

**HERTFORDSHIRE COUNTY COUNCIL  
TUESDAY 18 MAY 2004 at 10.30am**

---

**REPORT OF THE ENVIRONMENT  
SCRUTINY COMMITTEE  
23 MARCH 2004**

---

**NOTE:** Copies of the reports mentioned below have been sent to all members of the Environment Scrutiny Committee and other members who have requested them. Further copies are available from Nicola Hayden, Room 222, County Secretary's Department, County Hall, Hertford. (Telephone: 01992 555560) Email: [nicola.hayden@hertsc.gov.uk](mailto:nicola.hayden@hertsc.gov.uk)

**1. GM PUBLIC HEARING**

The Committee held a Public Hearing on Genetically Modified (GM) crops and food in response to widespread public interest in the issue. The hearing was intended to enable interested organisations and Hertfordshire residents to express their views and afford members with an opportunity to consider this matter. A letter was sent to a range of organisations and the local press inviting people to attend the hearing and send in written contributions.

**1.1 Background**

Public interest in the debate about the growth and consumption of genetically modified organisms (GMOs) has been increasing both nationally and locally in recent years. This has been heightened recently by the Government's decision to license the growth of GM maize in the UK. In recognition of the importance of this debate and of its role to scrutinise matters that affect the County or its residents, the Scrutiny Committee set up a Public Hearing.

The County Council has a direct interest in this issue as provider of meals, owner of the Rural Estate and enforcer of Trading Standards. The Council does not have the power to declare itself a GM-free area, and the power to give consent rests with the Secretary of State for the Environment.

Before the hearing, a range of organisations was invited to send in written contributions and invitations to the public were issued through the local press. On the day, the Committee heard a selection of speakers who provided views from both sides of the argument. Each speaker was given five minutes to

present their views and comments to the Committee, and members were given the opportunity to ask questions to individual speakers.

The Committee was supported in their consideration of this issue by Professor Simon Baumberg, Professor of Bacterial Genetics at the University of Leeds, and Paul Brown, the Environment Correspondent for The Guardian newspaper. Professor Baumberg had prepared a report that summarised the written submissions received before the deadline and provided comment and analysis on these. After the Committee had heard from all of the speakers, Paul Brown was invited to comment on the main points raised and add any issues not previously covered.

## 1.2 Key issues

The Committee noted the key issues against GM crops and foods raised by contributors. These were:

- Biodiversity: some speakers had expressed concern that cultivation of GMOs would result in a decrease of biodiversity in Hertfordshire.
- Contamination: organic and non-organic farmers would be financially disadvantaged if their produce was, or perceived to be, contaminated by GM genes, and organic farmers and gardeners would be deprived of the choice to remain GM-free. Particular concern was raised because it might be difficult to distinguish between GM and organic produce once GM genes had escaped into the environment.
- Public opinion: the volume of public opinion against GM crops and food, as revealed by the “GM Nation?” Public Debate was noted.
- Uncertainty: the effects of GMOs on the environment and food chain were still unknown and unpredictable. This meant that measures cannot currently be introduced to manage the impact of GMOs on the environment. There was also a lack of long-term evaluation of the effects of GMOs on human health.
- Legal framework and guidance: concern was expressed that the legal framework to provide compensation to those affected by GM contamination was not in place and would be difficult to impose. It was also uncertain whether this would be an insurable risk. Government guidance was still required on safe cultivation of GM crops, including advice on separation distances.

The key issues raised in favour of GM crops and food were:

- Testing: GMOs have been subject to a large amount of stringent testing, including the Farm-Scale Evaluations (FSEs), which were the largest study of farmland management practices undertaken in the world.

- Food production: GM crops allow the possibility of greater crop yields from less land. Examples were cited of the benefits of increased yield that had already been achieved in some parts of the world.
- Environmental advantage: GM crops could be of benefit to the environment, particularly in terms of lower chemical use. The Farm-Scale Trials had demonstrated a decrease in herbicide use required for GM crops in comparison to conventional crops.

### 1.3 Committee comments and recommendations

Having heard the evidence from all sides, the Committee, whilst in support of continued research into GM technology, were in favour of maintaining the precautionary principle and not supporting the introduction of commercially grown GM crops in Hertfordshire at this time.

The Committee accordingly recommended to Cabinet that it:

1. reviews the current policy established through the Rural Estate Task Group in 1999. The Committee expect that Cabinet may wish to refer this work to the Rural Estates Panel and request that they report back before the 2005 growing season, when GM maize could be available for commercial growth. In particular, Cabinet may wish to ask the Panel to consider whether or not the Council should alter its tenancy agreements as they come up for renewal to include a clause prohibiting the growth of GM crops. Practical guidance for tenants may need to be developed.
2. should:
  - (a) maintain the Council's current policy of strongly advising tenants on the Rural Estate not to grow GM crops, and
  - (b) continue the policy of requiring school meals and other catering contractors to provide only foodstuffs that are free of GM organisms.
3. should propose that the East of England Regional Assembly adopt a policy of seeking to prevent the growth of GM crops in the region.
4. make an application to the relevant authorities under Article 19.3(c) of Directive 18/2001/EC should an application for marketing consent be sought for any GM crop in future, to exempt the 'geographical area' of Hertfordshire from the area of consent.

