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28 May 2008

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

**MEETING:** Overview and Scrutiny Committee  
**DATE:** 5 June 2008  
**TIME:** 6.00 p.m.  
**PLACE:** Committee Room 1, Town Hall, Gosport  
**Democratic Services contact:** Chris Wrein

LINDA EDWARDS  
BOROUGH SOLICITOR

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### **MEMBERS OF THE COMMITTEE**

Councillor Forder (Chairman)  
Councillor Mrs Salter (Vice-Chairman)

Councillor Allen	Councillor Edwards
Councillor Beavis	Councillor Mrs Forder
Councillor Carr	Councillor Salter
Councillor Champion	Councillor Mrs Searle
Councillor Dickson	Councillor Miss West

### **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) being activated, please leave the room immediately.**

**Proceed downstairs by way of the main stairs or as directed by GBC staff, follow 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:**

Please note that mobile phones should be switched off for the duration of the meeting.

## **AGENDA**

**1. CHAIRMAN'S OPENING COMMENTS**

**2. APOLOGIES FOR ABSENCE**

*To receive apologies, if any, for inability to attend the meeting.*

**3. DECLARATIONS OF INTEREST**

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

**4. MINUTES**

*To confirm the Minutes of the meetings of the Committee held on 27 March and 15 May 2008 (attached)*

**5. DEVELOPMENT OF A WORK PROGRAMME**

A) REQUESTS FOR SCRUTINY

(i) Noise Nuisance

*Environmental Services Manager's briefing note attached*

(ii) Cycle Lanes

*Chief Executive's briefing note attached*

B) TRAVEL TOKEN SERVICE

*The Committee is required to decide whether it wishes to continue with this scrutiny and, if appropriate, to nominate membership of the Working Group (Borough Solicitor's briefing note attached)*

C) WORK PROGRAMME

*To consider the work programme (attached) for the Committee and any suggestions from Members for issues to be scrutinised.*

D) OTHER SUGGESTIONS FOR SCRUTINY

**6. REPORTS TO BE RECEIVED**

**DISABILITY EQUALITY SCHEME**

*This is the first annual report to the Overview and Scrutiny Committee on the first year of the Council's Disability Equality Scheme (DES) and its revised Action Plan.*

**7. ANY OTHER BUSINESS**

**A MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE  
WAS HELD ON 27 MARCH 2008**

Councillors Davis (P), Dickson (P), Foster, Foster-Reed (P), Jacobs (P), Kimber (P), Mrs Mudie, Philpott (P), Mrs Salter (P), Mrs Searle (P), Train (P) and Ward.

**64. APOLOGIES**

Apologies for inability to attend the meeting were received from Councillors Mrs Mudie and Ward.

**65. DECLARATIONS OF INTEREST**

Councillor Dickson declared a personal and prejudicial interest in Agenda Item 6(ii) (Travel Tokens).

**66. MINUTES**

RESOLVED: That the minutes of the meetings of the Committee held on 9 and 31 January 2008 be approved and signed by the Chairman as true and correct records.

**67. GOSPORT'S SUSTAINABLE COMMUNITY STRATEGY**

Consideration was given to a briefing note from the Chief Executive which provided Members with a progress update on Gosport's Sustainable Community Strategy and its Local Strategic Partnership.

Members asked what scope there was to increase cycling lanes along the major routes in and out of the Borough. The Chief Executive advised that the Gosport Partnership would concentrate initially on the main routes. A bid for Government finance would be made with Portsmouth City Council through Groundwork Solent. A list of the top ten bidders would be drawn up.

Members felt that "school runs" caused traffic congestion problems and was a major issue. Schools had made efforts to address the problem but success had been limited. The Chief Executive advised that pressure could continue to be applied to Hampshire County Council and money may be available via Local Area Agreements. The problem was partly due to parents not always choosing local schools for their children. This appeared to be a problem with first schools as well as secondary.

Members were concerned at the numbers of cyclists who used the pavement instead of roads or cycle lanes. It was felt that investigations should be made why this practice was so widespread and why people drove such short distances to take their children to and from school.

The Chief Executive advised that the Gosport Partnership would need to draw up an action plan. Parents' choices of senior schools would have a knock on effect with regard to junior schools. The enhancement of the reputation of Bridgemary School would assist in this area

With regard to cycling on pedestrian areas, the Chief Executive suggested that the dangers associated with roads may encourage people to cycle on footpaths. A voice would need to be given to the community to ensure these problems were understood by Hampshire County Council.

Members felt that cyclists were often placed in danger by car drivers who drove on cycle lanes.

The Chairman advised that considerable investment had been made in cycleways but less thought had been given to what value would be obtained from them. The Committee could look to advise investors on how to use resources more wisely.

