managing household packaging waste.
- Payments to local authorities for collection of household packaging waste and “on the go” packaging disposed of in street bins (excludes littering).
- Modulated fees to incentivise the use of recyclable packaging (from 2025 instead of 2024).
- Mandatory takeback scheme for the collection and recycling of fibre-based composite cups (disposable coffee cups).
- Mandatory labelling of packaging for recyclability with a single labelling format.
- Annual packaging waste recycling targets to 2030.
- Appointment of a Scheme Administrator.

One Member queried timescales of when the way waste is collected would change. It was suggested that the Council could encourage communities to home compost.

Clarification was sought on the garden waste collection and when a decision would be made on whether the Council would be obliged to collect garden waste free of charge.

A concern was made on what supermarkets and the industry were doing to reduce the amount of packaging used pre-consumer and whether the legislation supported this.

The Cabinet Member for Waste and Climate Change highlighted that if the Council had to collect garden waste as a statutory service, it would be of an increased cost, which could be up to double the current cost.

It was noted that figures were not specific, and the figures were just an estimate of the financial impact. More detailed, financial costings would be undertaken once the DEFRA response was published. It was highlighted that to implement The Environment Act could cost the Council up to £5m.

A query was raised on whether the Council had any communication with central government on timescales around the consultation.

It was confirmed that the consultation results were still awaited and this was a concern.

ACTION:

For the Cabinet Member for Waste and Climate Change to write a letter to DEFRA's secretary of state to express the Council's concerns about the outstanding consultation response.

It was reiterated that home composting should be encouraged for the residents of South Kesteven.

One Member noted that some residents may not have the time or willingness to compost. It was suggested that the Council could potentially find a way of composting it in-house.

The Assistant Director of Operations and Public Protection highlighted that the EPR element of the legislation related purely to household packaging waste and did not currently include the secondary packaging produced in shops themselves.

It was confirmed that the Council had information on the website in relation to composting and were supporters of 'Get Composting' where residents can purchase composting bins.

ACTION:

For the Cabinet Member for Waste and Climate Change to encourage residents in South Kesteven by promoting composting via social media and in a version of SK Today.

63. Climate Change Update

The Sustainability and Climate Change Officer presented a report that provided the Committee with a brief update of items that had progressed since the last meeting.

The Council had been working on a joint campaign in Lincolnshire around awareness of climate change which would be targeted towards residents and businesses within the district. A further update on the outcome of the campaign would be brought to a future meeting.

It was highlighted that the Council were undertaking a review of the Council's fleet of vehicles as part of the carbon reduction action plan. The current fleet of vehicles were responsible for 25% of the Council's overall carbon footprint.

The Council were also making progress on upgrades of lighting within the Guildhall Arts Centre to energy efficient LEDs, which are 60% more efficient than incandescent bulbs.

The report included updates around the Council's work around tree planting. All applicants for the 'Emergency Tree Funding' had been informed of deferral of the fund until June. Lincolnshire County Council confirmed that their consortium application for 'Trees Call to Action Fund' had been unsuccessful.

The carbon footprint reporting for the 2021-22 financial year should be available for publishing in autumn 2022.

One Member queried as to whether the Council were open to applications from other funding opportunities.

It was confirmed that work was being explored regarding the 'Urban Tree Challenge Fund' and other funding opportunities for additional tree planting.

Members expressed their disappointment over the funding being unsuccessful.

The Sustainability and Climate Change Officer highlighted that the 'Trees Call to Action Fund' was a capacity building source of grant funding. The Council had submitted areas for the Treescapes funding to Lincolnshire County Council.

The Chairman suggested that Lincolnshire County Councillors could communicate with Lincolnshire County Council to encourage applications to fund tree planting.

A query was raised in relation to the ongoing programme of replacing streetlights with LEDs within the district and how many had been done at present time and whether a financial benefit had been seen.

A further query was raised on whether the 'Green Homes Grant Local Authority Delivery Scheme, Phase 2 (LAD2)' had been completed or was still undergoing.

The Sustainability and Climate Change Officer confirmed that the ongoing programme of streetlight replacements had begun at the end of 2021.

