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19 January 2011

## **S U M M O N S**

**MEETING:** Community and Environment Board  
**DATE:** 27 January 2011  
**TIME:** 6.00pm  
**PLACE:** Committee Room 1, Town Hall, Gosport  
**Democratic Services contact:** Lisa Young

LINDA EDWARDS  
BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

The Mayor (Councillor Allen) (ex officio)  
Chairman of the Policy and Organisation Board  
(Councillor Hook) (ex-officio)  
Councillor Burgess (Chairman)  
Councillor Kimber (Vice Chairman)

Councillor Mrs Bailey	Councillor Mrs Hook
Councillor Edgar	Councillor Murphy
Councillor Mrs Forder	Councillor Ronayne
Councillor Henshaw	Councillor Mrs Searle

### **FIRE PRECAUTIONS**

(To be read from the Chair if members of the public are present)

**In the event of the fire alarm (single continuous sound) sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, following any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**NOTE:**

- i. Councillors are requested to note that, if any Councillor who is not a Member of the Board wishes to speak at the Board meeting, then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

Community and Environment Board  
27 JANUARY 2011

**AGENDA**

RECOMMENDED  
MINUTE FORMAT

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

*All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.*

3. MINUTES OF THE MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD HELD ON 1 NOVEMBER 2010.

4. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Tuesday, 25 January 2011. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Tuesday, 25 January 2011).*

6. ABANDONED SHOPPING TROLLEY POLICY

*Schedule 4 of the Environmental Protection Act 1990 empowers the Council to seize, store and dispose of abandoned shopping trolleys, once a resolution of the Council to do so has been made. This will also permit the Council to recover costs from the owners of the trolleys. The legislation is intended to reduce the amount of Abandoned Shopping Trolleys left on the public highway. This report identifies the procedures to be followed to implement this power. The first step is to undertake a consultation exercise.*

Part II  
Contact Officer:  
David Jago  
Ext. 5517

7. BOARD BUDGET 2011/12

*To consider the Board's revised 2010/11 and 2011/12 budgets including the capital programme, and recommend thereon to the Policy and Organisation Board for inclusion in the Council's overall budget proposals.*

Part II  
Contact Officer:  
John Norman  
Ext. 5563

Community and Environment Board  
27 JANUARY 2011

8. REPORT OF SCRUTINY WORKING GROUP INTO NURSERY  
OPERATIONS AT GRANGE FARM

Part II  
Cllr Kimber  
02392 552151

*Cross reference from the Overview and Scrutiny Committee.*

9. ANY OTHER ITEMS  
*-which the Chairman determines should be considered, by  
reason of special circumstances, as a matter of urgency.*

## AGENDA ITEM NO 6

<b>Board/Committee:</b>	<b>Community and Environment Board</b>
<b>Date of Meeting:</b>	<b>27 January 2011</b>
<b>Title:</b>	<b>Abandoned Shopping Trolley Policy</b>
<b>Author:</b>	<b>Environmental Services Manager</b>
<b>Status:</b>	<b>For Decision</b>

### **Purpose**

Schedule 4 of the Environmental Protection Act 1990 empowers the Council to seize, store and dispose of abandoned shopping trolleys, once a resolution of the Council to do so has been made. This will also permit the Council to recover costs from the owners of the trolleys. The legislation is intended to reduce the amount of Abandoned Shopping Trolleys left on the public highway. This report identifies the procedures to be followed to implement this power. The first step is to undertake a consultation exercise.

### **Recommendation**

The Board recommends that the Council conducts a full consultation exercise on the draft Policy annexed to this Report, as required by the legislation, with relevant comments being taken into account in formulating the full policy, which will then be the subject of a further Report to this Board and to full Council.

## **1 Background**

- 1.1 In 2006 the Council adopted the general provisions of the Clean Neighbourhoods and Environmental Act 2005. This enables enforcement officers within Streetscene to serve fixed penalty notices in respect of a number of environmental crimes such as littering.
- 1.2 The Act also makes the adoption of the powers within the Environmental Protection Act 1990 more attractive as it has improved the ability of Councils to recover their costs.

## **2 Report**

- 2.1 The application of Schedule 4 of the Act will have the following effects:-
  - A duty of care is placed on businesses and the public to ensure that Shopping Trolleys are returned to the establishment from which it was taken on the same day.
  - Gives the Council the power to seize and remove

Abandoned Shopping Trolleys from the public highway.