Members felt that the Overview and Scrutiny Committee should decide in the 2008/09 Municipal Year whether or not to scrutinise the provision of cycle lanes.

RESOLVED: That:

- a) the report of the Chief Executive be noted; and
- b) a decision be made by the Committee in the Municipal Year 2008/09 on whether to scrutinise the provision of cycle lanes.

## **68. REQUESTS FOR SCRUTINY**

The Chairman advised that he had received a request from the Chairman of the Community and Environment Board for the Committee to consider whether or not it wished to scrutinise the Council's noise monitoring service.

It was agreed that a briefing note be submitted to the next meeting of the Committee for a decision to be made as to whether or not it wished to scrutinise this area of work. It was suggested that the briefing note should contain outline information on the volume of noise complaints, how they were dealt with and the Council's out of hours service.

It was suggested that the Committee may wish to scrutinise the relationship between the Council's licensing officers and the police. Members were advised that this would be more appropriately taken through the Community Safety Partnership.

RESOLVED: That a briefing note be submitted to the next ordinary meeting of the Committee to make a decision as whether or not it wishes to scrutinise the Council's noise monitoring service.

## **69. REVIEW OF PROGRESS OF SCRUTINIES UNDERTAKEN**

### Travel Token Service Working Group

**Note:** Councillor Dickson declared a personal and prejudicial interest in this item, left the meeting room and took no part in the discussion or voting thereon.

Consideration was given to a briefing note which updated Members on the progress made by the Travel Tokens Working Group.

Concerns were raised regarding the Working Group's recommendation that the maximum debited amount from a Smart Card for one specific journey be £5 to avert fraudulent use of the concession system. It was felt that £5 was too small an amount as there were single journeys in the Borough whose cost exceed that amount.

The Committee noted its view that a limit of £5 would not be workable and recommended that the Working Group should consider differential limits for differential journeys.

Members were advised that, by law, the Council was required to issue bus passes to people who fulfilled certain criteria. For other schemes the Council could set its own criteria.

The view was expressed that the Working Group could look at the impact of changing the age of entitlement to travel tokens. The Council was one of very few who still issued travel tokens.

RESOLVED: That, with regard to the maximum debited amount from a Smart Card for one specific journey, the Travel Tokens Working Group be recommended to consider differential limits for differential journeys.

### Southern Water Working Group

Consideration was given to the report of the Working Group. Members who had sat on the Working Group were congratulated by the Chairman together with Joe Martin of Democratic Services who had supported the Working Group. A request was made that a formal letter of thanks be written to Mr Martin.

With regard to the adoption in 2010 of all private sewers, it was confirmed that Southern Water would recover its additional costs through higher sewerage charges which, it was understood, would initially amount to approximately £10 per property each year. This was considered to be fairer than the current arrangements for private sewers.

Although many people were insured against damage or problems with private sewers, there were concerns that some would wait until 2010 to report the problem to Southern Water.

Members agreed with the recommendation of the report that the adoption of private sewers should be publicised through Coastline and the Council's website at the appropriate time, probably in 2009.

With regard to the opening of sluice gates, it was noted that this had been carried out on a number of occasions by members of the public. Members were advised that arrangements had now been made with Southern Water for Council officers to open and close the sluice gates as necessary.

The Working Group's report recommended that regular meetings take place between the Borough Council, the County Council and Southern Water. Southern Water had requested a copy of the Working Group's report once it had been considered by the Committee.

Members were advised that, provided the Committee was in agreement, the report should be placed before the next meeting of the Community and Environment Board. If the Board agreed to the recommendations, any resultant liaison groups would need to be set up through the Council and the Board would be required to decide how it wished the Council to receive feedback from the forum.

The Committee agreed that all Members of the Council should be provided with a copy of the Working Group's report.

RESOLVED: That the following recommendations be made to the Community and Environment Board:

- a) a forum of representatives from Southern Water, Gosport Borough Council, Hampshire County Council and other bodies as required meet once every three months to:
  - i) ensure that pollution response and protection procedures are up to date;
  - ii) share ideas on the development of Flooding Emergency Action plans; and
  - iii) discuss operational issues and actions being taken and planned by Southern Water in the Borough;
- b) the Community and Environment Board consider how the Council is to receive feedback from the forum;



- c) residents be informed via Coastline, the Council's website and elements of the media of the correct procedures for reporting wastewater and pollution concerns;
- d) the adoption of privately owned sewers and drains by Southern Water be publicised and explained to residents by the Council along with the nationwide publication of the changes to be made by the Government in 2009; and
- e) all Members of the Council be provided with a copy of the Southern Water Working Group's report.

#### **70. DEVELOPMENT OF A WORK PROGRAMME**

A copy of the current work programme for the Committee was circulated to Members. The programme contained brief details of areas which were currently being or were due to be scrutinised, together with dates for appropriate reports to be made to Committee.