ACTION:

For the Sustainability and Climate Change Officer to liaise with the relevant colleagues and provide the Committee an update via email on the current number of completions of replacing streetlights with LEDs.

It was confirmed that the 'Green Homes Grant' funding had received a deadline extension for completion due to supply chain issues with availability of contractors and equipment. The programme was continuing, and the Council were utilising as much of the funding as possible.

A query was also raised in relation to the communal areas in some Council properties regarding the Council's operational carbon footprint.

It was highlighted that these properties were included in the Council's carbon footprint and were part of the Council's carbon action plan. There had been several works undergoing around the district in communal areas: For example, Manor Court in Bourne had received an upgraded heating system.

The Cabinet Member for Waste and Climate Change noted that the Council had submitted an ambitious bid to the Woodland Trust which was funding for a Tree Officer Strategy post for 18 months. The Council had been informed that without an agreed tree strategy, receiving funding for projects would be less likely.

It was noted that the grant funding allocated to South Kesteven District Council under the Sustainable Warmth Competition was around £1.2m and the average cost per property of upgrades ranged between £5,000 to a maximum of £25,000 for some properties.

Other Council's had implemented pilot schemes relating to contracting waste to a company, electrified fleets and hydrogen powered freighters.

AGREED:

Notes the updates regarding climate change and carbon emissions reduction across areas of South Kesteven District Council.

64. Government Consultation on the Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities

Councillor Dean Ward declared that he was married to a taxi driver and did not take part in the debate or vote.

The Licensing Team Leader provided the Committee with a presentation on behalf of the Cabinet Member for Governance and Licensing.

The first best practice guidance was issued in 2006. The Department for Transport had updated the guidance document to reflect new ways of working and were now seeking information and consultation of the new document. The consultation enables

interested parties including the public, operators, drivers and representative bodies to respond. The Consultation was due to close on the 20 June 2022.

Consultation questions related to the following topics:

- Accessibility
- Enforcing the Licensing Regime
- Driver Licensing
- Vehicle Licensing
- Taxi rank provision
- Annexes: Model bylaws for Hackney Carriages, sample notices between taxi driver or PHV driver and passenger, staying safe – guidance for taxi drivers, staying safe – guidance for PHV trade and useful questions when assessing taxi quantity controls.

Clarification was sought on the difference between two questions asked as part of the consultation relating to Enforcing the Licensing Regime.

It was confirmed that one question related to the drivers record and the points on their license. The other question related to operators for private hire vehicles.

It was highlighted that the time difference of points incurred to be on the records between an operator and a driver could be due to the duration of license: a taxi driver license was issued for 3 years, and an operator license was issued for 5 years.

A query was raised on how the Council would enforce drivers to evidence a higher degree of driving ability than required for private motorists.

The Licensing Team Leader confirmed that the Council currently requires a medical, a test of proficiency of spoken English and driving knowledge of the local area. It was noted that drivers are also required to undertake safeguarding training.

Concern was raised on the proposed answers to questions relating to car roof signs and private hire operator signage.

Clarification was provided that the Council policy did not currently insist on the display of the operator name on the outside of the vehicle.

Further clarification was provided to the Committee on question 21.

It was confirmed that hackney carriage vehicles have roof lights that can be turned on and off due to being hailed. A private hire vehicle does not have a roof light due to the vehicles not being hailed and being pre-booked.

The current policy stated that private hire vehicles may use other ways of displaying operator details but were not permitted to use a roof light.

The Chairman suggested that a comment be added to the response of the consultation that private hire vehicles could use signs to identify themselves as a pre-booked private hire vehicle rather than a hackney carriage vehicle.

One Member highlighted that some operators would text/email the individual who has booked the taxi with the name of the driver and the registration number plate.

