



## **Environment and Sustainable Communities Overview and Scrutiny Committee**

**Date** Monday 9 November 2015  
**Time** 9.30 am  
**Venue** Committee Room 2, County Hall, Durham

---

### **Business**

#### **Part A**

**Items during which the Press and Public are welcome to attend. Members of the Public can ask questions with the Chairman's agreement.**

1. Apologies
2. Substitute Members
3. Minutes of the Meetings held on 1 October 2015, 6 October 2015 and 12 October 2015 (Pages 1 - 20)
4. Declarations of Interest, if any
5. Any items from Co-opted Members or Interested Parties
6. Media Relations - Update on Press Coverage
7. Climate Change Strategy and Delivery Plan Update - Report of Corporate Director Regeneration and Economic Regeneration (Pages 21 - 26)
8. Winter Maintenance Policy - Joint Report of Assistant Chief Executive and Corporate Director Neighbourhood Services (Pages 27 - 32)
9. Waste Programme Update - Joint Report of Assistant Chief Executive and Corporate Director Neighbourhood Services (Pages 33 - 36)
10. Light Touch Review of Parking on Council Land - Report of Assistant Chief Executive (Pages 37 - 42)
11. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham

30 October 2015

To: **The Members of the Environment and Sustainable Communities  
Overview and Scrutiny Committee:**

Councillor B Graham (Chairman)  
Councillor E Adam (Vice-Chair)

Councillors J Armstrong, D Bell, E Bell, J Clare, J Clark, D Freeman, J Gray,  
D Hall, G Holland, I Jewell, C Kay, P May, A Liversidge, O Milburn, S Morrison,  
J Shuttleworth, P Stradling, L Taylor and S Zair

**Co-opted Members:**

Mr T Bolton and Mrs P Spurrell

---

**Contact: Paula Nicholson**

**Tel: 03000 269710**

---

**DURHAM COUNTY COUNCIL**

At a Special Meeting of **Environment and Sustainable Communities Overview and Scrutiny Committee** held in Committee Room 1B, County Hall, Durham on **Thursday 1 October 2015 at 10.00 am**

**Present:**

**Councillor B Graham (Chairman)**

**Members of the Committee:**

Councillors E Adam, J Armstrong, J Clare, J Clark, J Gray, I Jewell, P May, S Morrison, P Stradling, L Taylor and A Hopgood

**Co-opted Members:**

Mrs P Spurrell

**Also Present:**

Councillor Hopgood

**1 Apologies**

Apologies for absence had been received from Councillors D Bell and D Hall.

**2 Substitute Members**

There were no substitute members.

**3 Declarations of Interest**

There were no declaration of interest.

**4 Any items from Co-opted Members or Interested Parties**

There were no items from Co-opted Members or Interested Parties.

**5 Briefing Note: Parking on Council Land - Summary of Issues Raised**

Members were provided with a briefing note to provide a summary of the issues raised at the last special meeting of Environment and Sustainable Communities Overview and Scrutiny Committee held on 14 September 2015 to discuss the topic of parking on council land (for copy of briefing note see file of minutes). The Chair advised that the findings and conclusions were based on the evidence presented at the last meeting.

## **6 Light Touch Review of Parking on Council Land - Key Findings, Conclusions and Formulation of Recommendations by Members**

The Overview and Scrutiny Officer presented the key findings and conclusions of the Light Touch Review on Parking on Council Owned Land to help Members formulate the recommendations (for copy of slides, see file of minutes).

The aim of the review was to raise awareness to members of the council of the options available to address challenges and issues in relation to parking on Council land. The review would specifically address:

- What powers the Council had to prevent obstruction to footways from inconsiderate parking on highway verges and any challenges/issues.
- What options were available for dealing with parking on open space amenity land and any challenges/issues.

The findings of the review were as follows:-

- Very few complaints were received in relation to parking on grassed areas and highway verge which would suggest this was not an issue for the majority of people.
- Car ownership was high with an estimated 450,000 cars in County Durham.
- Issues with parking would not disappear, just move from one area to another where the issue may be more serious.
- Parking on highway verges and grassed areas was an issue in many areas but each had its own set of problems.
- There were cost implications to all options which could lead to service implications.
- Educate drivers to park more considerately especially when parking on highway verge.
- Durham County Council had no parking policy for parking on grassed areas and highway verge.

The conclusions were as follows:-

- Parking issues were Countywide but there was no single solution.
- Options available to the Council all had a cost implication.
- Educate the public about considerate parking.
- Members had been briefed of powers available and that these were limited. Awareness of challenges/issues and options available and that all actions required resources.
- First point of contact for members was the CRM system this ensured that the right team received the request.
- Parking on grassed areas and highway verges was low priority to the public in comparison to other environmental issues.
- Tackling issues could lead to greater issues when cars parked elsewhere.

The suggested recommendations to members were as follows:-

- Education awareness to highlight the need to park considerately for the safety of pedestrians and other road users using Durham County News and Durham County Council website.
- Members used CRM system as first point of contact to ensure the enquiry was dealt with by the right team.
- That each case was looked at on an individual basis.
- That the service investigate, monitor and review new legislation in the Anti-Social Behaviour, Crime and Policing Act 2014.

Members were asked to comment on the possible recommendations.

The Chairman indicated that she would like social media included in the first recommendation.

Councillor Clark referred to page 7 of the briefing note in relation to cars for sale on council land and sought clarification on the procedure if the car did not belong to a trader. The Chairman responded that this was not in the remit of the committee.

Councillor May asked what the cost implications would be to provide a policy for parking on grassed areas and highway verges. Councillor Armstrong responded that the recommendations of the committee would be given to the Portfolio Holder and they could ask the question but this would result in prioritising and something else would have to be removed.

Councillor Hopgood commented that the recommendations suggested that there was not an issue with parking on council land but people did not complain because the council did not have a policy. Dog fouling they knew the council had a policy so this was reported as they knew something would be done. If the highway was blocked she would telephone the police not the council, so would not expect to see high figures of complaints.

Councillor Armstrong commented that the police would not get involved unless there was a blatant obstruction. Ian Hoult, Neighbourhood Protection Manager, confirmed that the Police had fed back to him and their priority fell in line with what Councillor Armstrong stated, that they would only take action if there was a direct obstruction as they also had to prioritise.

Ian Hoult also referred to the costs which would include signage, orders, advertising, consultation, monitoring, evidence gathering and legal resources to take action.

Councillor Adam referred to customers not reporting parking on council land as it was a police matter as the council could not take action, but the council did have powers to take action and in his own ward he used the neighbourhood wardens.

Councillor Morrison commented that she was aware of the costs associated with reinstating land but the recommendations looked reactive not proactive.

Brian Buckley, Strategic Highways Manager, referred to the hotspots map which was shown at the last meeting and indicated that the majority of problems were in urban areas. There was a parking policy in terms of standards which was yellow lines etc. but this was talking about parking on footpaths on estates. There was currently a back log with the

condition of roads and footpaths and there were funds for the maintenance of existing roads and footpaths. He could work with members who were happy to use some of their budget.

Councillor Hopgood responded that she had invested some of her budget and she found that the parking bays were left empty as people drove over them so that they could park outside their door. This had caused ruts in the grass which resulted in problems with grass cutting. This was a hazard and someone could potentially fall and break a leg. She had worked with the neighbourhood wardens who had knocked on doors and sent letters but people knew that the council could not do anything as there was no policy in place. You could educate but it would not change and there was nothing in the recommendations to look at producing a policy. Nothing was being done so as not to create work.

The Chairman responded that it was about the medium term financial plan.

Mary Readman, Customer Relations, Policy and Performance Manager, referred to the final recommendation and indicated that Ian Hoult and Clare Pattinson were both keen to look at legislation and explore but there was a concern of the resources required to carry this out and it needed to be weighed up in terms of what else was going on.

Councillor Clare indicated that he had supported Councillor Hopgood and he did sympathise but he did not think a policy was the answer. If signs were erected it would not change the behaviour and change the problem. He referred to recommendations two and three which gave him reassurances that when he received a phone call about parking on council land he could get in touch with the neighbourhood wardens who would deal with the issues on an individual basis. He was aware of the money constraints and the legal issues which were going to be dealt with. He also commented that he could use his budget and advised the committee that he was happy with all the draft recommendations.

Pam Spurrell indicated that where she lived one of the tenants parked fully on the pavement which meant she had to do a three point turn to get to her property. The properties were built when people did not have cars and they did not have garages and the housing association were unable to provide drives so parking on the pavements would have to continue.

Councillor Stradling indicated that there were different criteria for different parts of the county. In his area they encouraged parking on council land so that buses could get past. It was unfair to say in some areas that you could park on council land. He appreciated the problems that Councillor Hopgood had in her area but he commented that the recommendations were the best with the information provided and he moved the recommendations.

