

# Minutes of a meeting of the Environment and Waste Management Overview & Scrutiny Committee held on Tuesday, 28 June 2016 at Committee Room 1 - City Hall, Bradford

Commenced      5.30 pm  
Concluded        7.45 pm

**Present – Councillors**

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	GREEN
Gibbons Riaz	A Ahmed Berry Thornton Watson	Stubbs	Warnes

**Non-Voting Co-opted Members:**

Nicola Hoggart (Environment Agency) and Julia Pearson (Bradford Environment Forum)

Observers: Councillors Green (minute 5), Ross-Shaw (minutes 5&6) and V Slater

**Councillor Love in the Chair**

**1. DISCLOSURES OF INTEREST**

Councillor Thornton disclosed an interest in Minute 4 (Called-In Decision – Land at Tennyson Road/ Fair Road, Wibsey) in the interests of clarity as a resident of Wibsey.

***Action: City Solicitor***

**2. MINUTES**

**Resolved –**

**That the minutes of the meetings held on 8 March and 5 April 2016 be signed as a correct record (previously circulated).**



### 3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

### 4. CO-OPTION OF MEMBERS TO THE ENVIRONMENT AND WASTE OVERVIEW AND SCRUTINY COMMITTEE

Resolved –

**That it be recommended to Council that the appointment of the following non-voting co-opted members for the remainder of the 2016-17 municipal year be confirmed:-**

**Julia Pearson - Bradford Environment Forum**

**Nicola Hoggart – Environment Agency**

**Action: City Solicitor**

### 5. SUPPLEMENTARY ITEM - CALLED IN DECISION - LAND AT TENNYSON ROAD/FAIR ROAD, WIBSEY (WIBSEY FAIRGROUND) OBJECTIONS TO PROPOSED APPROPRIATION OF LAND

The Committee was advised that on 14 June 2016 the Executive had received a report of the Strategic Director Regeneration (**Executive Document "E"**) which had set out objections received to a proposal advertised under Section 122 of the Local Government Act 1972 (As Amended) for the appropriation of land for the creation of a car park on part of the Wibsey Fairground site.

The Executive had resolved -

- (1) That the objections to the advertisement under S122 of the Local Government Act 1972 (As Amended) for the appropriation of land for the creation of a car park on part of the Wibsey Fairground site be overruled and that the appropriation be confirmed.
- (2) That the objectors be informed accordingly.

The decision of the Executive was subsequently called in. The reasons for the call in were as set out below:

*"The person making the request states that "the Chair refused to allow full participation in lawful process that excluded those party to it."*

*I have reviewed the papers and whilst I have no comment or opinion as to the appropriation of the land for the car park or indeed car parking or open space use in the ward, I am concerned when a person feels that they have been excluded from the decision-making processes of the Council that the Council shows that it has followed the correct processes properly. It would seem to me that it would be fair to review if the Council has followed the correct procedure(s) when appropriating this land and would ask that you call-in this decision for review".*



The Committee was further advised that in accordance with Paragraph 8.6.9 of Part 3E of the Constitution Members of the Overview and Scrutiny Committee could, following consideration of the matter, resolve to:

- (1) Release the decision for implementation.
- (2) Refer all or part of the decision back to Executive to reconsider it in the light of any representation the Committee may make. The decision may not be implemented until the Executive has met to reconsider its earlier decision.
- (3) Refer the decision to full Council for consideration, in which case the decision may not be implemented until the Council has met to consider the matter.

Furthermore, if the Committee made no resolution, in accordance with paragraph 8.6.9 of the Constitution, the decision may be implemented.

The Assistant Director, Planning Transportation and Highways made a detailed presentation in respect of the report which had been presented to the Executive, including the process which had been undertaken in respect of the appropriation of the land. He explained that an objector to the proposal had been permitted to speak at the meeting, following which the resolution set out above had been made.

