

Agenda



Community Focus Scrutiny Committee

Date	Thursday, 04 October 2012 at 6:15 pm
Venue	Town Hall, St Annes
Committee members	Councillor Kiran Mulholland (Chairman) Councillor Christine Akeroyd (Vice-Chairman) Councillors Tim Armit, Julie Brickles, Susanne Cunningham, Tony Ford JP, Gail Goodman JP, Nigel Goodrich, Peter Hardy, Kathleen Harper, Paul Hodgson, Barbara Nash, Linda Nulty, Dawn Prestwich, John Singleton JP, Vivienne Miller Willder

Public Platform To hear representations from members of the public

Item		Page
1	Declarations of Interest: Any member needing advice on Declarations of Interest should contact the Monitoring Officer before the meeting.	1
2	Confirmation of Minutes: To confirm the minutes of the previous meeting held on 6 September 2012 as a correct record. As attached at the end of the agenda.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.3.	1
4	Fylde Coast Bathing Waters	3 - 9

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REPORT



REPORT OF	MEETING	DATE	ITEM
DEVELOPMENT SERVICES	COMMUNITY FOCUS SCRUTINY COMMITTEE	4 TH OCTOBER 2012	4

FYLDE COAST BATHING WATERS

Public Item

This item is for consideration in the public part of the meeting.

Summary

Scrutiny Management Board (SMB) considered a request at its meeting in June for a scrutiny review to be undertaken on Fylde Coast bathing waters.

This report provides an overview of the work underway to improve the quality of the bathing waters in light of the revised Bathing Water Directive (rBWD).

Representatives from each of the main partner organisations involved have been invited to attend the meeting to give an overview of their work and to take questions.

Recommendation

That members note the work underway to improve Fylde bathing waters and to consider making any comments or recommendations.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:-

Environment and Partnerships:

Councillor Tommy Threlfall

Leisure and Culture

Councillor Sue Fazackerley

Report

Background

1. SMB considered and agreed to a member request to undertake a scrutiny review of Fylde Coast bathing waters at its meeting on 20th June. In particular around the impacts of the revised standard for assessing bathing waters taking effect from 2015.
2. This report presents to members an initial overview of the issues involved and will be supplemented at the meeting by the attendance of key partner organisations involved in improving bathing water quality.

Bathing Water Directives

3. There are 33 bathing waters designated in the North West of England. Two in Fylde (St Annes and St Annes North). Every week during the bathing season (15 May to 30 September), samples are taken by the Environment Agency (EA) and analysed against the standards laid out in the current [Bathing Water Directive](#) (cBWD). The results which are posted on the EA's website are sent to the Department of Environment Food and Rural Affairs (Defra) and to bathing water controllers such as Fylde Council which are published on the beach notice boards.
4. Details of the two designated bathing waters in Fylde are available on the EA website at the following links. This includes a summary of the specific issues affecting both waters and results from water quality assessments under the current Bathing Water Directive (cBWD).
 - St Annes North <http://environment.data.gov.uk/lab/bwq-info.html?site=ukd4303-41900>
 - St Annes <http://environment.data.gov.uk/lab/bwq-info.html?site=ukd4303-41800>
5. Tests undertaken for the cBWD measure a number of parameters including microbiological (total and faecal coliforms, faecal streptococci, salmonella, enteroviruses), pH, colour, oils, and phenols.
6. Bathing water quality in the North West has improved considerably over the past two decades. In 2011 82% passed the mandatory standards which compares to only 15% in 1988.
7. Nevertheless last year (2011) both beaches in Fylde failed to achieve minimum bathing water standards based on the cBWD. This is two out of six in the North West and out of nine throughout England.
8. The revised Bathing Water Directive (2006/7/EC) aims to set more stringent water quality standards and also puts a stronger emphasis on beach management and public information. It poses a number of challenges for Defra, the EA, local authorities and beach operators.
9. The rBWD came into force on 24 March 2006. The overall objective of the revised Directive remains the protection of public health whilst bathing, but it also offers an opportunity to improve management practices at bathing waters and to standardise the information provided to bathers across Europe.