- Allows action to prevent Abandoned Shopping Trolleys becoming a blight on the quality of the local environment or causing harm to wildlife or creating flood hazards in water courses.
- Places more emphasis on the prevention of abandoned trolleys through partnership working between Local Authorities, the Environment Agency, businesses, retailers and other local organisations to understand their responsibilities and take all reasonable steps to provide recovery and storage of any Abandoned Shopping Trolleys

2.2 The Schedule applies to any land in the open air except that owned by the owner of the shopping trolley or land provided for the storage of trolleys.

2.3 Where trolleys are abandoned on private land the permission of the owner must be obtained before the trolley can be removed. Alternatively a notice can be served on the owner of the land stating that the Council intends to remove the trolley whereupon the Authority can remove the trolley after 14 days if no objections are received.

2.4 The Council will then be required to keep the trolley for 6 weeks after seizing and removing it. At the end of the period the Council may sell or dispose of it. There is space at the Wilmot Lane Depot for storing seized trolleys.

2.5 A notice must be served on the owner of the trolley within 14 days advising them of the seizure and where the trolley is being kept. If claimed, the Authority must deliver the trolley to the owner on receipt of such charges as the Authority may determine to cover the cost of removal storage and disposal. Where the trolley is not claimed or the charge is not paid the Council may levy a charge on the person who appears to be the owner. The proposed charging regime will be reported within the next Report, after the consultation exercise.

2.6 The Council may agree a trolley collection scheme with persons who own trolleys in which case the authority cannot charge for its costs for trolleys that are recovered by it. In such a scheme the owner would collect the trolley from the site where it was abandoned.

2.7 The consultation exercise will be conducted with the persons or representatives of persons who appear to be affected by the application of Schedule 4. These will include supermarkets, other businesses and landowners, the Environment Agency and the police. The consultation will include the publication of the resolution in one local newspaper as required by the legislation.

### **3 Offences**

- 3.1 The Act creates a number of offences including
- Failure to comply with Section 99 and Schedule 4 of The Environmental Protection Act 1990 as amended by the Clean Neighbourhoods and Environmental Act 2005
  - Failure to pay the fixed penalty notice
  - Legal action will only be taken after warnings are issued
  - Failing to comply with the lawful requirements and history of non-compliance

It is recommended that enforcement of all offences under the Act is delegated to the Environmental Services Manager.

#### **4. Authorised officers**

- 4.1 Authorised officers have a number of powers
- Power to seize, store and serve section 46 notices designed to improve community safety
  - Power to issue a fixed penalty notice where the legislation allows
  - Power to take legal action if a failure to comply with the lawful requirements and history of non-compliance apply.

#### **5 Risk Assessment**

- 5.1 At this stage it is difficult to know what resources are necessary to enforce the Act. Current indications are that this work can be absorbed within the existing Streetscene enforcement team.
- 5.2 If the Council does not effectively deal with abandoned shopping trolleys there is a risk to the Council's reputation.

#### **6 Crime and Disorder Act 1998**

The Crime and Disorder Act 1998 places a duty on the Authority to exercise its functions with due regard to the likely effect of the exercise of its functions on, and the need to do all it reasonably can to prevent crime and disorder in its area. The application of schedule 4 to the Borough area will have a positive direct effect on reducing crime and disorder.

#### **7 Conclusions**

The Council should consult on the policy contained in Appendix A to this report

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	Contained within the Report
<b>Service Improvement Plan implications:</b>	Service Improvement Plan

<b>Corporate Plan Implications:</b>	The adoption of the report is consistent with the Council's strategic priority to reduce crime and disorder.
<b>Risk Assessment:</b>	Within the report
<b>Background papers:</b>	None
<b>Appendices/Enclosures:</b>	None
<b>Report author/ Lead Officer:</b>	Environmental Services Manager





## **ABANDONED SHOPPING TROLLEY POLICY**

The Council will comply with its duty in relation to abandoned shopping trolleys using the Clean Neighbourhoods and Environment Act.

1. Residents will be given the opportunity to report abandoned trolleys via Streetscene 08000 198598, this provides a single point of contact. These reports will then be processed by Environmental Enforcement Officers. Options will also be in place to report abandoned trolleys online.
2. On receipt of a report the store will be advised by fax/telephone/email. They will be requested to take ownership of the trolley and collect it. If the store is unable to provide a collection service, Streetscene will arrange collection.
3. The Clean Neighbourhoods and Environment Act 2005 states that where the six-week period has expired and the trolley has not been claimed (or has been claimed but the demanded charges not paid) the Authority is entitled to sell or dispose of it.
4. At the end of this period the trolley will be disposed of and a Charge Notice (£50) sent to the store.
5. Every effort will be made to work with the supermarket managers to reduce the number of trolleys found abandoned. This partnership working will include Streetscene education advice informing shoppers that trolley must not be removed from the premises.

