

# 6. ENVIRONMENTAL SERVICES

## 6.1 Street Management and Waste

### Introduction and background

**The local environment is where most people come into contact with council services and their perception of how clean streets are, or how waste is managed often determines how they view local government services. Clean streets contribute to our pride and sense of place and perception of safety – a critical place shaping role for local authorities.**

Under the two tier system of local government waste management responsibilities are shared between the district/boroughs and the County Council. Under the Environmental Protection Act (EPA) 1990 (as amended) the district councils are waste collection authorities whilst the County Council has the statutory function as the Waste Disposal Authority. This latter function involves the provision of waste disposal facilities for collected wastes and for places where householders may deliver their waste for example for recycling / composting /disposal. The County Council has to achieve Government set mandatory targets for recycling /composting.

In accordance with the EPA, the Clean Neighbourhood Act 2005 and the Code of Practice on Litter and Refuse, the district councils arrange for the cleansing of designated public land and highways. This service includes cleansing of public highways and lay-bys, public car-parks, district owned land (e.g. parks and gardens, beaches etc.), fly posting and graffiti, street sweeping, litter, dog fouling and fly-tipping.



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## Part Two: **Achieving our aims and objectives**

There is a strong record of partnership working in the field of waste management in Cornwall, which is now additionally developing work in the general street scene field. Examples include the Cornwall Waste Management Forum, the Waste Managers' Group, the Recycling Officers' Group and the Cornwall Litter Partnership. Earlier this year the county and district councils were the catalyst in setting up a Re-Use Group Forum.

The problems arising from dual responsibility for street management and waste management include:

- Lack of a strategic approach to street management, including cleansing and waste management
  - Multiplicity of contractual arrangements amongst seven authorities and associated procurement costs
  - Seven different management structures
  - Differing service priorities amongst each of the authorities
  - Confusion amongst residents regarding service provision
  - Seven client and contractor teams
  - Inconsistency of service delivery across Cornwall e.g. health and safety, trade waste, waste receptacles etc
  - Sub-optimal service provision due to administrative boundaries
- e.g. Grampound and Scorrier, where there are different collections on different sides of residential roads
- Difficulties in providing clear and consistent messages to residents and visitors
  - Effective use of grant money (pooling) is inhibited by having seven authorities with differing priorities

- Seven authorities with different sets of BVPI targets
- Management inefficiencies arising from inter-authority payments e.g. recycling credits, tipping away payments and trade waste
- Lack of integration of collection services, recycling points and civic amenity sites
- Lack of progress from a waste disposal mindset to resource management

### **Opportunities for improvements**

Significant opportunities would arise from bringing together in a single authority the management of both the street scene and waste management functions – in service delivery, consistency and efficiencies. These include

- A single management structure
- Clearer public awareness of service provision
- More community involvement in setting local street scene priorities
- Devolution of budgets for some local services to the local councillors
- Consistent service prioritisation
- Strategic approach to street cleaning and waste (resource) management
- Standardised procurement procedures and fewer contractors
- Reduced number of client teams
- One set of statutory targets
- More effective use of grant funding
- Steamlined approach to information

Beyond the boundaries of local government, a significant opportunity exists to seek greater

integration with the health sector in the management of its waste. This sector is a significant producer of solid and hazardous wastes (mainly clinical waste). Closer relationships would enable the potential savings and efficiencies through the procurement of more integrated collection contracts and economies of scale in determining treatment and disposal options.

## 6.2 Environmental Health and Trading Standards

### Introduction and background

There are a wide variety of overlapping responsibilities related to public health, environmental protection, health and safety and trading standards that are undertaken at both the county and district level. These relate both to regulatory services and complementary services such as health promotion, community safety and consumer advice.

In order to consider options and proposals for more effective arrangements we have undertaken a case study (case study 4), which sets out the basis for service improvements, and structures within a proposed new unified arrangement.

### Opportunities for improvements

Our proposals are to bring together the following services into a single structure

- Environmental Protection
- Food safety, hygiene and standards
- Pest control
- Public Health
- Health and Safety
- Private Sector Housing

- Environmental crime
- Trading Standards
- Animal Health and Welfare
- Licensing

ringing together these functions will achieve the following service improvements:

- remove one of the longest standing anomalies in the consumer protection field by joining the food hygiene function (district) with the food standards function (county), creating a single food safety function;
- enable a co-ordinated multi-disciplined approach to be taken with inspections, thereby reducing the burden on business;
- provide a single access point to all local businesses for advice and information on consumer, product, environmental and worker safety issues;
- provide a single point of contact for local residents wishing to receive advice or make a complaint;
- provide a wide spectrum of specialist advice for businesses and consumers on a one-stop-shop basis;
- create far greater capacity for responding to emergency situations, urgent requests for assistance and the like;
- provide significantly improved intelligence for targeting of inspections and enforcement actions (and thereby improved efficiency and effectiveness) by bringing together staff and systems which operate across a broader spectrum of functions and interact with a larger number of individuals;

- enable the production of a single risk assessment scheme for all business premises and for responding to emergencies or incidents;
- enable a greater use of hazard-spotting and harmonised processes such as inspection programmes, intelligence-led work, advice and education, with a consequent harmonisation of training in common disciplines (e.g. investigation procedures); and
- more integrated and effective contribution to local priorities, greater synergy and reduced silo working.