Councillor Clark asked that the publicity campaign on inconsiderate parking also include details of who to contact and what to do if not carried out.

Councillor Armstrong indicated that Councillor Stradling had moved the recommendation and he seconded the recommendations.

**Resolved:** That the draft recommendations be agreed subject to social media been included in recommendation 1.

## **7 Next Steps**

The Scrutiny Officer advised members that the key findings and recommendations of the Light Touch Review would be presented to the Portfolio Holder.

This page is intentionally left blank



## **DURHAM COUNTY COUNCIL**

At a Special Meeting of **Environment and Sustainable Communities Overview and Scrutiny Committee** held in Committee Room 1A, County Hall, Durham on **Tuesday 6 October 2015 at 9.30 am**

### **Present:**

**Councillor B Graham (Chairman)**

### **Members of the Committee:**

Councillors E Adam, J Armstrong, E Bell, J Clare, J Gray, D Hall, G Holland, I Jewell, P May, A Liversidge and L Taylor

### **Co-opted Members:**

Mrs P Spurrell

#### **1 Apologies**

Apologies for absence had been received from Councillors D Bell, J Clark and O Milburn.

#### **2 Substitute Members**

There were no substitute members.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Any items from Co-opted Members or interested parties**

There were no items from Co-opted Members or Interested Parties.

#### **5 Low Carbon Energy - Overview**

The committee considered the joint report of the Assistant Chief Executive and Corporate Director of Regeneration and Economic Development which provided members with background information prior to a presentation on low carbon energy providing detail of energy development in the Country and in the North East region; current position; issues and challenges and current and future opportunities (for copy of report see file of minutes).

The Chairman welcomed Professor Jon Gluyas, Dean of Knowledge Exchange, Dong/Ikon Chair of Geoenergy Carbon Capture and Storage, Department of Earth Sciences, Durham University who was in attendance to provide members with a presentation on low carbon energy potential in County Durham (for copy of slides see file of minutes).

During the presentation he provided details of the basic energy sources, high carbon/low carbon, embedded carbon, high carbon – mitigation strategy, energy density, UK energy consumption, UK changing energy picture, background in relation to the development of energy in the county and the North East region, current position, issues and challenges and current and future opportunities.

Councillor Hall referred to the use of heat from seawater and asked if there was potential within County Durham to capture this source of energy. Professor Gluyas responded that there are examples of projects involving heat extraction from seawater in Norway but none within the UK although there are projects involving heat being taken from rivers such as the Thames and Clyde. Professor Gluyas commented that in his opinion heat extraction from the sea is only a short step away.

Concerning energy security Councillor Hall commented that there is a drive to decrease energy use in the Country however this is not mirrored in current planning requirements, Government should ensure that planning regulations require the use of low carbon technologies in new builds, as planning has a direct impact on energy savings.

Councillor E Bell referred to a previous visit by the committee to the Dawdon Minewater Treatment Scheme site and commented that whilst minewater was being treated and heat extracted at this site, why was something similar not being done further up the coast at Whitburn.

Professor Gluyas responded that in the UK we waste a lot of energy, 40% of UK energy bills is for heating. Heat from Minewater is being investigated at Whitehaven and will be investigated as part of the Durham City District Heating feasibility study. Work is underway in partnership with UKCoal, The Environment Agency, Northumbrian Water and Durham County Council, investigating the further use of minewater heat in Dawdon. He concluded the heat from minewater should be investigated more but had no answer as to why it is not.

Councillor Adam referred to energy density and asked why the UK is not developing the use of hydrogen gas. Professor Gluyas responded that hydrogen presented an opportunity and that there are a number of options for generating hydrogen. The UK had used hydrogen in the past as 'town gas' was principally hydrogen however in the 1960's a decision was taken by Government to use natural gas. There is no reason why hydrogen gas could not be produced and used in the future.

Councillor Holland referred to the building of carbon neutral housing estates and commented that currently it is not possible to build these estates with current Government planning guidance, there is a need for this to change with current energy security issues and the need to drive down usage. Government needs to change current planning legislation and allow for carbon neutral housing estates to be built. Did Professor Gluyas think Government would change current planning legislation to allow the building of such housing estates. Professor Gluyas responded that there is a need for low carbon housing estates to be built and in order to do this there is a need for planning legislation to change.

Councillor Jewell indicated that there were very few wind sites remaining in County, was there potential for the business sector to use the low number of remaining sites for their financial benefit. Maggie Bosanquet, Sustainability and Climate Change Team Leader

responded that the government had changed the legislation making it more restrictive as to where wind turbines can be located.

Councillor May referred to the Chinese using coal and asked if there would be the opportunity for the UK to once again use coal for heat. Professor Gluyas responded that China was significant smoke issues and that they are currently undertaking work to reduce the amount of coal emissions. In relation to the UK there was still a lot of coal in the earth and would anticipate at some point in the future going back to using coal as a source of energy.

The Chairman thanked Professor Gluyas for his very informative presentation.

**Resolved:** That the report and presentation be noted.

## **6 Renewable Energy - Policy Changes and Update on Recommendations in the 'Reducing the Council's Carbon Emissions' - Scrutiny Review Report:**

The committee considered a joint report of the Assistant Chief Executive and Corporate Director, Regeneration and Economic Development which provided members with: an overview of changes in planning policy in relation to wind turbines and the challenges for local authorities; and an update on the progress made in relation to the recommendations contained within the 'Reducing the Council's Carbon Emissions' scrutiny review report 2013, a copy of which had been circulated with the report (for copy of reports see file of minutes).

Members received a presentation by Leo Oliver, Policy Officer, Maggie Bosanquet, Sustainability and Climate Change Team Leader and Stephen Beresford, Senior Sustainability and Climate Change Officer, Regeneration and Economic Development which focused on: changes to Government Planning Policy in relation to renewables (wind turbines) and the challenges this presented to local authorities; progress made by Durham County Council in reducing carbon emissions; key projects; challenges and opportunities and future developments (for copy of slides see file of minutes).

The Chairman thanked officers for their very informative presentation and indicated that she was pleased they had mentioned during the presentation about renewable technology projects undertaken with schools and that the drop in Feed in Tariff introduced by Government would now make projects with schools difficult in terms of affordability. Officers confirmed that some of the projects with schools were no longer feasible as a result of the significantly reduced tariff and that this would also impact on the renewable energy business sector potentially resulting in the closure of some businesses.

Councillor May commented that the progress chart illustrating the Council's reduced carbon emissions was interesting and showed that progress had been made. However were emissions from Durham County Council's external contractors included within this data. Officers responded that where there is an opportunity to include contractors' emissions then Durham County Council will try to include this within the individual contract and this had been done in relation to the waste transport contract. It is not always feasible to include the emissions element in every contract however once the Carbon Management Plan is refreshed then Durham County Council will be able to more clearly see what the

Council is directly responsible for such as Durham County Council offices and where Durham County Council does not have control but can influence such as schools.

Councillor E Bell referred to solar panels and commented that he had found schools in the County difficult to get then 'on board' with renewables and his concern was that the reduced tariff would mean that many more schools would opt out of introducing and using renewables. He continued by asking why the Council did not have a policy in relation to new build Durham County Council buildings requiring that they use renewable technologies like solar panels. Officers responded that the timing of the reduced Feed in Tariffs is bad as Durham County Council had recently prepared a number of options for schools to install PV solar panels. Some panels may be installed before the introduction of the reduced tariff in January, but not many. In relation to a policy for new build Durham County Council buildings, officers found the current situation frustrating however a new build energy policy is under consideration.

Councillor Holland referred to national Planning Policy Guidance and commented that it is inadequate. He suspected that the change in planning guidance concerning restricting the location of wind turbines resulted from Government responding to the concerns of the Southern Counties however County Durham had embraced wind turbines with a number of sites within the County. He continued that new buildings within the County should be energy neutral and that government policy should drive this. An opportunity existed via the County Durham Plan (Policy 16) to make new builds within the County energy neutral.

Officers indicated that they could only do what legislation and building regulations currently permitted. Government has got rid of Code for Sustainable Homes policy as it has been replaced by building regulations with current Durham County Council policy reflecting this. There is an issue in relation to ensuring that development sites remain viable particularly in relation to affordable home sites where the developer will pass on the additional costs of renewables to the purchaser, increasing the cost of the property.

Councillor Adam referred to the cost of energy and commented that energy companies did not want free or cheap energy as this would affect their profits. Housing developers would not make as much profit if they had to make houses more energy efficient. Energy was a huge proportion of people's income and if this was free it would give them more disposable income. Officers referred to the solar panels that had been installed which produced more power than had been anticipated.