General comments outlined that were to be added to the consultation response:

- Accessibility: Limited definition of assistance dogs; potentially insufficient to comply with S168-70 (Assistance Dogs in Taxis) of the Equality Act 2010.
- Private Hire Vehicle Operator Licensing: The fit and proper test for an Operator should reference the requirements of the Department for Transport Statutory Taxi and Private Hire Standards. The draft best practice guidance only refers to checks of Companies House information.
- Vehicles Licensing & Environmental Considerations: to ensure a consistent approach to the transition towards zero emissions, there would be benefit in setting a national standard and phased timescale to support this.
- Consideration of the provision of Government funding to support the trade in the transition.

The Chairman raised a concern in relation to accessibility and whether the consultation included the accessibility of wheelchair users.

Queries were raised on whether it was a requirement for drivers to display a photograph and registration inside the taxi.

The Licensing Team Leader confirmed that the Council issue driver badges with a photograph every three years, and they should be worn by the driver as set out in the policy. Vehicle identification plates could be found on the back of vehicles.

The policy cycle was 5 years and would be due for review in April 2026.

The Assistant Director for Operations and Public Protection confirmed that comments made could result in potential changes to the policy. Once the Department for Transport response to the consultation had been received, the policy would be re-reviewed to take account of any changes. The policy was not a statutory requirement and local choice; therefore, no review timescale was set in law.

AGREED:

Agrees the response to the Department for Transport Consultation on the Taxi & Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities, with or without amendments.

It was proposed, seconded, and **AGREED** that the Committee recommends that Cabinet urgently reviews the vehicle age at first registration aspect of the Council's taxi and private hire vehicle licensing policy, paying special regard to the vehicle age five-year rule.

65. Draft Policy for the provision of litter bins

The Assistant Director for Operations and Public Protection presented the report on behalf of the Cabinet Member for Waste and Climate Change.

An audit of the litter bins across the district had been carried out and 608 litter bins were recorded and had been provided and serviced by the Council.

The draft policy for the provision of litter bins would seek to clarify responsibilities where Parish/Town Councils had provided litter bins. The policy also suggested a criteria that would be applied when assessing a location for a new litter bin request.

Clarification was sought on the number breakdown of the 608 bins and how many were maintained by parishes, towns or the districts.

It was confirmed that the Council were aware of the number of bins that are emptied, however the original provision of some bins were historic, therefore, accurate information could not be provided on the original ownership.

There had been no proposal within the policy to change the ownership of any of the bins.

One Member queried as to whether the policy would enable parishes to provide and get bins emptied or whether problems could occur.

The Cabinet Member for Waste and Climate Change confirmed that set criteria for the provision of bins had been ad-hoc. The policy would not affect existing bins and would only affect when replacing bins and capacity would be assessed upon location.

It was suggested that the policy may eventually reduce the number of bins in town to relocate them to parishes and the outside of towns.

It was confirmed that the policy should not affect the collection or maintenance of bins.

A concern was raised on the lack of an environmental impact assessment section of the report.

The Assistant Director for Operations and Public Protection confirmed that an equality impact assessment was attached within the report.

A Member confirmed the environmental impact assessment was present on page 103, section 12 of the agenda report pack.

A query was raised on whether the current 608 litter bins had been mapped and whether any parishes lacked litter bins.

It was confirmed that the current bins were predominantly in the town centres, and they were currently not mapped at present time. The locations could become part of the Council's electronic mapping system in the future.

If a request was sent to the Council, the policy criteria would be used to assess the need for the litter bin.

AGREED:

1. Considers the draft Policy for the Provision of Litter Bins and agrees it, with or without amendments.

2. Recommends to Cabinet that the draft policy is suitable for adoption.

66. Work Programme 2021-22

Members noted the Work Programme for 2021-22.

Members requested that the following items be added to the Work Programme:

- Progress Update on the Depot Project
- Climate Change Action Group meeting update

The Chairman requested for Committee Members to be in contact in relation to future agenda items.

The Cabinet Member for Waste and Climate Change notified the Committee that a 'Climate Change Action Group' meeting was being held in early June 2022. An update would be brought to the Committee after each meeting of the 'Climate Change Action Group'.

67. Any other business which the Chairman, by reason of special circumstances, decides is urgent

There were none.

68. Close of meeting

The Chairman closed the meeting at 12:15.