The Chair then explained that the Overview and Scrutiny Committee would follow a straightforward procedure at this meeting to ensure that everyone who wished to do so was allowed to speak. He stated that the Member who had called in the item would be allowed to speak as would the objector to the proposal but that neither was present at that time. He then asked if any Member had any questions in respect of the matter.

Members asked questions in respect of the validity of the notice advertising the proposed appropriation and about why anyone should feel excluded from participation as stated in the call-in notice.

In response, Members were advised that the original notice had incorrectly used the term "lease" but that it had not had any material effect as objectors to the proposal had still had the opportunity to make representations which was the purpose of the notice. They were further advised that there had been opportunity to make written representations, which had been taken up and that there had been opportunity to attend the Executive, which had been taken up; that speaking time at the Executive had been both allowed and made use of. The only outstanding matter was that the objector maintained his objections.

A Member then queried whether the Member who had made the call-in had been present at the meeting of the Executive and was advised that they had not been.

A Member then commented on the matter, considering that as the call-in had been made by a Member not present at the meeting on the basis of the complaint of a member of the public who was not resident in the area concerned, the matter should be dismissed. Another Member disagreed, considering that it was incumbent upon this Committee to consider the matter in full.

The member of the public who had made the original objection arrived at the meeting and was invited to speak. He took up that opportunity and complained that he had not yet been provided with information that he had previously requested and that Members previously involved in the matter had participated in the decision to which he objected.



He also stated that he was resident in the Bradford South Area which was relevant to the issue concerned.

The Chair confirmed with him that he had been permitted to speak at the meeting of the Executive.

The portfolio holder concerned was in attendance at the meeting but did not wish to comment on the matter.

A Ward Councillor was also in attendance as an observer and commented on the matter, stating that the issue of potential conflicts of interest for Members had been dealt with at the meeting of the Executive by the City Solicitor and that there were other processes available to deal with complaints on that subject. He also stated that he had heard nothing to substantiate the complaint that the objector had not been permitted to speak on the matter being considered. He therefore asked that the Committee release this decision.

The Chair reminded his colleagues of the options available to them, following which it was

**Resolved –**

**That the decision be released for implementation**

***ACTION: Strategic Director Regeneration***

## **6. A REVIEW OF THE MANAGEMENT PLAN FOR ILKLEY MOOR**

The report of the Strategic Director, Regeneration, (Document “A”) summarised the main contents of a draft Management Plan for Ilkley Moor which the Committee had requested to consider prior to its release for public comment.

The Countryside Service Manager made a detailed presentation to Members explaining the history to the matter and the changes that had been made to the draft management plan in the light of Members’ comments at the last meeting. He explained the further consultations which had taken place since that meeting and noted that the very recent decision in respect of the EU Referendum had not yet been factored into the draft plan as it had been taken so recently. He considered it would have an impact but that it was not yet clear what would happen. He concluded his presentation by advising that, if Members were content the plan would be open to public comment and that, if preferred it could be presented to the Committee once more before its final sign off.

The Chair queried the process of consultation and was advised that copies of the draft plan would be made available in accessible Council buildings and drop-in sessions would be held but that the main route for comment would be on-line.

The portfolio holder was in attendance and commented that Ilkley Moor was an asset for the whole District and that, therefore, he wanted the whole District to be able to participate in the consultations.

Members of the Committee then commented and queried as follows:-



- The Moor was important to the whole District and further afield.
- It was important to encourage people from all walks of life to access the Moor and it was particularly valuable for young people and for groups such as those organising walking groups for mental health.
- Should the definition of protected species be expanded to be clearer ?
- Was Rombalds Moor included in the plan ?
- Were peregrine falcons included in the list of protected species ?
- What was the purpose of highlighting wildfire ?
- Was there cause for concern about game birds containing lead shot entering the food chain ?
- Should the reference to “bracken specific” be amended to read “fern specific” ?
- Did the one-off spraying of the Moor by the Friends of Ilkley Moor require a follow up spray and how much did it cost ?
- How much did the Council earn from filming and photography on the Moor ?
- Was there an on-going issue with dog owners and ground nesting birds ?
- Was there a contingency plan if the shooting rights were not renewed ?
- Were on-line resources and social media made use of ?
- If so, would a “trip-advisor” style section be useful ?