10. Timelines for delivery of the rBWD are:
- i) In 2008 the EA generated their first list of bathing waters under the revised Bathing Water Directive.
 - ii) In 2011 the EA published bathing water profiles for all bathing waters.
 - iii) In May 2012 monitoring began for a four year classification to be in place by 2015.
 - iv) In 2015 the EA will publish their first classification of bathing waters under the revised Bathing Water Directive.
11. One of the key changes between the current and revised directives is from measuring compliance using the pass/fail approach to classification based on four classes: poor/sufficient/good/excellent. The rBWD requires for all bathing waters to be classed as 'sufficient' by 2015.
12. There is real concern that without additional measures to improve bathing water quality a number of beaches on the Fylde coast could fail to meet the rBWD standards.
13. If bathing waters do not meet the sufficient standard in 2015 information will be displayed at failing beaches advising against bathing and include the reasons for failure and the corrective measures being taken. After five consecutive failing years, the water will be regarded as being unsafe for bathing and permanent advice against bathing will be displayed at failing beaches.
14. There are many factors which can affect bathing water quality. These include run-off from farm land, inputs from sewers including combined sewer overflows at times of heavy rain, surface drainage discharges, cross connections, animals on beaches including dogs, horses, sea birds, etc. However innovative scientific techniques such as DNA testing now allow pollution sources to be identified with far more accuracy.

Fylde Water Management Group

17. The Fylde Peninsula Water Management Group was set up in 2011 as a partnership between the Environment Agency, United Utilities, Blackpool, Fylde and Wyre Councils, Lancashire County Council and Keep Britain Tidy and looks at 3 aspects of water management:
- Coastal Defence
 - Bathing Water Quality
 - Surface Water Management
18. Blackpool Council chairs the group which currently meets on a monthly basis and also performs the project officer role for undertaking a number of projects, which have been commenced by the group. This project officer role is funded by the EA. Meetings are attended by Officers from the respective organisations and from Fylde by the Head of Technical Services and Chief Engineer.
19. With regards to the rBWD the Group has been instrumental in collating existing activity to improve bathing water quality as well as proposing

additional work to achieve more concerted effort to the issues affecting the Fylde coast. A draft plan is being produced which identifies all the actions proposed by the Group. Projects currently underway include:

- i) Beach Management on the Fylde Coast- looking at how current beach management practises could be improved to help improve bathing water quality
- ii) Sustainable Drainage Systems (SuDS) on the Fylde Coast- looking at potential areas where SuDS could be used to reduce run off and improve bathing water quality
- iii) Smart Sponges- this is an innovative product which can reduce pathogens in water and the Fylde Peninsula Water Management Group would like to trial it at Stannah Pumping Station where water quality has been shown to impact on the Bathing Water Quality.

20. One key action is to raise awareness of the issues affecting bathing water quality and to this end a summit was held on the 17th September entitled 'Turning tides'. The portfolio holder and several members of the committee were able to attend the event which was informative and thought provoking.

Attendance at the meeting

21. Officers from Fylde and Blackpool Councils will be in attendance at the meeting along with representatives from United Utilities and the Environment Agency. Each will give an overview/presentation of their work on the FPWMG to demonstrate the important partnership work that is underway to improve bathing waters on the Fylde coast.

Report Author	Tel	Date	Doc ID
Paul Walker	(01253) 658431	18 th September 2012	

List of Background Papers		
Name of document	Date	Where available for inspection

Attached documents

Appendix A - Overview from the Environment Agency

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	None arising directly from the report.

Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

APPENDIX A Overview from the Environment Agency

Fylde Peninsula Bathing Waters

Our role

Bathing waters need to be clean enough for people to swim in. It's the Environment Agency's job to work with local authorities, water companies, bathing water controllers and businesses to maintain and improve water quality at bathing waters in England and Wales.

The Environment Agency monitor water quality in England and Wales, spending £3 million a year sampling and analysing bathing water.