Councillor Adam referred to housing groups and if they could be encouraged to provide energy efficient housing in particular the 200 houses which were to be built at Newton Aycliffe.

The Chairman commented that this was between housing and planning. Councillor Armstrong responded that members would see the plans for the development when available including detail of the types of properties to be built on the site, properties built by Durham County Council should lead by example.

Councillor Liversidge commented that the reduction in the Feed in Tariff from 12 pence to 1.8 pence was significant. Had the government given an official explanation as to the reasons for the reduction?

Officers responded that the budget for solar panels was over spent so the Feed in Tariff was cut which had resulted in people quickly getting solar panels installed prior to the reduction in the tariff.

Councillor D Hall referred to the current position of the County Durham Plan and commented how this was an opportunity to identify and add additional sites for wind turbines in line with the Government's new planning policy. Officers responded that County Durham is in a fortunate position as the Plan is currently being refreshed which would provide an opportunity to revisit locations within the County which would be suitable for wind turbines. Councillor Hall continued by asking as to whether a similar process could be undertaken as part of the refresh of the County Durham Plan concerning identifying areas for low carbon homes. Officers responded that sustainable buildings fall under Policy 16 of the Plan and that in order for this to be looked at as part of the refresh then the evidence base of the plan would need to show that sustainable buildings are feasible and viable. However, officers would feed back key messages from this meeting to the Spatial Policy Team who are responsible for the refresh of the Plan. Councillor Hall referred to the anti-poverty strategy and asked if a heat strategy had been developed for County Durham as 40% of bills within the County was for heating. Officers responded that there is a national heat strategy currently and that work is underway on a heat strategy for Durham City with the consultants' initial energy masterplan and heat map report with recommendations expected shortly and a further in depth feasibility study to follow.

Councillor Armstrong stated that Government is changing planning policy frequently which has resulted in Planners constantly having to revise policies and strategies.

**Resolved:** That the report and presentation be noted.

This page is intentionally left blank

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Environment and Sustainable Communities Overview and Scrutiny Committee** held in Committee Room 2, County Hall, Durham on **Monday 12 October 2015 at 9.30 am**

### **Present:**

**Councillor B Graham (Chairman)**

### **Members of the Committee:**

Councillors E Adam, D Bell, J Clare, J Clark, J Gray, I Jewell, P May, A Liversidge, S Morrison and L Taylor

### **Co-opted Members:**

Mrs P Spurrell

### **1 Apologies**

Apologies for absence were received from Councillors J Armstrong, E Bell, D Hall, C Kay, O Milburn and T Bolton.

### **2 Substitute Members**

There were no substitute members.

### **3 Minutes**

The minutes of the meetings held on 8 July 2015 and 14 September 2015 were confirmed as a correct record and signed by the Chairman.

### **4 Declarations of Interest**

There were no declarations of interest.

### **5 Any Items from Co-opted Members or Interested Parties**

There were no items from Co-opted Members or Interested Parties.

### **6 Media Relations**

The Overview and Scrutiny Officer referred Members to the recent prominent articles and news stories relating to the remit of the Environment and Sustainable Communities Overview and Scrutiny Committee (for copy see file of minutes). The articles were:-

- Durham Puts on a Blooming Good Show - Having triumphed in the Northumbria in Bloom large town category last year, Durham was now going for national gold, representing the region in Britain in Bloom.
- Successful Recycling Campaign to Continue for Another Year – The ‘bin it right’ campaign to encourage residents to recycle their household waste correctly had been extended for another year following its success.
- Green Flags Fly High in County Durham - Fourteen open spaces across the county had been awarded Green Flag status for 2015. These included six parks and two countryside sites, while six cemeteries/crematoriums were also recognised - the highest number held by any local authority in the country.
- New Roundabout Open for Traffic after £1.8m Project is Completed - The roundabout near the Honest Lawyer, outside Durham was completed ahead of schedule.
- Milburngate Bridge Works Complete – The works were complete ahead of schedule and had attracted positive comments.

Councillor Clark referred to the beautiful verges at West Auckland and asked that the relevant department be praised.

**Resolved:** That the presentation be noted.

## **7 Update on Flooding Recommendations**

The committee considered a report of the Assistant Chief Executive and Corporate Director of Neighbourhood Services which gave an update on the recommendations contained within the Flooding Scrutiny Review published in September 2014 (for copy of report, see file of minutes).

The Head of Technical Services and the Drainage and Coastal Protection Manager gave Members a presentation on the Flood and Coastal Protection Update which provided details of the schemes detailed in the Medium Term Financial Plan which amounted to £3.5m some of which had been completed and all schemes had an element of environment agency funding.

Using surface water flood maps they had identified approximately 10,000 properties at risk from a 1:100 year storm flooding event and they were working thorough the list to identify viable schemes that could be put into the Medium Term Financial Plan, Year 7 (2021-2027).

They went on to talk about the development of sustainable urban drainage systems approval body to advise that the Government had made amendments to the National Policy Framework and that the Drainage and Coastal Protection Team are statutory consultees that provided advice on all major development. Durham County Council had worked with private landlords in relation to flooding of private land impacting on Durham County Council land. The authority has legislation at its disposal should enforcement action be required by way of the Highway Act and the Land Drainage Act but most landowners co-operate fully with the authority. They also referred to the recent amendments to policy 46 which incorporated the changes to the National Planning Policy Framework and technical standards for Sustainable Drainage Systems. The Council had developed a draft options policy and guide in consultation with planners and developers, the maintenance



works for suds on new developments is proposed to be paid for by an annual payment made by the residents that were served by the sustainable drainage systems, should the developer choose to request Durham County Council to adopt and maintain the suds on new developments.

They concluded the presentation by providing members with details of the works that had been done at Witton Gilbert to prevent flooding.

Councillor May referred to the works that had been done at Witton Gilbert which looked spectacular but he sought clarification on the safety of the site as the flood ponds looked deep.

Officers responded that the Royal Society for the Prevention of Accidents (RoSPA) had been engaged to carry out a risk assessment and they were happy with the site subject to some minor modifications. The area was fenced and the banks of the ponds were not that steep.

Councillor Jewell sought clarification on the cost of maintenance of the site at Witton Gilbert. In response to the question Members were advised that before the works were carried out the site required intense maintenance. They had consulted with land owners with regard to ditching and they all understood what was required to maintain the ditches. The area did not require any grass cutting or excavation so maintenance was a minimum.

The Chairman referred to Sustainable Drainage Systems and asked who informed home owners that they were responsible for the maintenance costs. Officers responded that the system did not disadvantage residents as developers previously added this cost to the cost of the property so this system should make the property cheaper initially. The system was similar to water rates and the money was collected in the same way as council tax. The Sustainable Drainage System should be reflected in the deeds of the property but the payment should be made clear to residents during the conveyance stage of the purchase.

Councillor May commented that this could impact on other areas and could residents be asked to pay for services like grass cutting. Officers responded that it was a progressive system and the cost was divided by all properties and was based on the square footage of the property. The maintenance was indexed linked to inflation so could go up or down and would be reviewed periodically.

Councillor Clark asked if the new Sustainable Drainage System scheme would impact on the house insurance for residents that were affected by the flooding. Officers responded that they would offer residents a letter to provide to their insurance company and they understood that it was reflected in the insurance premium.

Les Hall, Development Manager, Northumbrian Water Ltd was in attendance and provided members with the background into his role which he had held since 2007 and had worked with various local authorities.

He provided members with an update in relation to the status of current projects and details of projects which had recently been released including schemes at Crook Hall, Windelstone, Barker Haugh, University, Aycliffe, Bearpark, Chilton and Tudhoe Mill and Witton Gilbert. He also provided details of existing works which were to be updated

including Bishop Middleham, Sherburn, Chester le Street, East Tanfield, Hussledown and Ramshaw and that they had a rolling programme to update sewerage works.

Councillor Clare sought clarification on the sewerage treatment and the impact from water. Les Hall provided Councillor Clare with details of the processes involved.

Councillor May referred to the water supply and how much investment was needed to supply to estates. Les Hall indicated that this was not his area but would provide Councillor May with a written response.

The Chairman thanked Les Hall for attending the meeting and indicated that the capital programme was good and the partnership was working well.

**Resolved:** (i) That the contents of the report and presentation be noted.

(ii) That the Committee receive a further report detailing progress made against the recommendations contained in the scrutiny review at a future meeting.

## **8 Performance Management Quarter 1 2015/16**

The committee received a report and presentation of the Corporate Management Team, Assistant Chief Executive and Leader which presented progress against the Council's basket of performance indicators for the Altogether Greener theme and report other performance issues for the first quarter of the 2015/16 financial year, covering the period April to June 2015 (for copy of report and slides of presentation, see file of minutes).