The Borough Solicitor advised that she would be unable to attend the meeting of the Committee on 5 June 2008 but would present a report on scrutiny training for Members at the following meeting on 24 July 2008.

RESOLVED: That the work programme and the report dates contained therein be approved.

#### **71. ANY OTHER BUSINESS**

There was no further business to discuss.

The meeting ended at 7.38 p.m.

CHAIRMAN

15 May 2008

**A MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

**WAS HELD ON 15 MAY 2008**

Councillors Allen (P), Beavis (P), Carr (P), Champion (P), Dickson (P), Edwards (P), Mrs Forder (P), Forder (P), Mrs Salter (P), Salter (P) Mrs Searle (P) and Miss West (P).

**1. APOLOGIES**

There were no apologies for absence.

**2. ELECTION OF CHAIRMAN**

Councillors Allen and Forder were nominated for Chairman. A vote was taken which resulted in a tie and therefore the matter was referred to Council for a decision.

RESOLVED: That Council be recommended to appoint a Chairman for the Overview and Scrutiny Committee for the Municipal Year 2008/09.

**3. ELECTION OF VICE-CHAIRMAN**

Councillors Mrs Salter and Dickson were nominated for Vice-Chairman. A vote was taken which resulted in a tie and therefore the matter was referred to Council for a decision.

RESOLVED: That Council be recommended to appoint a Vice-Chairman for the Overview and Scrutiny Committee for the Municipal Year 2008/09.

CHAIRMAN

## AGENDA ITEM NO. 5A (i)

<b>Board/Committee:</b>	Overview and Scrutiny Committee
<b>Date of Meeting:</b>	5 June 2008
<b>Title:</b>	NOISE MONITORING SERVICE
<b>Author:</b>	Environmental Services Manager
<b>Status:</b>	FOR DECISION/ FOR RECOMMENDATION TO

### **Purpose**

To outline the noise monitoring service provided by the Environmental Health Section.

### **Recommendation**

None.

#### **1 Background**

- 1.1 This report outlines the service provided by the Environmental Health Section for the control of nuisance noise (and vibration). It does not include occupational exposure to noise, which is covered under health and safety legislation. Nor does it cover entertainment and 'event' noise which is addressed through the licensing regime.
- 1.2 Where a dwelling is a part of a larger structure, the design, construction and maintenance of that larger structure should provide adequate protection from all potential hazards. As well as potential hazards from the external environment, this includes those prevailing in the internal environment outside the dwelling, including the normal noise pollution. Threats to physical and mental health resulting from exposure to noise inside the dwelling or within its curtilage can be covered by housing legislation administered by the Private Sector Housing Team within the Housing Services Unit.
- 1.3 Most noise control activity relates to neighbour nuisance, typically from activities such as –
  - barking dogs
  - radios, televisions, hi-fi's, etc.
  - parties, discos
  - shouting, banging doors
  - DIY activities at unreasonable times
  - intruder alarms
  - industrial or trade activities

There are other types of noise which can cause nuisance and this list is not exhaustive.

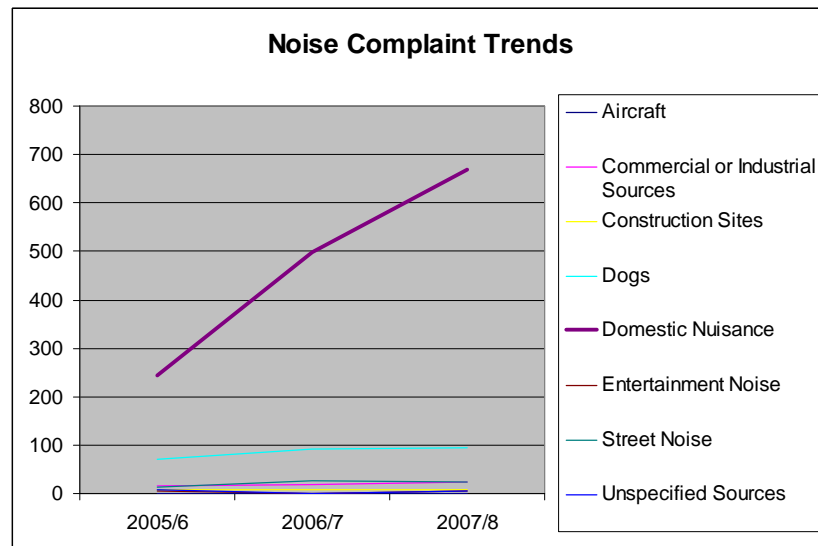
- 1.4 Many of these sources are part of normal day to day life but they cause annoyance and friction if they occur at unreasonable levels, for unreasonably long periods or at unreasonable times.
- 1.5 Another factor is an expectation by some that they are entitled to live in a noise-free environment but this is not the case. For example, urban environments are associated with more noise from traffic and neighbour activity than rural locations. Noise levels along major road and rail routes or in densely populated areas are bound to be higher and people living in such areas must accept this.
- 1.6 Legal Background : There are different laws covering nuisance noise but the one used most frequently is the Environmental Protection Act 1990. Part III of the Act includes controls over certain types of 'statutory nuisance', including :
- "noise emitted from premises so as to be prejudicial to health or a nuisance", and
  - "noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street"