This is true economy of scale - being able to deploy and co-ordinate a greater number of suitably trained professionals for any given circumstance.

## 6.3 Air Quality

Air quality is an issue for both county and districts with implications for planning, transport and health.

Although air quality in Cornwall is generally considered to be 'good', some parts of the county are particularly subject to pollution 'hotspots' directly as a result of high traffic levels and congestion. On the basis of pollution exceedances an Air Quality Management Area (AQMA) was recently declared in the Camborne/Pool/ Redruth area and a further area is likely to be declared in Bodmin. Other air quality issues of particular relevance in Cornwall include china clay dust monitoring (related to the extensive china clay mining industry ) monitoring of ozone (particularly on the Lizard and Land's End) and ongoing research into airborne arsenic (associated with former mine sites across the county).

The Cornwall Air Quality Strategy (CAQS) (2004) sets out the background to air quality in Cornwall and the key issues which face the county. There is a growing

concern over the health of Cornwall's principal towns which could have serious consequences for achieving regeneration aspirations and highlights the need to ensure that the approach towards addressing air quality issues is fully embedded and properly resourced within local authority systems.

The delivery of objectives for Air Quality involves a complex integration and interaction of a variety of services at the various levels of delivery within the county. Much of the responsibility for the assessment of air quality lies with the district-based Environmental Health Officers. However, many of the delivery mechanisms are dependent on traffic-related solutions carried out through the county council in its capacity as Highways Authority.

Five of the district councils in Cornwall work in partnership with each other and with Cornwall County Council through the Cornwall Air Quality Forum (CAQF). This Forum, established in 1995, has representatives from five of the district councils in Cornwall, Cornwall County Council, the Environment Agency and the Health Community. The Air Quality Unit (AQU) at Cornwall College acts for the CAQF and through joint funding by the Local Authority partners is able to provide technical support, and assist with a co-ordinated programme of air quality monitoring across the five districts involved. The experience of the CAQ Forum has demonstrated that co-ordination and joint funding are critical to the delivery of air quality assessments and monitoring. Without this joint approach the individual cost to each local authority of providing the necessary monitoring equipment and expertise would be prohibitive.

Even so, current membership of the Forum relies on voluntary partnership and funding, and one district has elected not to join the group. This prevents the implementation of a countywide consistent approach towards air quality monitoring and the full benefits of shared costs.

### **Opportunities for improvement**

Under a single tier system, the countywide commitment to air quality objectives will be more effectively coordinated and achieved. Closer integration of transport and air quality will add value to existing arrangements for highways consultations and traffic management schemes.

At the national and international level, measures are already in hand to reduce air pollution both for the benefit of local air quality and global emissions. The significance of climate change is a major issue for a coastal region such as Cornwall. A unified system offers wider scope to identify and secure opportunities for pollution management and reduction as well as mitigation.

### **Proposals**

Our proposals for improvements include;

- Responsibility for air quality assessment and monitoring and implementation of improvement schemes under one organisation
- Streamlining of monitoring programmes and coordination of priorities on a countywide basis
- Improved sharing of information and expertise and experience
- Adoption of countywide Best Practice Guidance for Air Quality and Development
- Improved integration of transport and air quality assessments.

## **6.4 Environment and Heritage Services**

### **Introduction and background**

There are currently a number of services and activities within the “environment and heritage” sectors undertaken by the County Council .

- **Natural Environment** – The County Council is the only authority which has the professional expertise in a fully integrated way dealing with biodiversity, nature conservation, trees, forestry, arboriculture and marine issues at policy, advice and project levels: This is now a key issue as there is a new BVPI for biodiversity for Local Authorities.
- **Access to the Countryside** – The County Council has statutory responsibilities for Public Rights of Way (PROW) and Open Access Land but these need to be fully integrated with the management of Open Spaces and other land and facilities, especially those managed by district councils.
- **Open Spaces** – These are the responsibilities of both the county and districts mostly as a result of ownership. The key issues are the large land bank across Cornwall and the lack of resources at both county and district levels to manage it. There is poor co-ordination and integration of responsibilities between services, and procurement, policy and programming. There is a lack of equipment and confusion with the public as to who is responsible for what.
- **Heritage Protection and Advice** – The County Council has the professional expertise for archaeology, the World Heritage Site and the historical elements of the built and rural environment stock.