The Customer Relations Policy and Performance Manager provided a detailed presentation which gave an update on performance relating to the following:-

- Performance summary
- Key message in relation to cleaner, more attractive, sustainable environment.
- Refuse and recycling.
- Improved environmental cleanliness: litter and detritus.
- Improved environmental cleanliness: dog fouling.
- Fly-tipping.
- Actions and outcomes: operation: stop it.
- An improved local environment.
- Condition of the local authority road network.
- Carbon emissions.
- Maximise value and benefits of the natural environment.

The Chairman thanked the Officer for her presentation, which showed a very positive picture.

Councillor Clark indicated that it was a good report and sought clarification on the removal of the garden waste bins for those residents who did not take up the scheme.

The Customer Relations Policy and Performance Manager responded that a letter drop was going to be done about the green waste scheme and once they knew the take up of

the scheme they would look into collecting the bins for those who had not signed up. She also commented that the Council would not remove any bins which were not empty.

Councillor May asked for details of what a PACE interview was.

The Officer responded by informing him that this was an interview of alleged flytippers conducted by council officers under caution and followed procedures set down in the Police and Criminal Evidence Act. (PACE)

Councillor Clare also referred to the garden waste scheme and that there was a lot of dissatisfaction with the scheme and asked for an update on the scheme as there was 6,000 tonnes of waste not collected and he feared that the take up for next year would be reduced.

The Customer Relations Policy and Performance Manager responded that they were doing lots of monitoring and that a full update on the Garden Waste Scheme by the Head of Projects and Business Services would be coming to the next meeting which will cover the points raised by Councillors Clark and Clare.

Councillor Jewell referred to litter bins and in his area a lot of residents picked up litter and left it in sacks to the side of litter bins which had resulted in other residents placing inappropriate rubbish next to the bins.

The Customer Relations Policy and Performance Manager responded that this was classed as flytipping and all flytipping data was analysed.

The Chairman sought clarification if the Council worked with housing associations about inappropriate rubbish left next to bins and could a leaflet be produced to advise residents that this was classed a fly tipping.

The Customer Relations Policy and Performance Manager responded that they had a lot of service level agreements in place and worked closely with housing associations and the 'stop it' campaign was currently looking at white goods.

**Resolved:** That the contents of the report and presentation be noted.

## **9 European Structural and Investment Funding Update**

The committee considered a report of the Corporate Director, Regeneration and Economic Development which provided Members with details of the latest developments with regard to European Structural and Investment Funds Low Carbon Economy funding and set out the opportunities that were available to County Durham (for copy of report, see file of minutes).

The Sustainability and Climate Change Team Leader updated Members on the current position and advised that the exchange rate had currently changed which had resulted in a reduced value for the allocation from £18m to £10m and that transport was no longer part of the programme.

Durham County Council's Business Energy Efficiency project bid had been submitted and County Durham Business Hub had also submitted their bid.

The bid by Auckland Castle Trust for a geothermal renewable energy scheme for Auckland Castle had also been submitted. Durham University and the Environment Agency had also submitted a bid to create a water science hub which would be a virtual research and innovation platform on water, science and technology.

Members were also advised that the guidance had been issued which was released on 24 September 2015 and the deadline for bids was 25 September 2015.

The Chairman thanked the Officer for her very informative presentation and hoped that the Council were successful with the bids.

Councillor Clare asked if there were any opportunities and plans for insulation.

The Officer responded that they were pushing innovative schemes and that wall insulation was not new and that there were schemes in the Craghead and South Moor areas that were innovative. The Sustainable and Climate Change Team Leader advised she would provide the Overview and Scrutiny Officer with a copy of the guidance.

**Resolved:** That the contents of the report be noted.

## **10 Budget Outturn Quarter 4 2014/15 and Quarter 1 2015/16**

The Committee considered a report and presentation by the Finance Manager – Neighbourhood Services which set out details of the final outturn as at Quarter 4 for 2014/15 and highlighted variances against revenue and capital budgets for Neighbourhood Services (for copy of report and slides of presentation, see file of minutes).

The Finance Manager – Neighbourhood Services in delivering his presentation indicated that there was an under spend of £2.984m and gave Members reasons for the under spend. He also advised Members that the capital outturn had an underspend of £5.141m and gave Members the reasons for the underspend.

The Committee also considered a report and presentation by the Finance Manager – Neighbourhood Services which set out details of the forecast outturn at Quarter 1 for 2015/16 and highlighted variances against revenue and capital budgets for Neighbourhood Services (for copy of report and slides of presentation, see file of minutes).

The Finance Manager – Neighbourhood Services in delivering his presentation indicated that Neighbourhood Services had an under spend of £0.576m and gave Members the reasons for the under spend. He also advised Members that the Capital Programme had been revised to £48.504m due to additional funding sources been identified and it was anticipated that the full budget would be spent in 2015/16.

Councillor May referred to the mild winter last year and if savings had been made in the winter maintenance budget. The Finance Manager responded that in 2014/15 there had been an underspend of £700,000 and they currently had a reserve of £1.5m which was available in the event of severe weather.

**Resolved:** (i) That the final 2014/15 outturn position on Revenue and Capital be noted.

(ii) That the Quarter 1 forecast outturn position on Revenue and Capital for 2015/16 be noted.

**11 Verbal Update on Light Touch Review of Parking on Council Land**

The Overview and Scrutiny Officer advised Members that she was currently working on the report which would be submitted to the next scrutiny committee before it was submitted to the relevant portfolio holder.

**12 Minutes from Durham Strategic Flood Prevention Group held on 20 May 2015**

The minutes from the Durham Strategic Flood Prevention Group held on 20 May 2015 were received for information.

**13 Minutes of the Meeting of the County Durham Environment Partnership Board held on 16 June 2015**

The minutes of the meeting of the County Durham Environment Partnership Board held on 16 June 2015 were received for information.

This page is intentionally left blank

**Environment and Sustainable  
Communities Overview and  
Scrutiny Committee**



**9 November 2015**

**Climate Change Strategy and  
Delivery Plan Update**

---

**Report of Ian Thompson, Corporate Director, Regeneration and  
Economic Development**

---

**Purpose of the Report**

1. To Provide the Environment and Sustainable Communities Overview and Scrutiny Committee with an update on the County Durham Climate Change Strategy and Delivery Plan.