**Note:** Definition – A 'shopping trolley' is a trolley provided by the owner of the shop to customers to enable them to carry goods purchased at the shop. This definition excludes power assisted trolleys. The powers in the Clean Neighbourhoods and Environment Act 2005 apply to trolleys in any condition and therefore may be used in relation to unserviceable trolleys and trolley parts.

<b>Board:</b>	<b>COMMUNITY AND ENVIRONMENT BOARD</b>
<b>Date of meeting:</b>	<b>27 JANUARY 2011</b>
<b>Title:</b>	<b>BOARD BUDGET 2011/12</b>
<b>Author:</b>	<b>FINANCIAL SERVICES MANAGER</b>
<b>Status:</b>	<b>FOR RECOMMENDATION</b>

### **Purpose**

The purpose of this report is to consider the Board's revised 2010/11 and 2011/12 budgets including the capital programme, and recommend thereon to the Policy and Organisation Board for inclusion in the Council's overall budget proposals

### **Recommendation**

The Board is requested to recommend to P&O Board its requirements for

- the revenue budget (revised 2010/11 and estimate 2011/12)
- the capital programme 2010/11 to 2015/16

## **1.0 BACKGROUND**

1.1 The Board is required to consider and recommend to P&O Board its requirements for the 2010/11 and 2011/12 financial years.

1.2 P&O Board will consider its own and other Board requirements on 1<sup>ST</sup> February, and make recommendations to Council regarding the overall Council budget.

1.3 Members have been circulated with a draft of the Budget Book for 2011/12. The draft figures have been compiled in line with the guidance contained in the Council's budget strategy (P&O Board 15 September 2010).

**1.4 This Boards budgets are contained on the following pages:**

- **Revenue budgets**      **pages 3 to 14**
- **Capital Programme**    **pages 45 & 46**
- **Revenue variances**    **pages 53 & 54**

1.5 There are several general points regarding the reported figures:

- Capital Finance and Grants Deferred income

A depreciation charge is made to revenue services and administration accounts. This charge represents the cost of using the council's assets during the year and is offset by an opposite and equal figure within the P&O Board budget so that it does not impact on the level of council tax. This accounting treatment is obligatory and is carried out by all local authorities.

In line with the adoption of International Financial Reporting Standards (IFRS) from 2010/11, Grants Deferred Income is no longer to be accounted for through the revenue account and is therefore not included in the revised 2010/11 or estimate 2011/12 budgets. There is no cost to the Council.

- Administration Recharges

Administration recharges represent the cost of the Council's service units – both frontline and support – that are incurred in providing the Council's services. They are a recharge of the total service unit costs which are overseen by the Personnel Sub and P&O Boards. They can vary between both services and boards and reflect the complexity of the Council's structure and services provided.

Service units and staffing continue to be rigorously examined to reduce costs and find efficiencies. Savings are being made through measures which include restructuring and early retirements. Severance costs will initially increase administration recharges and restructuring and staffing changes will alter the level of administration charges to individual services. The overall result is a substantial and ongoing budgetary saving to the council tax payer.

- Variance Analysis

The variance analysis shows the major budgetary variations from (i) the original budget to the revised budget and, (ii) the revised budget to the estimated budget.

In practice, at the lowest level, there will always be many budgetary variations – both positive and negative - as officers manage budgets and provide for service delivery under delegated authority. These will also include virements in line with financial regulations. The variance analysis in the budget book includes the major variations only.

- 1.6 A subjective analysis (an analysis by type of expenditure as opposed to by service heading) is in the table below.

<b>C&amp;E</b>	<b>ORIGINAL 2010/11 £</b>	<b>REVISED 2010/11 £</b>	<b>BUDGET 2011/12 £</b>
<b>1 - EMPLOYEES</b>	287,260	263,850	224,010
<b>2 - PREMISES</b>	1,532,380	1,616,540	1,275,760
<b>3 - TRANSPORT</b>	19,820	18,340	17,830
<b>4 - SUPPLIES &amp; SERVICES</b>	525,190	556,070	413,220
<b>5 - THIRD PARTY PAYMENTS</b>	2,616,950	2,601,190	2,455,770
<b>6 - MISCELLANEOUS</b>	1,413,120	1,415,000	0
<b>7 - SUPPORT SERVICES</b>	2,694,100	2,746,900	2,337,780
<b>8 - CAPITAL/FINANCING</b>	851,600	879,660	863,790
	<b>9,940,420</b>	<b>10,097,550</b>	<b>7,588,160</b>
<b>9 - GRANTS DEFERRED</b>	(381,760)		
<b>9 - INCOME</b>	(2,294,580)	(2,297,110)	(2,162,700)
	<b>7,264,080</b>	<b>7,800,440</b>	<b>5,425,460</b>

1.7 This report also serves the purpose of bringing members up to date for budget monitoring purposes.

1.8 The C&E Board budget has been influenced by various factors – both external (ie the government directive to transfer responsibility for Concessionary Travel to second tier authorities and a generally reduced level of exchequer grant) and internal (ie the Council's major contract procurement exercise).