## **2 Report**

- 2.1 Noise Complaints Received : The following table shows the number of noise-related complaints dealt with by the Environmental Health Section in recent years.

Type	2005/6	2006/7	2007/8
Aircraft	1	1	1
Commercial or Industrial Sources	15	19	24
Construction Sites	7	8	7
Dogs	70	93	95
Domestic Nuisance	243	498	669
Entertainment Noise	4	0	4
Street Noise	13	26	23
Unspecified Sources	7	0	5
<b>Total</b>	<b>360</b>	<b>645</b>	<b>828</b>

Significant growth in domestic noise complaints has followed the introduction of the 101 Single Non-Emergency telephone service in 2006.



2.2 **Performance** : Several years ago the Council set a target of 2 working days as the maximum time for officers to respond to noise complaints. During 2005/6 the objective was to respond to 95% in two working days and 100% in five, which the Section achieved. The target was unchanged in 2006/7 and the Section achieved 75% and 85% respectively; this was due to the impact of 101, for which no additional resources were provided. In 2007/8, to reflect the increasing demands on the service, the targets were reduced 80% in two days and 85% in five and the Section managed 92% and 95% respectively.

2.3 For 2008/9 these response targets are being replaced with resolution targets which measure the time taken to complete an investigation. Because some cases take a lot longer to resolve than others the targets are set as follows :

- Domestic Noise – 80% of cases closed in 60 working days
- Other Noise – 80% of cases closed in 50 working days

2.4 **Customer Expectations** : The Council often finds that people who complain about noise, especially from their neighbours, have unrealistic expectations. Although there is no legal right to absolute silence at any time of the day or night people do have a right to a reasonable enjoyment of their property and not to be disturbed by anything which constitutes a 'statutory nuisance'. This legal term is not strictly defined but is assessed by trained and experienced officers in light of case law. They take into account issues such as the loudness of the noise, it's duration, the time of day, how often the noise occurs, and tonal qualities it may have and so on.

2.5 Sometimes the Council is unable to take any action to control the noise problem. This will be because the law does not permit it, not because of any disbelief in the complainants. Action is subject to rules on evidence and the Council must prove its case "beyond

reasonable doubt". Sometimes this evidence cannot be obtained, perhaps because the noise is infrequent or because the problem occurred in the past, such as a one-off noisy party.

- 2.6 How Complaints Are Dealt With : Taking complex legal proceedings to control noise can often be inappropriate. The formal processes involved might inflame neighbour relations and make matters worse, at least in the short term. That is why the Council regard legal action as a last resort and this is reflected in our enforcement policy. It is far preferable for neighbours to try to reach some accommodation. An "over the fence chat" can sometimes be sufficient so long as the complainant is reasonable, even if they believe that their neighbour has been totally *unreasonable* in their behaviour. Officers suggest that they explain how the noise affects them and ask their neighbour to try to reduce the disturbance. If this fails to have any effect they may consider putting their complaint in writing, remaining polite but firm and again asking for a reduction in the disturbance.
- 2.7 Where an informal approach fails or where, for whatever reason, the complainant refuses to try this they will usually complain direct to the Council or via the 101 service. The Environmental Health Section usually asks complainants to keep a record of the noise on a Noise Log Form which is sent with a Noise Pack together with instructions on how to complete it. This may be copied freely and it is also available from the Council's web site ([www.gosport.gov.uk/noise-control](http://www.gosport.gov.uk/noise-control)).
- 2.8 At the same time, officers usually also write to the person causing the noise. This lets them know that a complaint has been registered and although there is no direct accusation of any wrong doing we take the opportunity to explain the consequences if we have to take formal action. The Council will not write to the neighbour if the complainant so prefers, for instance if they are afraid of reprisals, but it may limit the ability to deal with the complaint.
- 2.9 When the complainant has gathered what they consider to be sufficient evidence, they send the Noise Log Form(s) back to Environmental Health for assessment. Officers will decide if, on the face of it, the problem is severe enough for the Council to take action. They also try to identify a pattern so that an out-of-hours appointment can be arranged for an officer to visit and witness the noise first hand. If no pattern emerges, complainants may be invited to use the Council's special noise equipment in order to record the problem. Recordings made on domestic electrical equipment cannot be accepted.
- 2.10 Four weeks are normally allowed for complainants to complete and return their Noise Log Forms after which the file is closed. An informal 'three strikes' rule is in place to limit the number of unfounded complaints officers have to deal with.