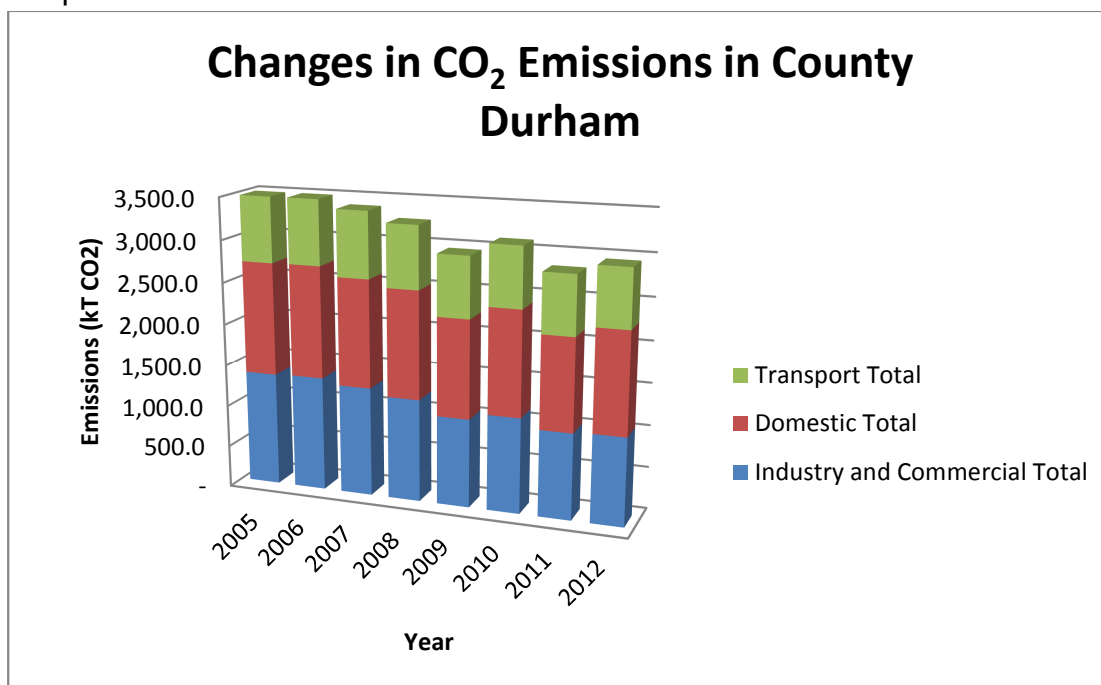
**Background**

2. The Environment and Sustainable Communities Overview and Scrutiny Committee have received regular updates on the Climate Change Strategy and Delivery Plan since 2012 via overview presentations.
3. At its meeting on 5<sup>th</sup> March 2015 the Environment and Sustainable Communities Overview and Scrutiny Committee received an update on the progress of the Climate Change Strategy and Delivery Plan including the key points from the draft strategy delivery plan consultation which was held in the summer of 2014.
4. The content of the Delivery Plan has been shaped by the European Regional Development Fund and the Strategy will be used to strengthen bids for this money. Members of the Environment and Sustainable Communities Overview and Scrutiny Committee agreed to receive further updates including the progress made in obtaining EU funding. Arrangements have been made for Maggie Bosanquet, Sustainability and Climate Change Team Leader and Stephen Beresford, Senior Sustainability and Climate Change Officer to attend the meeting on the 9 November 2015 to present the report and answer questions from the committee.
5. A further special meeting of the Environment and Sustainable Communities Overview and Scrutiny Committee is scheduled for the 1 December 2015 and will focus on Fuel Poverty. At the meeting members will receive detail of various schemes/projects within the County to tackle fuel poverty within the home. To avoid repetition this report will concentrate on non-domestic issues around climate change.

## Current Position

6. The climate change strategy and delivery plan were submitted to and approved by Cabinet on the 15<sup>th</sup> July 2015. The report specifically highlighted the role that the Environment and Sustainable Communities Overview and Scrutiny Committee had played and recommended:  
 ‘That Cabinet continues to support the Environment and Sustainable Communities Overview and Scrutiny Committee’s role in monitoring progress.’
7. In 2012 County Durham emitted 2,951 tonnes of CO<sub>2</sub>, a slight increase from the previous year. The winter was colder than 2011, and the graph shows an increase in domestic emissions to reflect this. The long term trend is still down and on target as shown in the following graph.

Graph 1:-

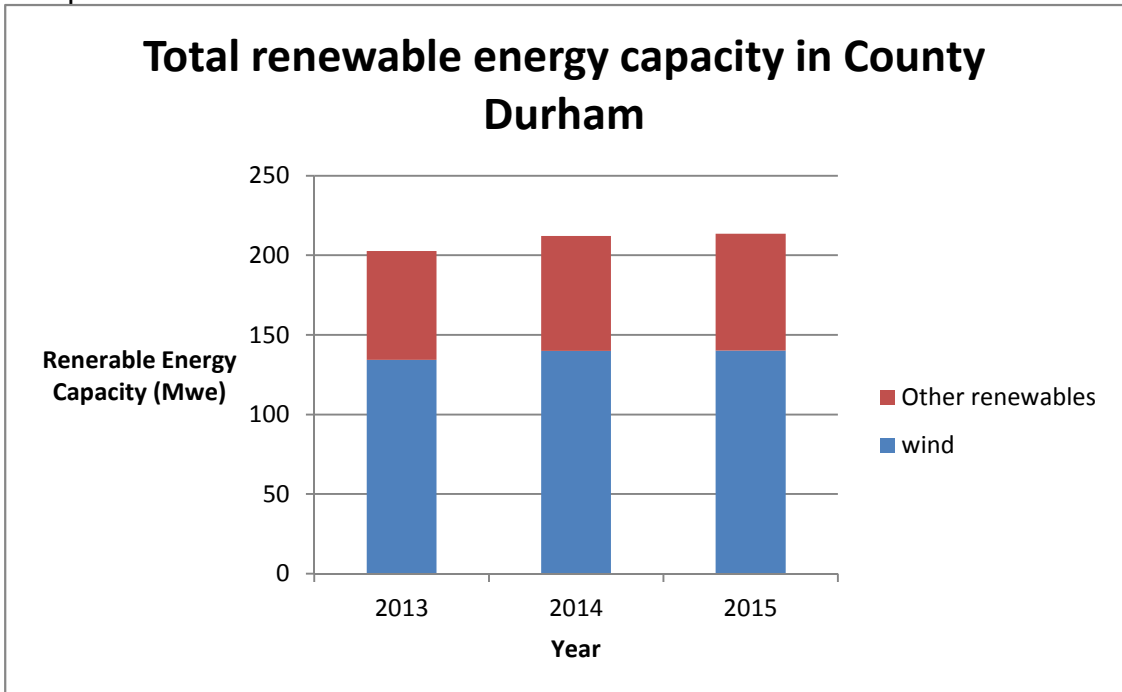


8. The following graphs show how renewable electricity generation across the County has increased by about 5% in the past 3 years, with solar PV capacity almost doubling from 12 MWe in 2012 to 23MWe in September this year. There have been no significant changes in the other technologies in this time.

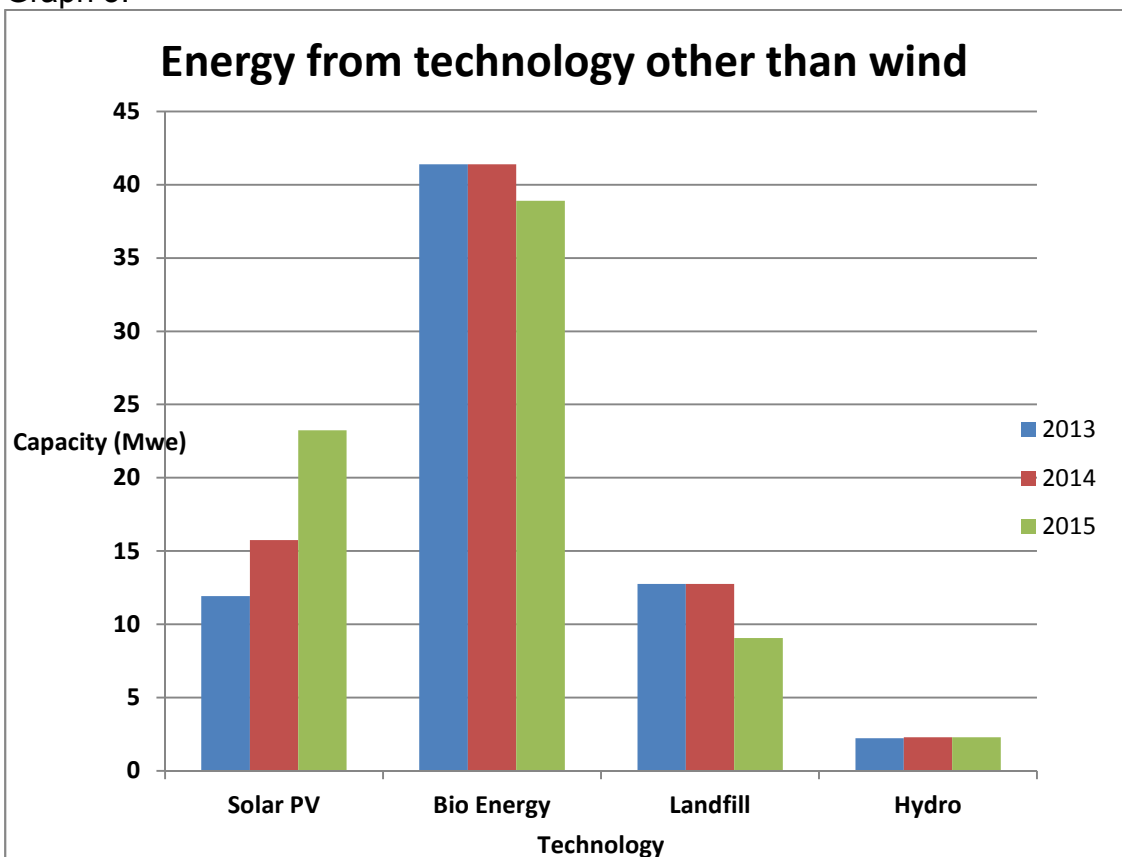
A 1 MWe increase represents about 4,000 solar panels so this means that there have been over 40,000 solar panels installed in the past two years.



Graph 2:-



Graph 3:-



- There have been a number of changes to legislation and regulations since the new Government came to power in May. These have created an unstable position regarding renewable energy and energy efficiency work. There are more changes expected and whilst we have cancelled and changed some

projects we will continue to monitor the situation for opportunities. We will also look to local organisations leading the way in the field, for example working with, and inviting speakers from Durham University to share their knowledge.