The Committee agreed to issue a joint press release detailing the outcomes of the Public Hearing.

[NOTE: The Cabinet will consider the Committee's recommendations on 10 May and their minutes will be circulated to all members.]

## **2. WITHDRAWAL OF THE TRAFFIC WARDEN SERVICE IN HERTFORDSHIRE**

Through the scrutiny update and work programme report that goes to every meeting, the Committee have been monitoring the implementation of arrangements for the withdrawal of the traffic warden service, due to come into effect on 1 April 2004.

### **2.1 Background**

In December 2002 the Chief Constable announced his proposal to withdraw the traffic warden service in Hertfordshire by March 2004. He also recommended the introduction of council-led Decriminalised Parking Enforcement (DPE) to replace the traffic warden service. The County Council has encouraged the District Councils to take a lead in managing on-street parking, however it is the County Council, as the Traffic Authority, that must submit the application for DPE powers. This power is then delegated to interested District Councils simultaneously.

On-street and off-street car park management should be managed holistically. As the District/Borough Councils manage the off-street operations it has been the County Council's policy to encourage them to take the lead in managing on-street parking. The County Council, as Traffic Authority, must submit the application for DPE powers, but this power is then delegated to the interested District Councils simultaneously.

There is no obligation on the District Councils to take on board on-street parking management. There has been a risk that some District Councils may withdraw from any involvement with on-street parking as a result of the decision to withdraw from the traffic warden service.

The Committee considered a report on this matter in June 2003 and expressed concern about the timing and efficacy of this change in police policy. They agreed to set up a short-life Topic Group comprising the three group spokesmen to meet with a representative of the Chief Constable to address issues concerning:

- the basis of the decision
- the timing/phasing of the implementation of DPE (decriminalised parking enforcement) to ensure a smooth transfer
- how to enforce yellow line regulations in a district where there is no traffic warden or DPE

The following recommendations were made to Cabinet:

- the scheme should be delayed and that a phased implementation should be requested to allow districts more time to make effective plans.
- Cabinet should assure itself that adequate contingency plans have been made for a situation where Districts are unable or unwilling to bring in DPE schemes.
- the County Council should not become involved in DPE schemes.

At their meeting on 23 June 2003, Cabinet reached the following decisions:

1. To continue with the current approach of working with the District Councils to find a local solution to on and off street parking in order to implement Decriminalised Parking Enforcement (DPE) across the remainder of Hertfordshire in a phased manner in liaison with the Police and individual Districts
2. To support the comments of the Environment Scrutiny Committee (17 June 2003) as a useful aid in ensuring the minimum disruption arising from the decision of the Chief Constable.

## **2.2 Recent Developments**

At the Committee held in January 2004, Members raised concerns that the implementation of undertakings given on behalf of the Chief Constable to the Withdrawal of Traffic Wardens Topic Group, established in June 2003, were not being progressed swiftly enough. The Committee agreed that the Topic Group should seek a further meeting with Hertfordshire Constabulary to discuss enforcement arrangements.

It was noted that the Community Services Scrutiny Committee also had an interest in scrutinising this issue in relation to the role of Police Community Support Officers (PCSOs) and decided that any future work should be undertaken jointly.

Environment and Community Services Scrutiny Committee Spokesmen met with Chief Superintendent Tony Burden on 2 March 2004 to discuss the issues of concern. Members found the meeting very productive, and the group came to the following conclusions:

- members would endeavour to prompt the resolution of issues that are causing delays to the adoption of DPE and will involve the Police if necessary;
- an assurance was given by the Police that enforcement of the more serious offences would continue;
- the group was optimistic that public awareness of enforcement activities for both on-street (yellow line) parking and traffic violations would be raised. It was noted that the Police would continue to be responsible for the enforcement of traffic regulations.
- members and Chief Superintendent Burden reiterated their shared view that County Council-funded PCSOs should not be used for traffic enforcement.
- a commitment was made to maximise publicity of traffic enforcement activities. Chief Superintendent Burden agreed to take this forward.

The Chief Superintendent urged members to write to their Area Commanders with any concerns about the implementation of DPE in their area, and copy him in to any correspondence.