- 2.11 Before serving an Abatement Notice the Council must gather evidence that a severe noise nuisance has occurred and is likely to recur. This will usually be in the form of direct observations by officers or from a recording made on our equipment; we can also accept police statements. Action cannot be taken retrospectively although it may be possible to serve a Notice to prevent a recurrence based on witness statements of police officers called to the scene.
- 2.12 Where proof is obtained of a serious noise nuisance occurring, or likely to occur or recur, the Council will take action to deal with it. This will involve serving an Abatement Notice on the person responsible and giving them an appropriate length of time to comply. If they do not comply officers will have to collect further evidence before they can consider either prosecution or, in appropriate cases, seizure of the equipment, etc., which is causing the problem. If court action is taken the complainants may be required to give statements and appear as a witness for the prosecution.
- 2.13 An Abatement Notice will set out what is wrong and what must be done to prevent it. The Council must give a reasonable amount of time for the person to comply, although this will vary according to the circumstances and can sometimes be immediate. The recipient has a right of appeal to a Magistrate's Court within 21 days. The Magistrate may uphold the Notice, vary it or quash it.
- 2.14 Assuming that the Abatement Notice proceeds unopposed, officers must gather further evidence if there are any contraventions. This evidence will be from officer observations and/or statements from complainants. Without such evidence, a breach of the Notice cannot be proved and the case can go no further.
- 2.15 Where evidence of a breach is obtained details are passed to the Legal Section who will determine the likelihood that prosecution will succeed. Assuming that they support it, a date will be set for trial. The Council will call such witnesses as it needs to prove the case to the Court. If the prosecution succeeds, the Court may impose a fine of up to £5,000 (or £25,000 in the case of a business) and may also seek an award of costs. Consideration may also be given to making an Anti-Social Behaviour Order.
- 2.16 Where noise has been caused by equipment of some sort, such as amplified music, stereos, etc., the Council may ask a Magistrate for a Warrant to enter the premises and seize this equipment. It is then detained pending either a prosecution (when the Court may order that it is not returned to the owner) or, if no further action is taken, until such time as the Council's costs are paid.
- 2.17 Unproven Cases : If, at the conclusion of an investigation, the Council does not agree that sufficient evidence exists to take the

matter further this will be confirmed in writing. Complainants may then wish to consider taking their own legal proceedings, either in person or by a solicitor, through the Magistrates Court. The main advantage of this is that it does not rely on evidence from the Council, although officers might be called as witnesses (for either side). Further guidance is provided in the Noise Pack.

- 2.18 Out of Hours : The Council does not provide an out of hours service to deal with noise problems. For an ongoing complaint, officers can arrange visits outside office hours by prior arrangement only but the Council does not give out officers' home or mobile telephone numbers. Contact is usually initiated by the officer, in the case of intermittent problems, or by prior arrangement where the noise is fairly regular and predictable.
- 2.19 Customer Satisfaction : Environmental Health has maintained a Charter Mark Award for excellence in customer service for several years.
- 2.20 The Section monitors customer satisfaction levels. The noise service is not singled out but is included within a survey covering the pollution control service in general. Since April 2004, overall satisfaction levels have fallen from a starting point of 73% to 62% by March 2008. The number of customers reporting that they were dissatisfied has risen from 6% to 24% over the same period.
- 2.21 Satisfaction levels are probably affected by caseload growth and customer expectation (for instance, that there is a right to silence).

### **3 Risk Assessment**

- 3.1 The Council is under a statutory duty to investigate complaints asserting statutory nuisance. The current level of service meets the legal requirement.
- 3.2 Wide environmental impacts are very rare since most complaints received relate to neighbour noise which is relatively contained.
- 3.3 Officers are trained to investigate and regulate noise nuisance.
- 3.4 Action taken must comply with the Council's Enforcement Policy. This is predominantly the General Policy although the Environmental Health Enforcement Policy may also apply in some cases. Both were revised earlier this year and are currently out for stakeholder consultation. Copies can be found at [www.gosport.gov.uk/enforcement](http://www.gosport.gov.uk/enforcement).
- 3.5 Continuing growth in the number of noise complaints made to Environmental Health have not been matched by an increase in staff resources or a reduction in other work. This has had an impact in



terms of response times and customer satisfaction.