In response, members were advised that;

- The definition of protected species could be expanded for clarity
- Rombalds Moor was included in the draft plan
- The full list of qualifying protected species was already provided
- Wildfire had been specifically mentioned to show how devastating it was in comparison to managed burning
- The issue of lead shot in game was being investigated and Public Health England was being consulted
- “Bracken specific” would be amended to read “fern specific”.
- The one-off spraying exercise undertaken by the Friends of Ilkley Moor should ideally be followed up with a three year regime of spraying, each exercise cost in the region of £3,000.
- The amount of income gained from filming and photography varied according to the type of production involved.
- The issue of keeping dogs on leads, especially near ground nesting birds, was a difficult message to get across but it would continue to be pursued.
- The management of the Moor undertaken by the shoot was heather and bracken control and other alternatives such as partnership working with the Friends of Ilkley Moor could replace that element.
- On-line resources and social media were used by the Countryside Service and a “trip advisor” style resource could be investigated, however the need for responsible use of the Moor was paramount.

The spokesman for Ban Blood Sports on Ilkley Moor was in attendance at the meeting and gave his comments on the draft plan, stating that while he was very happy with the plan as it stood, he fundamentally objected to grouse shooting on the Moor. He considered it to be wholly incompatible with the other aims of the Council. He applauded the intention for open consultation on the draft plan.

The Chair concluded the debate by requesting that the plan be presented to this Committee prior to its final approval.

**Resolved –**



- (1) That the draft Management Plan for Ilkley Moor be recommended for release for public comment
- (2) That the comments made by Members at this meeting be included in the consultation process
- (3) That it be requested that the final version of the Management Plan be presented to this Committee prior to its approval by Natural England.

***ACTION: Strategic Director Regeneration***

**7. BRADFORD ENVIRONMENT FORUM ANNUAL REPORT 2015-16**

Previous reference: Minute 5 (2015/16)

Members were advised that Bradford Environment Forum (BEF) brought together third sector organisations and groups which were involved in environmental activity in the Bradford District. BEF sought to provide representation in strategic discussions and provide communication tools to enable groups to work together to maximise positive environmental activity in the Bradford District.

The report of the Bradford Environment Forum Co-opted Member (**Document “D”**) provided a summary of some of the current and recent projects that illustrated the types of contribution that Voluntary and Community Sector contributed to life in Bradford and to supporting the District’s priorities.

The report also provided a summary of the commissioned environmental initiatives.

The Co-opted Member gave a detailed presentation in respect of her report and introduced two colleagues who worked alongside her.

The Chair then opened the meeting for questions and comments and the following points were raised:-

- The appendix showed that achievement was not as good in schools as other areas, was there a problem ?
- How would it be possible to make more of this opportunity ?
- The Council should be more ambitious about what was available on its own doorstep.
- More focus was needed and more should be made of small parcels of land to prevent them becoming rubbish strewn and problematic to local residents.
- Such projects were valuable in terms of well-being and mental health issues.
- A register of groups would be useful to share experience
- Experience within wards has shown that good results could be achieved.
- “Matched work” was equally as valuable as matched funding.
- Was work being undertaken with other schools groups and organisations as well as schools ?
- The benefit to groups with specific needs of being together while undertaking a project was much greater than just meeting up.
- Could a register of such small plots of land be put together by the Council to assist voluntary groups ?



In response, Members were advised that:-

- When initiatives had first started they had been fully funded but now schools had to be asked for a 70% contribution and some were not able to manage that.
- Work was being undertaken with housing associations and churches but the capacity to work with other groups was limited.