## 2.3 The Current Situation

As of the 23 March, progress towards DPE across the County was as follows:

DPE powers in force	Watford, Three Rivers, Dacorum
Resolved to actively pursue DPE powers	East Herts, Broxbourne, North Herts, St Albans
DPE powers being pursued subject to further feasibility	Hertsmere, Welwyn & Hatfield
DPE being investigated	Stevenage

It is hoped that all District Councils will have achieved DPE powers by early 2005.

## 3. EDF ENERGY

The Committee have considered a report reviewing the performance of EDF Energy in dealing with street lighting electricity supply faults and new connections.

The report provided an update on actions taken by EDF Energy to improve their service on faults and new connections, reviewed current performance, gives an update on initiatives such as Competition in Connections and the Rent-a-jointer schemes, and provided some details of what is happening outside Hertfordshire.

### 3.1 Background

The Committee have previously considered two reports on EDF Energy (17 June 2003 and 21 October 2003) that explained the general background to this area of the highway service and the current levels of performance achieved. In April 2003 the Executive Member wrote to the Minister for Energy and Construction expressing concern about the level of service provided by the local electricity supplier, then 24Seven. This letter and the minister's reply were circulated to members.

Efforts by Hertfordshire Highways and EDF Energy staff to maintain and improve on performance continue. Regular meetings between staff from both parties help to resolve any outstanding issues.

### 3.2 Fault Repair

A fault in this instance is a discontinuity in electrical supply to a street light or illuminated road sign.

Since July 2003, the backlog of street lighting faults has reduced month on month. The table below shows performance levels achieved since June 2003. It includes the figures reported to the Committee in October and details cycle time to repair and percentage completed within EDF Energy's charter timescale (currently 14 days).

	Number of Faults			Average Cycle Time (Days)	% Meeting Charter (14 Days)
	Received	Closed	Backlog		
June	100	103	114	21	61
July	96	96	114	28	44
August	65	95	84	18	39
September	91	104	71	12	68
October	69	71	69	14	74
November	80	98	51	15	69
December	56	64	43	14	46
January	65	67	41	26	83
February	78	92	27	13	87

This overall continued improvement has been achieved by taking the following actions over and above those identified in the previous report:

- Hertfordshire Highways' Works Team was reorganised to allocate staff responsible for the reporting of faults and liaison with EDF Energy at each area office;
- EDF Energy has increased the resource level working to repair this type of fault, and
- Hertfordshire Highways officers have attended EDF Energy regional seminars, designed to further improve communication and ultimately delivery of the service.

Whilst these improvements are welcomed, further improvements are being sought to ensure that all links in the street lighting service are to a high standard.

### 3.3 New Connections

Electrical connections to the supply network to feed new lights or signs or existing units moved by more than 5 metres are classified as new connections.

The Committee received a report in October 2003 that outlined the changes within EDF Energy to improve the service over that provided previously by 24 Seven. In addition to these measures:

- Herts Highways personnel have been relocated to create a structure that better reflects the need to co-ordinate with EDF Energy;
- There are now four officers (previously one) within Hertfordshire Highways' Work Team, each responsible for dealing with one quarter of the County.
- EDF Energy has introduced a dedicated co-ordinator for scheme work (projects with more than 10 lighting units).

Information on the numbers of orders awaiting connections is produced and monitored by the Works Team of Hertfordshire Highways. Each week these figures are compared to those that EDF Energy produces. The table below gives figures for the previous 5 months. It relates to number of orders placed and not to numbers of individual units.

<b>New connection Orders 2003/2004</b>			
<b>Month</b>	<b>New</b>	<b>Completed</b>	<b>Outstanding</b>
September	142	67	279
October	61	72	268
November	41	60	249
December	33	35	247
January	54	39	262

### **3.4 Current analysis of performance**

Progress continues to be made which has resulted in some improvements in the level of service provided by EDF Energy. This has been achieved through the implementation of better working arrangements and communications between Hertfordshire Highways and EDF Energy. Further improvements are being sought.

The number of outstanding connections remains high. This is always dependent on the number of jobs added in any one month.

Discussions between Hertfordshire Highways and EDF Energy about Competition in Connections continue. Investigations are concentrating on developing a local Rent-a-jointer service to speed up electrical connections.

### **3.5 Committee Conclusions**

Clive Witherly, Faults Manager, and Tony Cohen, Customer Connections Manager, for EDF Energy aided the Committee in their consideration of the report.

Members asked what the Council could do to assist EDF Energy in improving communication and performance. EDF's representatives stated that it was crucial that the Council reported faults on a day-to-day basis in order to avoid clustering. It was also identified that it would be helpful to hold workshops to look at processes, which involved the Council, EDF Energy and Amey.

The Committee:

1. welcomed the report and was encouraged by the improvements in the performance on fault clearance and connections.
2. welcomed the work by EDF Energy and Herts Highways to improve communications on intransigent problems.
3. remained concerned that, despite improvements, performance still did not meet the Council's desired standards, and emphasised that neither Herts Highways nor EDF Energy could afford to reduce the focus on these issues in order to achieve the efficiency available through maintaining good service.