## **2.0 REVISED BUDGET 2010/11**

2.1 The revised budget for 2010/11 for this Board is **£7,800,440**, an increase of **£536,360 (7.4%)** on the original budget for 2010/11 of **£7,264,080**.

2.2 Excluding the increase in Capital Finance charges **(+£28,060)**, Grants Deferred **(+£381,760)** and the movement in Admin Recharges **(+£52,800)** – all as described in paragraph 1.5 above - the net cost of the Board's services has increased in the revised budget by **£73,740**.

2.3 The major variations that have been incorporated into the revised 2010/11 budget are listed in the variance analysis and are summarised below.

2.4 Leisure and Culture

A number of positive and negative variances, including the effects of slippage from 2009/10 and maintenance, totalling £51,620

## 2.5 Waste

Additional recycling income of approximately £46,890.

## 2.6 Parking

Notice boards, signs and NNDR costs £13,860.

## 2.7 Coast Protection

Coast protection partnership costs that are not eligible to be charged to capital £33,750.

## 2.8 Street Cleansing

Budgeted LPSA2 grant of £21,520 that was withdrawn by the government in the June mini budget.

## 3.0 BUDGET 2011/12

3.1 The budget for 2011/12 for this Board is **£5,425,460**, a decrease of **£1,838,620 (25.3%)** on the original budget for 2010/11 of **£7,264,080**; and a decrease of **£2,374,980 (30.4%)** on the revised budget for 2010/11 of **£7,800,440**.

3.2 Excluding Capital Finance charges and the movement in Admin Recharges (**-£424,990**) - as described in paragraph 1.5 above - the net cost of the Board's services has decreased by **£1,949,990** from the revised budget to the estimated budget. The major variations include:

### 3.3 Major Contract Procurement

Estimated net General Fund savings from the major contract procurement exercise totalling £300,000. This is shown as £200,000 under Leisure and Culture and £100,000 under Waste. A more precise figure including the impact of individual services will follow in 2011/12 after negotiations with the successful contractors and contract delivery.

### 3.4 Flower Beds and Shrubbery

Estimated savings totalling £50,000 against several services from reappraising the planting and maintenance of flowers beds and shrubbery

### 3.5 Summer Playscheme

The net budgetary provision of £28,510 has been removed from the budget for 2011/12.

### 3.6 Waterfront Events

The net budgetary provision of £29,620 has been removed from the budget for 2011/12.

### 3.7 Waste – Amenity Skips

The net budgetary provision of £28,040 has been removed from the budget for 2011/12.

### 3.8 Parking

Increased income of £212,030 mainly resulting from amendments to the Council's parking fees approved at Council in September 2010.

### 3.9 Concessionary Travel

Reduced costs from the transfer of the Farepass scheme to Hampshire County Council from April 2011, (£1,213,950).

### 3.10 Landing Stage

Land lease income from the new pontoon of (£60,000)

### 3.11 There are no special maintenance submissions for 2011/12

## 4.0 FEES AND CHARGES 2011/12

### 4.1 The Council's fees and charges were reviewed and approved by Full Council on 29 September 2010.

## 5.0 CAPITAL PROGRAMME 2010/11 TO 2015/16

### 5.1 The draft Capital Programme is included on pages **45 and 46** of the Budget Book.

### 5.2 Where capital expenditure is not supported by external funding (government grant, developer contributions, commuted sums etc) there is a direct and material impact on the Council's revenue budget by way of lost interest and borrowing costs. This is projected to have an increasing impact over the next few years.

### 5.3 The figures in the columns headed 'Local Resources' at the right hand side of the capital programme pages show those schemes that do not benefit from external funding and therefore either draw on what remains of the Council's general capital receipts or may require borrowing.

### 5.4 The full capital programme including the overall funding and the end impact on the revenue budget will be considered by P&O Board on 1<sup>st</sup> February as part of the overall Council budget.