Every week during the bathing season (15 May to 30 September), we take samples from all 33 designated bathing waters. These are analysed and the results are used to help bathers make a choice of where to swim. The results are posted on the Environment Agency website and also sent to bathing water controllers and to Defra.

We continue to introduce innovative scientific techniques to improve our knowledge of pollution sources, such as DNA testing to identify the exact causes of pollution.

We also have actions plans in place for all our bathing waters that are at risk from failing the rBWD. However, we cannot carry out these plans on our own and we need to work closely with local authorities, businesses and local communities.

Bathing Waters on the Fylde Peninsula

There are eight bathing waters along the Fylde Peninsula. In 2011 five of these failed to meet the current Bathing Water Directive (cBWD), Fleetwood, St Annes Pier, St Annes North, Blackpool South and Blackpool Central.

To date in 2012 three of these have failed to meet minimum standards, Blackpool North, Blackpool South and Cleveleys.

Tighter Standards and a Bigger Challenge

The overall objective of the revised Directive remains the protection of public health whilst bathing, but it also offers an opportunity to improve management practices at bathing waters and to standardise the information provided to bathers across Europe. The Environment Agency is currently working towards the revised standards.

The current Bathing Water Directive classifies bathing waters as pass or fail. The revised Bathing Water Directive introduces the following classification: poor; sufficient; good and excellent. The revised classifications will be based on four years of data from 2012 to 2015 inclusive. Under the rBWD, bathing waters must meet the 'sufficient' standard each year. This is a legal requirement unless the water is classified as poor in 2015 and it is found that measures to improve water quality would be impractical or disproportionately costly.

If bathing waters do not meet the 'sufficient' standard in 2015 information will be displayed at the beach, including the reasons for failure, corrective measures being taken and advice about bathing. After five consecutive failing years, the water will be regarded as being unsafe for bathing and permanent information boards advising again bathing will be installed at the failing beaches.

Tackling the problem

Despite large scale improvements to coastal sewage treatment works and the sewer network more work is required to meet the new standards. The challenge now is to identify and stop the many smaller and more difficult to find sources of pollution including:

- wastewater from homes and businesses that is wrongly connected into surface water drainage, such as toilets and washing machines;
- rain water running off fields containing animal faeces reaching watercourses;
- poorly maintained septic tanks polluting water.

Click on the link below if you would like further information regarding Bathing Waters or check what the water is like at your favourite beach.

Bathing Water Homepage:

<http://www.environment-agency.gov.uk/bathingwater>

Community Focus Scrutiny Committee

Date:	Thursday, 6 September 2012
Venue:	Town Hall, St Annes
Committee members:	Councillor Kiran Mulholland (Chairman) Councillor Christine Akeroyd (Vice-Chairman) Councillors Susan Ashton, Julie Brickles, Tony Ford JP, Gail Goodman JP, Kathleen Harper, Peter Hardy, Angela Jacques, Paul Hodgson, Barbara Nash, Linda Nulty, John Singleton JP , Viv Willder
Officers:	Paul Walker, Clare Platt, David Gillett, Christine Miller, Ian Curtis, Paul Rogers
Other members:	Councillor Cheryl Little (Portfolio Holder for Social Wellbeing), Susan Fazackerley (Portfolio Holder for Leisure and Culture)
Members of the public:	Several Members of the public were present.

1. Declarations of interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct. There were no declarations of interest.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Community Focus Scrutiny Committee held on 9 August 2012 as a correct record for signature by the Chairman.

3. Substitute members

The following substitutions were reported under council procedure rule 22.3:

Councillor Susan Ashton for Councillor Susanne Cunningham

Councillor Fabian Craig-Wilson for Councillor Tim Armit

Councillor Angela Jacques for Councillor Dawn Prestwich

4. The Future Role of the LSP

Christine Miller, Partnerships Manager, presented a report which explained the Council's current position regarding the Local Strategic Partnership (LSP) and that there would be no further funding available to LSPs after March 2013.