<b>Financial Services comments:</b>	
<b>Legal Services comments:</b>	
<b>Service Improvement Plan implications:</b>	None for this report.
<b>Corporate Plan:</b>	Not applicable to this report
<b>Risk Assessment:</b>	Included in Section 3.
<b>Background papers:</b>	None.
<b>Appendices/Enclosures:</b>	None.
<b>Report author/ Lead Officer:</b>	David Palmer, Head of Environmental Health  023 9254 5509  <a href="mailto:david.palmer@gosport.gov.uk">david.palmer@gosport.gov.uk</a>

**GOSPORT BOROUGH COUNCIL**

**OVERVIEW AND SCRUTINY COMMITTEE**

**DATE: 5 June 2008**

**ITEM FOR DISCUSSION**

**TITLE:**           **Cycle Lanes**

**AUTHOR:**    **Chief Executive**

**1.0    PURPOSE**

The purpose of this report is to advise the Committee that a decision is required whether or not to scrutinise the provision of cycle lanes.

**2.0    REPORT**

- 2.1    At its meeting on 27 March 2008, this Committee scrutinised Gosport's Sustainable Community Strategy. As part of their discussion, Members raised the issue of the provision of cycle lanes and decided that the Committee should be given the opportunity, at its first meeting of the new Municipal Year, to decide whether or not to scrutinise this provision. A copy of the relevant minute extract is attached as Appendix A.

***Supporting Information***

**Financial implications:**    None.

**Legal implications:**

**Risk Assessment:**

**Background papers  
including previous  
reports:**                    Nil

**Enclosures/Appendices:** Appendix A: Minute Extract from the meeting of the Overview and Scrutiny held on 27 March 2008.

## **APPENDIX A**

### **MINUTE EXTRACT FROM THE MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE: 27 MARCH 2008**

#### **67. GOSPORT'S SUSTAINABLE COMMUNITY STRATEGY**

Consideration was given to a briefing note from the Chief Executive which provided Members with a progress update on Gosport's Sustainable Community Strategy and its Local Strategic Partnership.

Members asked what scope there was to increase cycling lanes along the major routes in and out of the Borough. The Chief Executive advised that the Gosport Partnership would concentrate initially on the main routes. A bid for Government finance would be made with Portsmouth City Council through Groundwork Solent. A list of the top ten bidders would be drawn up.

Members felt that "school runs" caused traffic congestion problems and was a major issue. Schools had made efforts to address the problem but success had been limited. The Chief Executive advised that pressure could continue to be applied to Hampshire County Council and money may be available via Local Area Agreements. The problem was partly due to parents not always choosing local schools for their children. This appeared to be a problem with first schools as well as secondary.

Members were concerned at the numbers of cyclists who used the pavement instead of roads or cycle lanes. It was felt that investigations should be made why this practice was so widespread and why people drove such short distances to take their children to and from school.

The Chief Executive advised that the Gosport Partnership would need to draw up an action plan. Parents' choices of senior schools would have a knock on effect with regard to junior schools. The enhancement of the reputation of Bridgemary School would assist in this area

With regard to cycling on pedestrian areas, the Chief Executive suggested that the dangers associated with roads may encourage people to cycle on footpaths. A voice would need to be given to the community to ensure these problems were understood by Hampshire County Council.

Members felt that cyclists were often placed in danger by car drivers who drove on cycle lanes.

The Chairman advised that considerable investment had been made in cycleways but less thought had been given to what value would be obtained from them. The Committee could look to advise investors on how to use resources more wisely.

Members felt that the Overview and Scrutiny Committee should decide in the 2008/09 Municipal Year whether or not to scrutinise the provision of cycle lanes.

RESOLVED: That:

- a) the report of the Chief Executive be noted; and
- b) a decision be made by the Committee in the Municipal Year 2008/09 on whether to scrutinise the provision of cycle lanes.

**AGENDA NO. 5B*****BRIEFING NOTE***

To:	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>
Date:	5 June 2008
Title:	Update on Travel Token Working Group
Author:	Borough Solicitor
Purpose:	For Information

**1.0 Background**

- 1.1 At its meeting on 26 July 2007, the Overview and Scrutiny Committee considered a request for scrutiny of the Travel Token scheme operated by the Council and, in agreeing to this request, established a 1:1:1 Working Group comprising Councillors Mrs Salter, Train and Ward.
- 1.2 The Working Group met on 20 August 2007, 2 November 2007 and 27 February 2008.