5.5 The capital programme includes for the following major schemes

- Item 3. Landing Stage replacement
- Item 13. Gosport Leisure Centre replacement

5.6 Capital schemes with expenditure of below £100,000 in the revised budget are listed in Appendix A and are included as one summarised total in the full capital programme within the Council's Budget Book

## **6.0 RISK ASSESSMENT**

6.1 Generally, Council budgeting processes include an element of risk in respect of the many variables involved. These include:

- New statutory responsibilities
- Government led or notified activities
- Demand led activities which may result in the Council have to react to external factors
- Contractual obligations
- Market & economic factors including interest rates

6.2 To counter these risks and uncertainties, the Council aims to be proactive in monitoring and controlling its services and budgets and taking prompt corrective action when necessary.

6.3 C&E Board budgets that are considered high risk include the major income streams that are susceptible to demand and economic conditions such as Market income and Parking fees. A number of estimated budget reductions have been included both as a result of the major contract procurement exercise and reappraising some service delivery. These are the subject of further negotiation and examination.

6.4 Budget risks are considered further in the Council Budget report to P&O Board due to their potential impact on the Council budget and reserve levels.

## **7.0 CONCLUSION**

7.1 This report summarises the C&E Board revenue and capital budgets for 2010/11 and 2011/12 and seeks a recommendation of the Board's requirements to P&O Board.

<b>Financial implications:</b>	As contained in the report.
<b>Legal implications:</b>	The Council has to set a balanced budget and is also under an obligation to carry out its functions effectively, efficiently and economically
<b>Service Improvement Plan implications:</b>	The budget submissions reflect both service improvement plans and the corporate plan.
<b>Corporate Plan</b>	
<b>Risk Assessment</b>	As contained in section 6 of the report
<b>Background papers:</b>	Budget working papers
<b>Appendices:</b>	<b>Appendix A – Summarised Capital Schemes</b>
<b>Report Author:</b>	John Norman



					APPENDIX A
Item	SUMMARISED CAPITAL SCHEMES	Progression	Project	Expenditure	From Local
No		Category	total (where appropriate)	2010/11	Resources
			£,000	£,000	2010/11 £,000
8	L-O-S Embankment Regrading	E	-	47	47
11	Tukes Avenue Playing Field - Facility Upgrade	P	5	5	3
12	Nobes Avenue - Play Area, Equipment Renewal	P	10	10	6
14	Improvement Works to Solent Gardens	E	15	1	1
18	Privett Park Tennis Courts - surface upgrade	P	25	25	
20	Disabled Toilets refurbishment	P	50	5	5
21	Bridgemary, Elson & Leesland - Play Areas	P	82	13	13
23	Walpole Park Skatepark - Provide extension to existing skate park facility	P	6	6	
26	Bus Shelters - A32 Purchase (14)	P	70	4	
27	Elson Skateboard & BMX Track	P	11	11	
28	Leesland Skatepark - provide concrete equipment & perimeter railings (MUGA area refurbishment)	P	65	65	
29	Leesland Park Play Area - equipment & safety surfacing upgrade	P	35	35	
30	Stokes Bay Promenade - maintenance of promenade & rolling programme of resurfacing	P	61	3	3
31	Privett Park - resurface car park	P	45	20	
32	Privett Park - Play Improvements	P	35	35	35
33	Walpole Park Play Area - improvements	P	33	33	
34	Lee Promenade - rolling programme of resurfacing	D	45	45	45
35	Play Area Equipment - Upgrade & Refurbish (The Fairways, St.Nicholas Ave, Rowner Green)	D	28	28	28
36	Marine Parade West Public Convenience Refurbishment	D	77	77	77
38	Waterfront Brasserie - Pumping Chamber Upgrade	E	8	1	1
39	Alver Meadow - Playbuild Scheme	P	50	50	
40	Transfer of Play Areas at Priddys Hard	P	21	21	
41	L-o-S Skate Park Extension & Upgrade	D	32	32	
42	Privett Park-Provision of High Protective Fence	D	62	62	
			871	634	264

**GOSPORT BOROUGH COUNCIL**

**REFERENCE**

**TO: COMMUNITY AND ENVIRONMENT BOARD –  
27 JANUARY 2011**

**FROM: OVERVIEW AND SCRUTINY COMMITTEE –  
13 JANUARY 2011**

**TITLE: REPORT OF SCRUTINY WORKING GROUP INTO  
NURSERY OPERATIONS AT GRANGE FARM**

**AUTHOR: THE NURSERY WORKING GROUP**

**Attached is a copy of the report that was considered by the Overview  
and Scrutiny Committee on the 13 January 2011 (Appendix 'A').**