Mrs Miller emphasised that although the LSP would cease to exist in its current format in March 2013, there would still be elements of the LSP that would continue but would be administered in other areas. Those elements were the Community Safety Partnership and the Children's Trust which were statutory responsibilities and had their own funding streams. The Health and Wellbeing group of the LSP was considering linking with the new Health Board and the People. The Communities group of the LSP would continue to function independently through the offices of the CVS Fylde together group. She further advised that the partners and community groups of the LSP were endeavouring to provide a forum to meet on a regular basis. The hope was that the good work that had been previously achieved would continue for the benefit of the community and that the forum meetings would be facilitated on a regular basis by the CVS Fylde together group.

In response to a question from the Councillor Kiran Mulholland, Chairman, Mrs Miller advised that the County Council's second homes money which was given as funding to the LSP would be used by the County Council for County based issues. Alan Oldfield, Chief Executive and Councillor Eaves, Leader, were currently in discussions with the County Council with a view to retrieving that funding to be used for the benefit of Fylde residents.

Following detailed discussion it was unanimously RESOLVED:

1. The committee supports the proposed changes to the LSP at Fylde.
2. The committee supports the proposals contained within the report to support community partnership working as a result of the proposed changes. .

5. Supporting the Home Buyer Market - Local Authority Mortgage Scheme (LAMS)

David Gillett, Head of Environmental Health and Housing Services, presented a report which asked the committee to consider its support to the Council's participation in the LAMS scheme to assist first time buyers.

He emphasised that the scheme would require substantial financial investment from the Council and, therefore, he drew the committee's attention to the various sections in the report to highlight the issues. He reminded members that the recommendations of the committee would be submitted the next Cabinet meeting.

He advised members that LAMS was a national scheme whereby local authorities become involved in the mortgage process for first time buyers by

offering an indemnity against part of the deposit. This was detailed in paragraph 6 of the report. The scheme would be made available in the local area through a national provider, those providers being banks or building societies, to anyone wanting to buy property in that area. It was a national scheme and was not targeted at local people only. He referred to paragraphs four and five of the report where the officers had concluded that there were no issues arising of concern preventing the Council's participation in the scheme. He further emphasised to the committee that the Council would be ring fencing a sum of money which would be kept by the provider and would only be used should a buyer default. The ring fenced sum of money would also be accruing a higher than average rate of interest due to the nature of the scheme and the additional return in the form of a risk premium. Details showing how the scheme would be operated were set out in paragraphs 9, 10, 11 and 12 of the report. He informed members that no further monies would be available once the indemnity values to buyers had reached the maximum limit of the indemnity fund.

Mr Gillett advised that the scheme essentially allowed first time buyers to provide a deposit of 5 per cent instead of 25 per cent at a lower interest rate giving them easier access to the property market. The scheme would help the mortgage providers to free up funding for mortgages and the housing market.

He informed members that the scheme would be in place for five years after which time and, subject to any defaults being honoured, the indemnity fund would revert back to the Borough with interest made. He referred to the likely mortgage providers as set out in paragraph 14 but advised that the Council was still in discussions with providers and that other providers may become available.

Mr Gillett informed the committee that some authorities had financed the scheme by utilising Balances but as this Council's Balances were not very high, it was decided to propose the use of the S106 fund which provides for affordable housing. He emphasised that the scheme would be administered by the provider and not the Council which would mean that they would be responsible for vetting and administrative costs. The financial issues set out in paragraphs 28 to 30 gave guidance on the scope for assistance from the proposed scheme based on £1 million indemnity limit.

He referred members to the risk element which was covered in paragraphs 30 to 38 with particular reference to risk relating to mortgage payment default which would be the worst case scenario. In emphasising that the national average default rate was 0.3 per cent, he was of the opinion that the interest earnings from the indemnity fund over the five year period of the scheme should more than compensate any such default sums. The default rate for the Fylde area was not available. He further advised that should it be necessary for the provider to sell a property as a result of default, the provider would be bound to achieve the best market price.