10. Since January the Climate Change Strategy Group has been chaired by Tara Duncan from Durham University. The group is focussing on three projects areas
  - a. Energy efficiency in community buildings
  - b. Building in community resilience to severe weather
  - c. Modal shift-sustainable transport for young people transitioning from school to further education in South Durham.
11. We are currently looking to support community groups that have taken on DCC buildings through the Asset Transfer and Durham Ask process and are aiming to hold an energy efficiency event in spring to coincide with Earth Hour. This could be complemented with work at a regional level to support community buildings.
12. The Council is investigating options for securing funding and a number of European bids have been prepared for work on public buildings and in communities. We will find out how these are progressing in the New Year.
13. One area of work being pursued is the Business Energy Efficiency Project. Initial research and development work has been completed and an ERDF bid has been submitted which aims to deliver pro-active support to businesses looking to reduce their energy use and become more efficient.
14. There are also on-going feasibility studies being conducted into district heating opportunities for the Durham City area. If viable, they could be included in any major development proposals at Aykley Heads or near the river Wear.
15. The proposals to develop a solar farm on DCC land adjacent to Comeleon House at Tanfield are still progressing. The changes in FIT rates for solar panels mean that we are likely to enter into a land lease agreement and allow a third party to develop the site. The Councils data centre will still be able to use power from the development.
16. A new partnership project entitled 'Activating Community Engagement' (ACE) is being developed by Northern Powergrid, with the Weardale Area Action Partnership and Durham Community Action. A feasibility trial will take place in the area from November 2015 till March 2016. The project is a community based initiative to test whether rewarding people for making small changes to the way they use electricity can reduce stress on the Grid during peak times (4.30-7.00pm).

## **Recommendations**

17. Members of the Environment and Sustainable Communities Overview and Scrutiny Committee are requested to note the content of the report and provide comment accordingly and to receive a further update at a future meeting of the committee.

## **Background Papers**

The Cabinet report and Climate Change Strategy and Delivery Plan are available from the Cabinet meeting pages:

<http://democracy.durham.gov.uk/ieListDocuments.aspx?CId=154&MId=8225&Ver=4>

---

**Contact: Maggie Bosanquet , Climate Change Team Leader,  
Tel:03000265549**

---

---

## **APPENDIX 1 - Implications**

---

**Finance** – None directly, but the Delivery Plan aims to deliver projects that would help to reduce energy costs for County Durham communities. European bids may require match funding but would bring in considerable money to the authority.

**Staffing** - None

**Risk** – The Strategy highlights the risks of a changing climate to County Durham

**Equality and Diversity/Public Sector Equality Duty** - None

**Accommodation** - None

**Crime and Disorder** - None

**Human Rights** - None

**Consultation** – A consultation process has taken place as part of the development of the strategy and the comments from the Overview and Scrutiny Committee were taken on board.

**Procurement** - None

**Disability Issues** - None

**Legal Implications** - None

**Environment and Sustainable  
Communities Overview and  
Scrutiny Committee**



**9 November 2015**

**Winter Maintenance Policy**

**Joint report of Lorraine O'Donnell, Assistant Chief Executive and  
Terry Collins, Corporate Director, Neighbourhoods**

**Purpose of the Report**

- 1 To provide Members of the Environment and Sustainable Communities Overview and Scrutiny Committee with supporting information in advance of an update presentation on the Winter Maintenance Policy.

**Background**

- 2 The Environment and Sustainable Communities Overview and Scrutiny Committee in 2009 carried out a focused scrutiny review looking at the winter maintenance strategy/service. The review resulted from the severe weather experienced across the UK in 2008/09 following a pro-longed spell of cold weather which exposed weaknesses with existing policies on the supply and stocks of salt.
- 3 During this period, demand for salt outstripped the amount that could be supplied by UK salt suppliers, which left many areas at high risk of running out of salt. The Government was required to intervene in arrangements between Local Authorities and salt suppliers to prioritise distribution in order to keep local road networks functioning. This highlighted the need for Local Authorities to have appropriate plans in place to ensure that such intervention was not necessary should similar circumstances occur in the future. During this period Durham County Council acted as a supplier of salt to a number of Local Authorities who paid the Council for this service as the County Council had adequate supplies.
- 4 The severe weather over the winter of 2008/09 necessitated spending considerably more than in previous years on snow clearing and winter gritting of paths and highways to ensure safe movement, to keep traffic delays to a minimum and that access to emergency facilities was maintained. The Council was not only concerned with the increased costs but the complaints and concerns expressed by organisations, the general public and interested parties in relation to the level of service provided. The report made a number of recommendations which were considered by Cabinet in September 2009 and then incorporated into the Winter Service Plan.
- 5 The following winter of 2009/2010 was the worst winter the country had experienced for 3 decades. During the period December 2009 to March 2010, County Durham was subject to severe weather conditions of sub-zero temperatures and heavy snowfall with temperatures of in excess

of -10 degrees C with nine inches of snow falling over the new year weekend which necessitated continuous winter maintenance.

- 6 It was therefore thought appropriate to establish a further scrutiny review group to look at the progress made against the recommendations contained in the winter maintenance strategy/service scrutiny review report. The findings of the review group were considered by Cabinet in May 2010 and resulted in significant amendments to the Code of Practice 'Well Maintained Highways' with these amendments also incorporated into the Winter Maintenance Policy and Operational Plan.
- 7 The Scrutiny Winter Maintenance Service Review report 2010 acknowledged the financial pressures that would affect local government in the future and made the following recommendations:
  - To review the pre-salting routes to include main roads into villages and all bus routes including bus routes to schools.
  - To introduce a salt bin numbering system and to devise a system to record and report when the filling of the salt bin is complete.
  - To review the contracts and conditions of employment for farmers.
  - To discuss with farmers whether they can assist with refuse collection during severe winter weather.
  - To approach all Town and parish Councils regarding entering into a service level Agreement to undertake winter maintenance treatment of agreed priority footways.
  - To discuss with neighbouring local authorities the requirement for a consistent approach to winter maintenance at all boundary crossing points.
  - To liaise with the Housing Associations and Arm's Length Management Organisations (ALMOs) operating within the County to identify where there are significant numbers of older/vulnerable people to ensure they are not isolated in severe winter weather.
  - To further develop the opportunities for the Council to use its well being powers.
  - To further develop the use of the handyperson to undertake winter maintenance for older and vulnerable groups.
- 8 Due to the previous involvement of Overview and Scrutiny in shaping the Winter Maintenance Policy updates have been provided to the Environment and Sustainable Communities Overview and Scrutiny Committee as part of the 2013/14 and 2014/15 work programmes. As part of the refresh of the work programme for 2015/16 it was suggested by members that a further update be provided focusing on the current winter maintenance policy making members aware of the processes in place for the delivery of winter maintenance across the County before the start of the winter period. In addition, it is proposed that members receive detail of the delivery of winter maintenance during 2015/16 together with the winter maintenance plans for 2016/17 at a future meeting of the committee.
- 9 Arrangements have been made for Brian Kitching, Policy and Assets Manager to attend the meeting on the 9 November to provide an update for members on the resources available and the processes in place prior to the

start of the winter period 2015/16. The presentation will focus on the following:

- Winter Maintenance Policy – background.
- Treatment routes - Detail – Carriageways Priority 1, Carriageways Priority 2, Snow Routes, footways and cycle ways
- Salt and grit bins – how provided.
- Key facts and figures for 2015/16 including total budget, total salt stocks, number and type of winter equipment available for use (gritters, trailers and snow blowers etc.), salt bins – number of, average salt cost etc.
- How DCC works In Partnership, detail of key partners for 2015/16.
- Key contacts for members/public in relation to winter maintenance.

### **Legal responsibility and duty**

10 The Winter Maintenance Policy details the service levels of where and when the Council will provide winter maintenance on the adopted highway in accordance with the national code of practice 'Well-Maintained Highways – Code of practice for Highway Maintenance Management' (the 'Code').

11 The purpose of winter maintenance is to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice. Winter maintenance involves:

- Pre-treatment – precautionary salting before the formation of ice;
- Post-treatment – continuing salting following the formation of ice;
- Clearance of ice and snow;
- Dealing with continuous severe conditions; and
- Provision of salt and grit bins/heaps.

12 As the Local Highway Authority, the Council is responsible for ensuring the highway network is managed and maintained for the safe and convenient movement of people and goods.

13 The Highways Act 1980 sets out the main duties of the Local Highway Authority in respect of highway maintenance. Section 41(1A) of the Highways Act 1980 (duty of Highway Authority to maintain highway) states : 'In particular, a Highway Authority is under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice'.

14 The Highways Act does not specify the level of winter maintenance although the Code offers guidance in line with national best practice. Given the scale of commitment and other resources involved in delivering winter maintenance the Code recognises that it is not reasonable either to:

- Provide the service on all parts of the adopted highway; or
- Ensure running surfaces are kept free of ice or snow at all times, even on the treated parts of the adopted highway.