**2.0 Progress of the Working Group**

- 2.1 Under the current Travel Token scheme operated by the Council, Tokens to the value of £40 in fifty pence denominations are issued for use on buses, the Gosport and Isle of Wight Ferries and local taxis. The disadvantage of this system is that it is not possible to monitor the use of the tokens or to recoup the cost of unused tokens.
- 2.2 A presentation was given to the Community and Environment Board on 10 September 2007 by Malcolm Daughtrey, Managing Director of National Transport Tokens Limited, on the provision of smart cards for use in taxis. These cards could be credited at the beginning of a year and set to allow a maximum fare to be deducted for each journey made. Any unused credit would be refunded to the Council at the end of the year.
- 2.3 Milton Keynes and Dumfries and Galloway Councils already operate this smart card scheme. The Head of Pay and Administration contacted officers from these two councils to obtain feedback on their experience of the

scheme. The feedback obtained was very positive with both councils being satisfied with both the level of administrative assistance provided by National Transport Tokens Limited and the degree of monitoring information provided on the use of the smart cards.

- 2.4 The Working Group considered it appropriate that each Smart Card should be credited with £40 annually, in line with the value of Tokens currently issued annually. Consideration was also given to the Taxi Fare Tariff and the appropriate amount to be debited from each Smart Card on any one journey. The Working Group proposed that £5 should be the maximum to be debited for one specific journey to avert fraudulent uses of the concession system.
- 2.5 However, at the meeting of the Overview and Scrutiny Committee on 27 March 2008 the Working Group was requested to consider differential limits for differential journeys. The Working Group has not met since February and so further consideration has not yet been given to the appropriate debit amounts for each taxi journey.
- 2.6 The next meeting of the Working Group was to be arranged following a meeting of the Hackney Carriage Trade Group scheduled to take place on 11 June 2008 at which a presentation on the Smart Card Scheme is to be given by the Commercial Manager of National Transport Tokens Limited. Following this presentation, officers would be able to gauge the level of interest in the Scheme from taxi drivers and whether they would be prepared to pay the necessary sum to install the card readers in their vehicles.

### **3.0 The Way Forward**

- 3.1 Members are requested to consider whether they wish the scrutiny of the Travel Token Scheme to continue.
- 3.2 Members are further requested to consider membership of the Working Group if it is their wish to continue this scrutiny.

## **OVERVIEW AND SCRUTINY COMMITTEE: WORK PROGRAMME**

<b>Work Area</b>	<b>Lead Officer</b>	<b>Date to be reported to Committee</b>
Performance Information: <i>Consideration of performance information relating to actions agreed by CMT</i>	Mike Jeffery	At 6-monthly intervals. Next report: 24.07.08
Community Strategy Action Plan: <i>Policy Framework Document</i>	Julie Petty	At 6-monthly intervals: Next report 25 September 2008
Disability Equality Scheme: <i>Receive progress report on an annual basis</i>	Julie Petty	Annually: Next report 5 June 2008
Scrutiny Training: <i>Training for Members on Modules of "Why Scrutiny Matters"</i>	Linda Edwards	24 July 2008
Travel Tokens Working Group: <i>Progress report to decide whether the Committee wishes this scrutiny to continue and, if appropriate, to nominate membership.</i>	Julian Bowcher	5 June 2008
Noise Nuisance	David Jago	5 June 2008
Cycle Lanes	Initial report by Chris Wrein	5 June 2008
Work areas: <i>Review at each meeting</i>		

GOSPORT BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

5 JUNE 2008

**ITEM FOR DISCUSSION**

**TITLE:           DISABILITY EQUALITY SCHEME ANNUAL REPORT**

**AUTHOR:       HEAD OF CORPORATE POLICY AND PERFORMANCE**

**1.0   PURPOSE:**

- 1.1   This is the first annual report to the Overview and Scrutiny Committee on the first year of the Council's Disability Equality Scheme (DES) and its revised Action Plan – see action plan in Appendix A.

**2.0   BACKGROUND:**

- 2.1   The Disability Equality Scheme 2007-2010 with Action Plan was launched in February 2007 to ensure the Council is addressing its legal duties and responsibilities under the Disability Discrimination Act 2005.
- 2.2   The DES is one of three statutory equality schemes linked under the Corporate Equalities Policy which was adopted in February 2008. The other two schemes are the Race Equality Scheme, also adopted in February 2008, and the draft Gender Equality Scheme which is out for public consultation until the end of June.

**3.0   REPORT:**

- 3.1   All of the Council's statutory equalities schemes include an annual review of the scheme and action plan through the Equality and Diversity Steering Group (EDSG) with an annual report being made to CMT and the Overview and Scrutiny Committee.
- 3.2   The Council maintains effective partnership working with the Gosport Access Group and Disability Forum (GAG) to progress actions in the



Action Plan and to identify and address and other disability access issues to Council services and facilities.