Councillor Linda Nulty referred to new regulations which the government would be imposing which were likely to curtail S106 funds for three years. She also asked if the proposed fund of S106 monies for the scheme was reliant on future development S106 monies becoming available. Mr Gillett assured

members that the fund was based on monies currently in the S106 account and that following the five year period the monies would be put back into the S106 fund for use as was originally intended.

Councillor Mulholland took the view that S106 monies are being currently utilised for affordable housing amongst other things and that the proposed LAMs scheme would achieve that goal.

Councillor John Singleton suggested that people who were not necessarily a good risk would benefit from the scheme. Mr Gillett informed members that the providers vetting procedures for the LAMS scheme would be equally as stringent as regular mortgage schemes and, therefore, would need to be good risks to be eligible.

After debate and a recorded vote the Committee RESOLVED to recommend to Cabinet :

1. To approve formal participation in the LAMS scheme.
2. To approve an addition to the Capital Programme in 2012/13 to a maximum sum of £1,000,000 fully funded from S106 affordable housing monies held by the Council.
3. To approve that the three key criteria under which applications will be considered are as set out in paragraph 24 of the report: to approve the maximum indemnity value of £1,000,000, the maximum mortgage of £147,000, and Fylde Borough as a whole as the target area.
4. To approve the establishment of a new ear-marked reserve, into which the interest that the Council would receive on the deposit would be held during the duration of the scheme, in order to meet any potential liability related to mortgage defaults that may arise as a consequence of participation in the scheme.

Votes for the recommendation (14): Cllrs Mulholland, Akeroyd, Craig-Wilson, Brickles, S Ashton, Ford, Goodman, Harper, Hardy, Hodgson, B Nash, Nulty, Jacques, Willder

Votes against the recommendation (1): Cllr Singleton

Abstentions (0)

6. Witch Wood and Linnet Lane Wood

Ian Curtis, Head of Governance, presented a report regarding the control of certain activities mostly relating to the control of dogs, which were said to have led to damage and spoiling of the condition of the Woods. The Committee had previously discussed requests on behalf of the owners of Witch Wood and Linnet Lane Wood and following the committee meeting on 14 June decided

to establish a Task and Finish group to look at the various issues relating to the control of those activities.

He emphasised that the Task and Finish group had met on two occasions and that one of those meetings had involved a site meeting at the Woods where the members met with the owners.

Councillor Kiran Mulholland, Chairman, informed members that the recommendations in the report were designed to progress and improve the issues sensitively. However, If the problems did not improve then further discussions with the owners of the Woods would be necessary.

Ian Curtis advised that if a dog control order is made in due course, further formal consultation would take place.

Councillor Gail Goodman asked how often an authorised officer would be required to visit the Woods. Ian Curtis informed members the authorised officer would be one of the two dog control wardens and the dog control order would allow the wardens to be specifically requested to visit the Woods to target particular problems.

After debate and a recorded vote the Committee RESOLVED to recommend to Cabinet:

1. Dog Control orders be introduced to prescribe the following offences in both Witch Wood and Linnet Lane Wood: not putting, and keeping a dog on a lead when required to do so by an authorised officer; and taking more than three dogs onto the land
2. The orders be brought to the attention of the Dog Control wardens for policing purposes.
3. If the Dog Control order referred to in 1 above is ineffective to deal with the issues identified by the owners of the woods, consideration be given to the introduction of further dog control orders.
4. The council recognises the value of both woods as assets to the community and expresses willingness to work in partnership with the owners of both woods (as needed) to
 - (a) assist with the wording and design of signage in the woods regarding dogs and cycling
 - (b) educate the public on the amenity value of the woods;
 - (c) provide dog litter bins at appropriate points in the woods with accurate signage on the bins explaining their purpose; and
 - (d) formulate proactive publicity to inform the public about the importance of both woods and that the owners and the council are monitoring them closely to detect and eradicate misuse and abuse

5. The officers look into best practice by other Councils regarding dogs in public areas.
6. Cabinet be requested to consider the use of Section 106 and Community Infrastructure Levy monies to provide financial support for the owners of both woods in their efforts to ensure the amenity value of the Woods.

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