A Member of the public who was in attendance commented on the matter, stating that as a representative of the Freshwater Environment and Ecology Trust he was concerned that much of the land being referred to was public open space and the issue of appropriation and procedure must be considered.

**Resolved –**

- (1) That the organisations within Bradford Environment Forum be thanked for their delivery of environment projects across the District.**
- (2) That a progress report be presented in twelve month's time.**
- (3) That the Strategic Director Regeneration be requested to make available a register of areas of Council owned neglected land across the District on a ward basis and report back to the Committee by the end of 2016.**

***ACTION: Strategic Director Regeneration/ Scrutiny Lead***

## **8. FOOD SAFETY IN THE BRADFORD DISTRICT**

Members were reminded that the Council was required by the Food Standards Agency to have a documented and approved Food Safety Service Plan in place. The report of the Director of Public Health (**Document "B"**) was brought to Members to seek support for that Plan which was appended to the report at appendix 1.

The Principal Environmental Health Manager made a brief presentation in respect of the report and reminded Members that it must be presented to a meeting of full Council to receive final approval.

Members questioned her on the following issues:-

- Were Council premises inspected in the same manner as all other premises ?
- Previously, the Committee had enquired whether it was possible to make the star rating scheme mandatory – what progress had been made ?
- Were any prosecutions pending ?
- What was the latest situation in respect of communicable diseases ?
- Was there an increase in the number of food businesses or were the same businesses re-applying for inspection with a new operator ?
- What was the "credit" referred to in the Plan and should it be used in full ?

In response, they were advised that:-

- Council premises were inspected in exactly the same way as all other premises and generally did very well, schools especially were rated as "5" on the star rating scheme
- The Food Standards Authority had agreed to the star rating scheme becoming mandatory but it had proved difficult to get into legislation
- No prosecutions for the type of incident under discussion, such as illegal meat





- packing, were pending
- There was a slight reduction in the number of communicable diseases being reported
- There tended to be a turnover of food businesses rather than new ones
- The “credit” referred to in the Plan was an allowance given by Public Health England to “pay” for work undertaken on behalf of the Council and so represented a measurement of samples sent. It was flagged up that the service was reducing to three laboratories and that the credit allowance may well reduce in line with that.

**Resolved –**

- (1) That this Committee supports the work of the Food Safety Team and thanks officers for their work.**
- (2) That the improvement in food hygiene ratings across the District be welcomed.**

**Action: Director of Public Health**

## **9. ENVIRONMENT AGENCY ANNUAL REPORT**

Previous reference: Minute 65 (2014/15)

The report of the Environment Agency (**Document “C”**) updated the Committee on the work and environmental outcomes achieved by the Environment Agency within the Bradford District throughout 2015-16.

The non-voting co-opted Member representing the Environment Agency made a detailed presentation in respect of the report, highlighting in particular the issues of flood risk and the need for a strategic overview, the water quality framework, river stewardship and the need for future partnership working, especially in the light of continued austerity measures.

The Chair queried whether the removal of debris after a flooding event was the responsibility of the Environment Agency and was advised that while shoal clearance was undertaken the removal of debris from trees was not.

**Resolved -**

- (1) That Document “C” and the Environment Agency’s continuing close work with all partners within the District be welcomed.**
- (2) That a progress report be presented in twelve month’s time.**

**ACTION: Scrutiny Lead**

## **10. ENVIRONMENT AND WASTE MANAGEMENT OVERVIEW AND SCRUTINY**





## **COMMITTEE - WORK PROGRAMME 2016-2017**

The report of the Chair of Environment and Waste Management Overview and Scrutiny Committee (**Document “E”**) presented the Environment and Waste Management Overview and Scrutiny Committee work programme for 2016/17.

The Scrutiny Lead advised that an amended work programme would be circulated in the light of the changes made at this meeting.

**No resolution was passed in respect of this item.**

***ACTION: Scrutiny Lead***

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Environment and Waste Management Overview & Scrutiny Committee.**

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