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- Historic and Environment Record (HER) – The County Council has a statutory duty to maintain the HER
- Assessment/Conservation Works - Where the County Council has the professional expertise to advise.
- Environment and Regeneration Projects - Some district councils have the design and technical capability but others do not. Current service delivery has led to ad hoc arrangements with overlaps and confusion over responsibilities.
- Historic Collection - This is the responsibility of the County Council where the key issue is bringing together the Cornwall Record Office and the Cornwall Studies Library into one new centre with adequate accommodation.
- Museums - Services at both county and district council levels are ad hoc and fragmented. (see section on cultural services).

### **Opportunities for improvements**

A single authority will enable us to forge more strongly the links between environment, heritage and cultural services across Cornwall. Strategy and policy will be centralised to be more efficient and better co-ordinated with service delivery more effectively undertaken at a community level with some activities commissioned out.

There is the potential to bring together the following activities/services currently operated by the county and districts;

- Leisure Centres
- Formal parks and Gardens
- Cemeteries
- Playing Fields and Play Areas

- Public Realm Open Spaces
- Museums
- Conservation Advice, Tree Advice
- Local Nature Reserves
- Historic Sites
- Rural Open Spaces

Under a unified arrangement we would be able to provide strengthened, more consistent historic, natural, landscape and environmental advice to the planning process both at a strategic level and with development control, leading to better informed planning decisions.

Whilst the local authorities have been fairly successful in attracting grants for environmental projects in recent years, as funding becomes more difficult, the existing county and district approach is less viable. In order to obtain external funding for major environmental projects which support the economy, a unified approach would make it easier for funding bodies such as GOSW, SWRDA and HLF to support bids from Cornwall. Many leisure and sporting facilities will come under local control such as leisure centres, formal parks and gardens, cemeteries and public areas; local communities will be able to decide how to implement strategic policies.

### **Public Rights of Way – Local Maintenance Partnership**

The County Council has maintenance arrangements for Public Rights of Way with 177 town and parishes in Cornwall – 84% of the total number of parishes. These arrangements are known as the Footpath Local Maintenance Partnership and are on a voluntary basis. They involve the County Council contributing to approximately 90% of the costs but enable the

town and parish councils to use local contractors to undertake the work and determine priorities according to local needs. The parish councils provide a minimum of 10% of the costs but many parishes increase their contribution through the parish precept.

The arrangements have been operative for 9 years and generally regarded as very successful, with one or two minor exceptions. Because of this success, especially in the context of county council efficiency savings, the scheme is currently being developed, to involve the voluntary sector having a greater role with the work undertaken by the parishes. This has come about as a result of a pioneering project between a number of parishes and a volunteer group supported financially by both the district council and the county council in West Cornwall known as Penwith Access and Rights of Way (PAROW).

The county council has also opened discussions with a number of the more active parishes to consider parish councils taking a more active role in the management of County Council owned Open Spaces on a similar basis as footpaths. It is planned to have between 10-12 Parishes involved by April 2009.

Members of the county council have been very supportive of the Partnership arrangements and many of them actively contribute to the debates at parish level (by attending parish meetings) on footpath work being undertaken by the parish councils.

This initiative demonstrates what can be achieved by effective delegation and partnership working at a local level – something the new council would actively seek to develop further through the community networks.

## 6.5 The Maritime Sector

### Introduction and background

Cornwall is the most maritime of all UK counties, where a land-based observer is never further than about 16.5 miles from an open sea coast in a direct line. The county has a coastline over 300 miles long and the ocean is present on three sides.

Each of the seven councils in Cornwall provides, or facilitates, a number of services that are maritime specific, such as Harbour Authorities, Port Health Authorities, beach lifeguards, Seafisheries etc. Most of these organisations are statutory bodies made under Order, but some, such as the provision of beach lifeguards flow from responsibilities under a duty of care for public health, contained in law that has a wide application (e.g. relevant sections of the Public Health Acts of 1936 and 1961).

### Opportunities for improvement

Bringing together these separate bodies under a single management team, whilst still preserving their separate legal bodies, will help to provide a better service and integrated approach on the sea-land interface and improve the ability to respond positively to unexpected issues with the existing cross-service personnel strength. To provide a strategic approach a team would be formed of each service head (the Harbourmaster from each port, Chief Fishery Officer, Chief Port Health Officers and a head of beach lifeguards) plus a Head of Maritime Services.