4. welcomed the ability to have an up-to-date list of outstanding faults.
5. requested a further report on progress to be submitted to the October 2004 Committee.

#### **4. REVIEW OF FLOODING**

The Committee have considered the final report of the Flooding Topic Group, which was established in June 2003 to examine the effectiveness of current land drainage and flood defence arrangements and to address the issues of long-term, cross-boundary, integrated flood prevention and relief planning.

##### **4.1 Background**

For a number of environmental, social and economic reasons, there have been numerous recent developments in approaches to managing the water environment. As a result, flood control no longer stands on its own as an independent discipline but is increasingly included in a developing system of integrated water management.

The Group invited and received presentations from four of the primary bodies involved in flood management [known as Operating Authorities] about their responsibilities, functions, roles and levels of integration. A question and answer session followed.

The bodies concerned were; the Environment Agency, Hertsmere Borough Council<sup>1</sup>, Hertfordshire County Council's Safety, Emergency and Risk Management Unit [SERMU] and Hertfordshire Highways.

##### **4.2 Key Findings**

The key findings were set in the context of the three areas identified in the Topic Group's remit:

###### The effectiveness of current land-drainage and flood defence arrangements

- Whilst there is a great deal of positive work going on, the degree of the wider integration appears to be variable.
- The arrangements for handling major flood defence issues through the Flood Defence Committees are currently being streamlined.
- The specified levels of funding set by the Office of Water Services restrict the ability of water companies to invest in works to cure the overloading of sewer systems by a mixture of floodwater and sewage during extreme wet weather conditions.

---

<sup>1</sup> Hertsmere BC attended as a representative of the District Councils in its capacity as the Chairing body for the Planning Committee of the Hertfordshire Technical Chief Officers' Association.

- The storms of 1998 and 2000 brought problem areas within the County sharply into focus e.g. London Colney and Little Hadham. Programmes to manage reoccurrence have been instigated, notably at Kimpton and North Mymms.
- There is acknowledgement that climate patterns are changing and that the flood risk will get worse. In response, the County Council and Environment Agency have commissioned Project Unicorn to assess the impact of a one-in-100 year flood event.
- A questionnaire to District and Borough Councils elicited a 70% response with indications that their involvement in drainage and flood management varies.
- The powers under which the Environment Agency and local authorities carry out their work are permissive and allow discretion, leading to a variety of approaches.

#### Long-term, cross-boundary, integrated flood prevention

- Through the EU Water Framework Directive, European and national legislation and policy is now being geared to the concept of long-term, cross-boundary, integrated flood prevention.
- The Government has appointed the Environment Agency as the lead body in this process, which involves increasing levels of consultation and local involvement.
- There is now an opportunity to explore more carefully planned and integrated sustainable water management systems, including flood risk management, and there is scope to explore the use and viability of sustainable urban drainage systems.

#### Relief planning

The Topic Group acknowledged the findings of the Responding to Emergencies Topic Group, which reported to the Community Services Scrutiny Committee in Jun 2002. This Group focused mainly on the multi-agency response capability, particularly in relation to flooding, and found arrangements to be satisfactory.

### **4.3 Topic Group Conclusions**

There is legislation, policy and activity already taking place, with the aim of creating an integrated process capable of managing the effects of ever more uncertain, extreme weather events. The intention is clearly that all relevant parties become increasingly co-ordinated in their management of water as both a scarce resource and a potential threat.

The Topic Group suggested that:

- (a) the Environment Agency is supported in its recently confirmed role as lead body with responsibility for implementing the European Union Water Framework Directive; and is encouraged to further the co-ordination of all relevant parties involved in flood risk management [including the water utility companies] through the newly introduced mechanism of River Basin District management plans

- (b) the Director of Environment write to the Environment Agency's Thames and Anglian Regions and in response to a suggestion already made by the Environment Agency, provide them with a direct contact with whom they may explore the County Council's further involvement in the implementation of the Water Framework Directive.
- The Topic Group suggested that the Environment Department's officer nominated for water issues assume this role together with responsibility for internal HCC liaison.

### **4.3 Committee Conclusions**

The Committee:

- noted and welcomed the report and thanked the Topic Group for their work. In particular, the Committee was positive about the identification of a named officer, David Hope, as a direct contact for the Environment Agency.
- endorsed the recommendations of the Topic Group, (adding the word 'strongly' between 'is' and 'encouraged' in (a)).
- suggested that the Director of Environment may wish to review the use of the Council's planning responsibilities where appropriate to ensure that flooding is taken into consideration in planning decisions.

CHRIS WHITE  
CHAIRMAN  
County Hall  
Hertford, 23 March 2004