- 3.3 EDSG receives regular updates from this group via the Council's Access Officer. Other Council officers often attend (GAG) meetings to update them on policy developments and access and service improvements which could affect people with a range of disabilities.
- 3.4 All Council Sections which had responsibility for 2007-08 actions in the action plan were canvassed for progress on those actions at the end of 2007. These and further updates have been co-ordinated by the Corporate Policy and Performance Section.
- 3.5 Progress has been significant across the three-year timetable of actions. An estimated 74% of all actions were completed during the first year with progress achieved in the remaining actions.
- 3.6 GAG discussed the updated draft three-year DES action plan at its March meeting and recommended some additional actions for consideration by the Council.
- 3.7 Following that meeting a sub-group of GAG, the Access Officer and Principal Policy Officer met 31 March to finalise a revised DES Action Plan for 2008-2010 which included some new jointly-agreed actions.
- 3.8 The revised plan was re-circulated to the Gosport Access Group and Disability Forum and endorsed by its Chairman Mr Peter Carroll on 9 April.
- 3.9 Mr Carroll commended the Council for its outstanding commitment to the DES, the significant progress achieved during its first year and the willingness of its officers to work in partnership with his group.

#### **4.0 CONCLUSION:**

- 4.1 The Council's Management Team approved the annual progress report and the revised DES Action Plan for 2008-2010 (Appendix A) in March 2008.
- 4.2 It also acknowledged that all equality schemes and action plans are 'live' documents which are monitored and updated regularly to identify and address areas of inequality and to reflect the development of new initiatives and best practices to eliminate discrimination.
- 4.3 It is recommended that the Overview and Scrutiny approve this annual report on the Disability Equality Scheme and the updated Action Plan for 2008-2010.

### ***Supporting Information***

<b>Financial implications:</b>	None.
<b>Legal implications:</b>	The production of the Disability Equality Scheme and the Action Plan by the Council is a statutory duty under the Disability Discrimination Act.
<b>Risk Assessment:</b>	Compliance of Public Bodies to all anti-discrimination legislation is monitored by the Commission for Equality and Human Rights. Failure to maintain a Disability Equality Scheme and Action Plan which satisfies the general and specific duties required under the Disability Discrimination Act 2005 would invite an array of possible enforcement actions against the Council.
<b>Background papers including previous reports:</b>	The Disability Equality Scheme 2007-2010
<b>Enclosures/Appendices:</b>	Appendix A: Disability Equality Scheme Action Plan 2008-2010
<b>Contact name &amp; tel. no.</b>	Julie Petty, 023 9254 5381 Email: <a href="mailto:julie.petty@gosport.gov.uk">julie.petty@gosport.gov.uk</a>

**ACTION PLAN 2008-2010**

This action plan includes actions from the 2007-2010 action plan which are still due for completion, some revised outcomes and new actions which have arisen as the result of completed actions during 2007-2008 and ongoing consultation between the Gosport Access Group and Disability Forum and Council officers.

The action plan will be updated quarterly and reviewed annually.

**1. OUTCOME: Improved access to Council buildings.**

	What will we achieve	Whose job it is	When they will do it by
1a	Ensure continued compliance with the Disability Audit recommendations for the Town Hall in line with the Disability Discrimination Act 2005.	Central Services Section	Assess at checkpoint meeting March 2009

**2. OUTCOME: Improved information on the physical access to services, facilities and events provided by the Council**

	What will we achieve	Whose job it is	When they will do it by
2a	Include disabled access information on all publicity for leisure, recreational and cultural events.	Leisure and Cultural Services	September 2008
2b	Develop corporate guidance on the consistent use of access symbols and information.	Equality and Diversity Steering Group	September 2008

**3. OUTCOME: Higher levels of participation by disabled customers, in respect of Housing Services, to improve overall service design and quality.**

	What will we achieve	Whose job it is	When they will do it by
3a	Improve communication about the availability of Council and private accommodation suitable for disabled tenants.	Housing Services	September 2008
3b	Seek advice from Gosport Access Group on the	Housing Services	December 2008

	planned development of the sheltered schemes and arrange site visits to view the plans and works progress.		
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**4. OUTCOME: Improved job opportunities for disabled people through a more pro-active approach.**

	What will we achieve	Whose job it is	When they will do it by
4a	Investigate the possibility of providing work experience for disabled people.	Personnel Section	September 2008

**5. OUTCOME: Improve the safety and accessibility of disabled people in the urban environment.**

	What will we achieve	Whose job it is	When they will do it by
5a	Improve awareness among local business and service providers about Disability Discrimination Act requirements and local access issues via business newsletter and website.	Access officer and Economic Investment officer	Assess at checkpoint meeting March 2009

**6. OUTCOME: Improved understanding and use of access statements to accompany planning applications**

	What will we achieve	Whose job it is	When they will do it by
6a	Access officer to liaise with planning services and advise on requirements for access statements to accompany planning applications	Access officer	Assess at checkpoint meeting March 2009