Each existing statutory committee will still need to meet to drive the strategic work of each specific service, but it is envisaged that over time, some of the services will naturally amalgamate as synergies develop and government policy evolves to encourage closer service-level working.

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The potential exists for physical resources (boats, vehicles) to be used advantageously across the county, thereby creating efficiency gains. In addition, evidence gathering into some types of alleged offences could be streamlined if the necessary safeguards have been put in place. Some financial savings will be realised through the use of legal, personnel, committee and other support services being obtained from a single source. In addition, the present administrative support network from seven councils, will be reduced to a single authority thereby realising savings.

At present, the councils' views and understanding of maritime issues, from a strategic aspect, is fragmented, apart from the issues surrounding the transport link to the Isles of Scilly where there are good partnerships between the county council and Penwith District Council (and the Council of the Isles of Scilly).

The proposed Marine Bill (expected in draft in 2007) is anticipated to create opportunities and duties on statutory maritime bodies to work closer for the benefit of all stakeholders and the marine environment.

The functions of each service are specific to its area of operations and its statutory duties, and this is unlikely to change significantly in the short term given the wide range of powers enshrined in numerous disparate sources of legislation.

## Harbours

Harbours and ports in the UK fall under one of three categories of governance – private, trust or municipal. Each of the three types is open to market forces and they should be independently run as stand-alone enterprises, free from government support or subsidy.

A recent Government report<sup>6</sup> arising from a comprehensive review of municipal ports states "like trust ports, municipal ports are operated for the benefit of stakeholders including the local community but, unlike trusts, they are not in general governed by an independent, bespoke, expert and directly accountable body". The report goes on to recommend that local authorities should consider adopting the tried and tested benefits of the trust ports governance model, which are readily transferable to the municipal ports.

In Cornwall there are 10 municipal harbours or ports, ranging from the very small such as Donderry, which has little physical infrastructure and a few small inshore fishing vessels using it, to the busy medium sized ports such as Truro and Penzance, both of which have significant infrastructure and mixed sector traffic from fishing, leisure and commercial.

The statutory role of local authorities in operating harbours/ports is:

- A power to construct and maintain harbour infrastructures
- A duty to keep the harbour open to all persons for the shipping and unshipping of goods and landing of passengers
- A power to collect harbour dues and/or mooring fees
- A power to regulate the use of the harbour through general and special directions of the harbourmaster and harbour byelaws.

Municipal harbours and ports employ a harbourmaster and additional staff as dictated by the activity of the port.

<sup>6</sup>Opportunities for Ports in Local Authority Ownership: A Review of Municipal Ports in England and Wales, Department for Transport & Department for Communities and Local Government (May 2006)

## Port Health Authorities

There are two maritime Port Health Authorities (PHA) in Cornwall; the Falmouth & Truro PHA and the Fowey PHA. Like some of the other maritime services they are established by an Act of Parliament. The role of the authorities is to:

- Prevent the introduction of infectious disease into the UK and enforcement of International Health Regulations.
- Enforce food safety and hygiene regulations aboard vessels and other premises within the Port Health District, including the hygiene regulations of the local shellfish industry.
- Provide environmental protection and statutory nuisance control within the district.

Although a small team of staff perform day to day operational functions, policy and strategic planning is agreed by elected Members.

## Beach Lifeguards

Local district councils have viewed beach safety as an important factor for the users of busy beaches. Penwith DC employs the lifeguards for the beaches in its district, while other councils tend to buy in the service from the RNLI. As the popularity of the beaches for watersport increases, the pressure for the provision of lifeguards is bound to increase further and there is an argument that all beach lifeguards in the county should be managed by a single body, be it in-house, or a bought-in service.

## Seafisheries

There is a single Sea Fisheries Committee (SFC) in Cornwall<sup>7</sup> with regulatory powers and duties in the six mile limits. There are twelve Sea Fisheries Committees around the coast of England and Wales. The functions of the SFCs are:-

- The regulation of fisheries by way of byelaws within the defined district (1350 sq nautical miles) for fish stock management and marine environmental reasons, through restricting or prohibiting certain human activities
- The statutory enforcement of fisheries legislation (byelaw, national and EU) around the coast of Cornwall
- The regulation, protection and development of fisheries for shellfish
- To have regard to the conservation of marine flora and fauna

The Committee's directions are carried out by officers of the Seafisheries service based in Penzance. Seafisheries officers patrol at sea and ashore to ensure compliance with all fisheries legislation within the district.

## Proposal

Our proposal is to form a unified management structure which will promote, enhance and protect the coastal marine environment, the economy of ports and the maritime sector, and the health and safety of all stakeholders (including visitors) in Cornwall.

<sup>7</sup>CCC is also levied by Devon Sea Fisheries Committee for the Cornish part of the Plymouth Sound Basin and Tamar River.