The Code expects the Local Highway Authority to formally approve and adopt policies and priorities for winter maintenance and this is the purpose of the Winter Maintenance Policy.

## Objectives of winter maintenance

- 15 The Winter Maintenance Policy is essential to keep the highway network open for the safe and convenient movement of people and goods. The objectives of winter maintenance are as follows:
- Customer - Meeting user needs and expectations through an efficient, effective and proportionate service.
  - Safety - Complying with statutory obligations, meeting user's needs for safety.
  - Serviceability – Ensuring availability, maintaining reliability.
  - Sustainability – Minimising whole life costs, maximising value to the community and minimising environmental impact.

## Winter Maintenance Policy

- 16 Durham County Council's Winter Maintenance Policy covers the following:
- **Treatment routes** – it is not practical to treat all parts of the adopted highway. Therefore, in accordance with the Code the Council has criteria for prioritising certain carriageways, footways and cycle ways within the County.
  - **Provision of salt and grit bins** – The Council undertakes precautionary salting on only a proportion of the adopted highway network and many minor roads are not treated. In these areas the Council will provide salt and grit bins for the public to use themselves based on objective criteria.
  - **Provision of salt and grit heaps** - Salt and grit heaps are provided in rural locations on steep banks and bends for the public to use themselves on a case by case basis.
  - **Deployment and response times** – Criteria and response times for precautionary salting, post treatment and clearance of ice and snow (priority 1 routes and minimum winter network), post treatment and clearance of ice and snow (priority 2 routes) and snow routes.
  - **Resilience** – Following recent severe winters the Council has improved resilience by increasing salt stocks at the start of the winter maintenance season.
  - **Customer Services** – Detail of contact numbers and reporting process.

## Next Steps

- 17 It is intended that the Environment and Sustainable Communities Overview and Scrutiny Committee will receive an update informing members of the delivery of winter maintenance during 2015/16 together with detail of winter maintenance plans for 2016/17 at the July 2016 meeting.

## Recommendations

- 18 The Environment and Sustainable Communities Overview and Scrutiny Committee is asked to note and comment upon the information provided in the report and presentation.



19 That an update on the delivery of winter maintenance for 2015/16 and detail of winter maintenance plans for 2016/17 is provided to the Environment and Sustainable Overview and Scrutiny Committee at the July 2016 meeting.

**Background Papers**

Review of the Winter Maintenance Service/Strategy – Scrutiny Review Report-September, 2009.

Review of the Winter Maintenance Service /Strategy – Scrutiny Review Report - May, 2010.

Winter Maintenance Policy 2014/15.

Environment and Sustainable Communities Overview and Scrutiny Report – Winter Maintenance Policy – 10 November 2014

---

**Contact: Tom Gorman**

**Tel: 03000 268027 E-mail: tom.gorman@durham.gov.uk**

**Author: Diane.Close**

**Tel: 03000 268141.....E-mail: diane.close@durham.gov.uk**

**Author: Brian Kitching E-mail: brian.kitching@durham.gov.uk**

---

---

**Appendix 1: Implications**

---

**Finance – NA**

**Staffing – NA**

**Risk – NA**

**Equality and Diversity / Public Sector Equality Duty – NA**

**Accommodation – NA**

**Crime and Disorder – NA**

**Human Rights – NA**

**Consultation – NA**

**Procurement – NA**

**Disability Issues – NA**

**Legal Implications – NA**

**Environment and Sustainable  
Communities Overview and  
Scrutiny Committee**



**9<sup>th</sup> November 2015**

**Waste Programme - Update**

---

**Joint report of Lorraine O'Donnell, Assistant Chief Executive and  
Terry Collins, Corporate Director, Neighbourhoods**

---

**Purpose of the Report**

- 1 To provide Members of the Environment and Sustainable Communities Overview and Scrutiny Committee with supporting information in advance of the update on the waste programme.

**Background**

- 2 The work programme for Environment and Sustainable Communities Overview and Scrutiny Committee includes monitoring the delivery of the Council's waste strategy and performance. This is in relation to the objective of "Delivering a Sustainable Approach to Waste Management" within the Altogether Greener section of the Council Plan.
- 3 The work of the Waste Programme between March 2010 and June of 2013, completely transformed that Council's waste management service introducing new collection methods and procuring new contracts for recycling and disposal. This work has now developed into maintaining a sustainable approach to waste management in the face of reducing funding and challenging market conditions, along with monitoring of performance of the existing arrangements.

**Update**

- 4 An update on the progress of the waste programme will be presented by Alan Patrickson, Head of Projects and Business Services for the information of the committee.
- 5 The introduction of a subscription service for Garden Waste collection was a significant change to this popular service in 2015. The update will present the outcomes and learning from the first year of this new service.
- 6 An update will be provided on the capital programme within the waste management service to repair and update the County's four waste transfer stations. Waste transfer stations are an essential link in the chain for waste management logistics, providing a tip off point for refuse collection vehicles

where waste can be bulked into larger vehicles for efficient onward transportation.

- 7 The Council continues to run a number of education and awareness campaigns relating to recycling and waste management to encourage good environmental practice among residents. The presentation will include a brief update on a number of these campaigns.

### **Recommendation**

- 8 It is recommended that the Environment and Sustainable Communities Overview and Scrutiny Committee notes the waste programme update.

---

**Contact: Tom Gorman**  
**Tel: 03000 268027 E-mail: tom.gorman@durham.gov.uk**

**Author: Diane Close**  
**Tel: 03000 268141.....E-mail: diane.close@durham.gov.uk**

---

---

**Appendix 1: Implications**

---

**Finance - None**

**Staffing - None**

**Risk – None**

**Equality and Diversity / Public Sector Equality Duty –** There are no equality and diversity issues to be considered as part of this update.

**Accommodation – None**

**Crime and Disorder - None**

**Human Rights – none**

**Consultation – None.**

**Procurement – None**

**Disability Issues – None.**

**Legal Implications –. None**

This page is intentionally left blank

**Environment & Sustainable Communities  
Overview & Scrutiny Committee**



**9 November 2015**

**Parking on Council Land**

---

**Report of Lorraine O'Donnell, Assistant Chief Executive**

---

**Purpose**

1. To provide the Portfolio Holder for Neighbourhood Services with the findings, conclusions and recommendations of a light touch review carried out by the Environment and Sustainable Communities Overview and Scrutiny Committee which looked at parking on council land.

**Background**

2. At Council on 21 January 2015, Councillor Hopgood put forward a motion to council: *"This Council noting the recent agreement by it of a tree policy agrees to investigate the creation of a policy for driving and parking on council owned grassed areas.*

*This council recognises that many of these grassed areas are regularly used by residents and children for recreation and that inappropriate use by vehicles is causing significant danger as well as damage that is unsightly and expensive to repair.*

*This Council believes that the creation of a policy to address this issue would give council officers the power to have vehicles removed and enforce the non-vehicular access to our valuable green spaces."*

3. The motion was withdrawn on the understanding that Overview and Scrutiny would investigate with the service grouping options available to members of the council to address this problem.
4. The Environment and Sustainable Communities Overview and Scrutiny agreed at its meeting on 8 July 2015 to refresh its work programme and to include a light touch review of parking on council land and agreed the terms of reference for the light touch review.
5. The aim of the review was to raise awareness of members regarding the options available to address challenges and issues in relation to parking on council owned land. The focus was parking on open amenity land and highway verges on former council owned residential estates.
6. The committee considered various pieces of legislation, approaches used in other local authorities and organisations, customer services data, highways

information and environmental information on the issues caused by parking on highway verge and open grassed areas.

7. As the request to carry out the review came from the Portfolio Holder for Neighbourhoods and Local Partnerships the committee have agreed that this report is sent to the portfolio holder.

## Legislation

8. There are four major pieces of legislation that provide the council with the powers to address issues with parking on highway verge and open grassed areas. These are:-
  - **Highways Act 1980** – addresses obstruction of the highway
  - **Road Traffic Act 1988** – the use of Traffic Regulation Orders to regulate pavement parking
  - **Traffic Management Act 2004** – local authorities can designate Special Parking Areas
  - **Clean Neighbourhoods and Environment Act 2005** – gives powers to address cars for sale on the street.
9. All of the above identify a means to address a range of parking issues should the authority choose to use them.
10. In 2014 a new piece of legislation was introduced:
  - **Anti-Social Behaviour, Crime and Policing Act 2014**  
Provides reform of anti-social behaviour powers; part two details the powers in relation to Public Spaces Protection Orders (PSPO). The purpose of these orders is to stop individuals or groups committing anti-social behaviour in public spaces. Local authorities could interpret inconsiderate parking as anti-social behaviour and use PSPO to address these issues, as they can restrict access to open spaces (including certain types of highway). PSPOs can be enforced by council officers, however before making a PSPO the local authority must formally consult with the local police and appropriate community representatives.
11. The Environment and Sustainable Communities Overview and Scrutiny Committee concluded that the Council has sufficient legal powers that could be used for enforcement should it choose to do so without the need for a separate policy to be developed. The committee also suggested that the service with assistance from legal services should monitor any new legislation that may be of relevance to the issue of parking on council land.

## Approaches in Other Organisations

12. The committee were advised that there were very few local authorities with a policy for parking on council owned grassed land and highway verges on residential estates. This information was tested through two benchmarking exercises, the first was with neighbouring authorities who were asked about the number of complaints they receive and what actions were taken to address any issues.



13. The benchmarking information obtained from five neighbouring local authorities showed that they all deal with parking on highway verge on an ad hoc basis and do not have a policy to tackle such issues. The numbers of complaints received from the public appeared to be much more than the number received in County Durham. The service had also carried out a benchmarking exercise with the Association of Public Service Excellence (APSE) which indicated the use of Traffic Regulation Orders is the most common approach.
14. What became clear when conducting the research was that very few local authorities had a policy document to address the issue of parking on highway verge and open space amenity land. Durham County Council has parking policy in relation to car parks and street parking which is similar in other authorities.

### **Public & Customer Issues and Services in County Durham**

15. The committee received data from Customer Services which indicated that the number of contacts and complaints received from members of the public in relation to parking on council grassed areas and obstructing footpaths is small. The presentation slides from the meeting on 14 September 2015 indicate that out of a total of 7424 customer contacts received via customer services during a time period of November 2014 to March 2015, 555 customer contacts related to parking. Most of these contacts did not relate to parking on grassed areas but related to parking fines, parking spaces in Durham City and DCC vehicles parked e.g., refuse collection lorries. Of these 555 customer contacts 24 were complaints about parking; three relating to parking on grass, eight obstructing paths, seven blocking access, four near schools and two relating to disabled bays.
16. Durham Constabulary provided information in relation to the number of customer contacts received during a period from 1<sup>st</sup> November 2014 to 31<sup>st</sup> March 2015 which contained the word parking. They had received 366 contacts but this relates not just to parking obstruction but any kind of parking issue such as double parking; parking on yellow lines; no parking zones or relate to parking queries raised at PACT meetings. Durham Constabulary operates in Darlington as well as County Durham therefore some of the 366 will also include the Darlington area.
17. Evidence indicates that there are hotspot areas within the county where there are customer contacts; this would suggest that more people in these areas are concerned about parking issues. Census data (2011) indicates that car ownership within County Durham is over one car per household and car ownership continues to increase with the number of vehicles that residents have access to increasing by 21.9% since the last census in 2001. The census data does not take into account other vehicles within the county such as visitors, commercial and emergency vehicles.
18. The information provided indicates that the issue of parking on council land is either of low priority to members of the public as the number of complaints about the issues is relatively small or that there is an understanding of the issue among members of the public that there are a great number of vehicles on the road and

only a limited number of parking spaces. However it is important that when members of the council or members of the public are reporting parking or any other issues they use the correct methods such as the Customer Relation Management System to ensure the contact is dealt with by the right person.

19. The Strategic Highways Manager provided information in relation to the types of parking issues on highway verges that occurred in County Durham. Parking on highway verge can cause a nuisance for pedestrians if they are unable to pass the vehicle, especially with a wheelchair, pram or pushchair. Vehicles inconsiderately parked are very hazardous to pedestrians, causing problems crossing roads as sightlines are impeded, pedestrians with poor vision might not realise the vehicle is actually on the path which may cause them to damage themselves or the vehicle. Guide Dogs for the Blind have raised these issues nationally and lobby for national legislation to address these issues. Living Streets (a third sector organisation) had produced an aspirational document about reclaiming the footpaths for pedestrians and some district councils had used the document in producing policies in their areas. However they were small areas with similar issues. County Durham is a very large county with different issues in different areas and it would be very difficult to have a policy that would address all issues in all areas.
20. Where cars are parked on the highway verge highways enforcement officers can ask drivers to remove their vehicles but in most circumstances this is only moving the problem to another street or elsewhere for a couple of hours and then the vehicle is parked again on the verge or footway. There are insufficient parking spaces and considerably more enforcement officers would be required to police this type of infringement. Restricting all vehicles from parking on highway verges can create a greater challenge in itself, if all vehicles parked at the kerbside this could obstruct the highway for other road users including public transport, delivery vehicles and most importantly emergency vehicles which would find it difficult to weave through parked vehicles on narrow roads.
21. From a highways perspective there are options for tackling parking issues involving either engineering works or enforcement, both attracting a cost. Members of the Council may wish to use their Neighbourhood budgets to address issues in their areas. However the fundamental issue is the number of vehicles on the roads.
22. Parking on open grassed areas as opposed to the highway verge is managed through the Neighbourhood Protection Team. Parking in these areas can damage land by churning up the grass which in damp weather changes an area of open grassed area to an unsightly muddy mess. The initial issue raised at Council related to residents or their visitors perpetually parking on grassed areas causing damage to the land. The Neighbourhood Protection Manager gave examples of similar issues across the county and provided evidence where fencing had been erected to deter drivers from pulling onto grassed areas. While in most cases this would deter drivers evidence was presented that in some cases more persistent drivers would find a way onto the land if that is where they wanted to park. Other options include installation of bollards or hard

verging. Some engineering interventions may involve additional cost where underground utilities have to be rerouted or reinforced.

23. Evidence indicates that enforcement is very difficult in these circumstances as it has to be proved that the vehicle found currently parked on the land is in fact the vehicle causing the damage, or whether the land was damaged before the vehicle was parked on the land. Whatever action is taken will incur a cost to the local authority whether in staff hours or physical materials and there is no guarantee it won't happen again similar to the verge parking.
24. All of the engineering options have resource implications including initial cost and maintenance costs. These costs could be increased if there are utility services located underground which require additional protection. Local authorities have to be smarter with their resources and look at less costly solutions such as educating the public to park considerately and to have a greater pride in their surroundings. Some members have used neighbourhood budgets and member initiative fund money to pay for bollards or fencing to be installed where there has been a persistent problem with individual pieces of land.
25. The issues that occur in one area of County Durham may be totally different in another area therefore it would be problematic to deliver a policy covering all aspects of parking issues. There are enforcement measures available under legislation outlined above. All enforcement activity will involve both financial and opportunity costs in terms of investigative and legal work required. However, this does not preclude using these powers where it is felt that it is necessary following complaints from residents.

## **Conclusions**

26. Issues with parking on council owned highway verge and open amenity space are countywide, but every area has its own set of circumstances therefore there is no single solution to all issues encountered. Evidence indicated that parking on grassed areas and highway verges is low priority to the public in comparison to other environmental issues.
27. There are options available to alleviate parking issues but they will all incur a cost which in some circumstance is very high indeed, such as where engineering solutions are implemented requiring relocation or protection of underground utilities. The amount of vehicles on the roads is high and they will all need somewhere to park at some point. Tackling parking issues in one area could lead to greater issues in another area.
28. The light touch review has increased members' awareness of the issues and powers available which are limited. All actions require resources.
29. To ensure that issues are dealt with by the appropriate section in a timely manner, members of the council are encouraged to report any issues they or their constituents have via the Customer Records Management (CRM) system. Using this system guarantees that the query is forwarded to the correct team and a unique reference number is given for further enquiries.

30. It is possible that drivers are not aware they are causing issues for other road users and pedestrians when they park their vehicle on the highway verge or on a grassed area. Highlighting the need for all road users to be more considerate when driving and parking could be carried out in a cost effective way using Durham County News, social media and DCC website.

### **Recommendations**

31. The Environment and Sustainable Communities Overview and Scrutiny Committee make four recommendations to the Portfolio Holder and ask that he provide a response to the committee in relation to the committee's findings, conclusions and recommendations:
- a) That Neighbourhood Services with assistance from Legal Services, investigate, monitor and review new legislation such as The Anti-Social Behaviour, Crime and Policing Act 2014 for any future options to address parking on council land issues.
  - b) To increase education/ awareness to highlight to drivers the need to park considerately for the safety of pedestrians and other road users using cost effective measures such as Durham County News; DCC website and through social media
  - c) That members of the Council use Customer Services as first point of contact to ensure the enquiry is allocated to the right team and members receive a unique reference number from the Customer Relationship Management system should they need to follow up their query.
  - d) That each case of parking on council owned land is looked at on an individual basis.

---

Contact: Tom Gorman, Corporate Scrutiny & Performance Manager, Tel: 03000 268027

Author: Ann Whitton, Overview & Scrutiny Officer, Tel: 03000 268143

---