

Appendix 5

Management Review of EMAS for 2005/6 Summary for Cabinet October 2006

Purpose

It is a requirement of the EMAS regulation for top management to review the adequacy and effectiveness of Leicester City Council's environmental management system. Appendix 5 provides elected members with a summary of this management review, as defined by the EMAS regulation, clause I-A.6.

Cabinet members will receive a summary of the management review prior to the annual visits by the external EMAS Verifiers.

The current Management review covers the time period from April 2005.

Summary of EMAS Management Review

a) Results of internal audits and evaluations of compliance with legal requirements and with other requirements to which the organisation subscribes.

The LRQA verifiers Paul Smith and Richard Oxley visited the authority between 8th –12th May 2006 to undertake the main verification visit. Paul Smith also visited schools 6th – 10th March. The Internal Audit programme is an on-going cycle on a three year rolling programme. The process resulted in a recommendation to approve the authority for EMAS registration and to increase the scope of the registration to include 49 schools. On 27th June 2006, Corporate Directors received a summary report of the major and minor non compliances raised by internal and external audits, and the corrective action proposed. Issues raised by LRQA are tracked by the Environment Team but will remain open until their next visit in November 2006. Internal issues are tracked by internal audit and all, except the following, are now signed off.

Outstanding major/ minor non compliances

Inadequate storage of park waste material without licences (internal audit)

Two internal major non-compliances have been raised against Parks Services for inadequate storage of park wastes, and without the required licences.

The first major non-compliance relates to the storage of green wastes from surrounding sites which is being collected and stored at Evington Park Depot. This operation is deemed to represent significant risk of fire and effluent seepage and would be regarded as a Waste management operation by the Environment Agency.

The second major non-compliance relates to the storage of bark chippings at land to the side of Beaumont Depot. The storage of bark chippings is in breach of Duty of Care of Waste as the site is not secure. In addition, if wood chips remain long enough to start composting, then this would also be regarded as a Waste management operation by the Environment Agency.

There are significant financial and environmental costs of having to landfill the parks waste in question, if the Environment Agency require current practice to cease.

For Evington Park, it is proposed to find a solution by September that is acceptable to the Environment Agency. (R & C).

For Beaumont Park, a longer term solution is sought to provide a new facility, that offers the best all-round environmental solution. However, this will require significant capital outlay. Capital funding is actively being sought for such a facility in next year's capital programme. (R & C).

Position as at: 14 July 2006: Management Response:

Waste arrangements are to be changed at Evington Park. For Beaumont Park physical improvements to the facility are needed requiring capital funding. Aug 2006 Bid in 2007/8 Capital Programme.

Contaminated Land (internal audit)

The Contaminated Land Inspection Strategy is not being progressed according to government guidance (Local Authority Guidance to the Application of Part IIA of the EPA 1990) or its own principles or timescales. Detailed inspections of High Priority sites should have been completed by September 2002 and these should be programmed so that "the most pressing and serious problems are located first".

It appears that there is a reluctance to complete this stage of the strategy because on-site investigations in an area which has existing housing is likely to cause serious concern to the residents and a potential liability to the Council.

Position as at: 14 July 2006: Management Response:

An action plan will be produced which allocates timescales and resources for priority sites. A report will be taken to elected members if there are non-containable resource implications. Oct 2006.

Swimming pool issues (external audit)

Previously, 5 external minor non-conformities were raised at Braunstone Leisure Centre and the current verification has now successfully reduced this number to 2.

Actions remaining to address specific issues at Braunstone Leisure Centre are as follows:

Issues relating to the volumetric monitoring of discharge consents remain open from the 2006 inspections of Braunstone Leisure Centre and Aylestone Leisure Centre. This issue will be resolved by the installation of automatic metering by November.

Emergency response drills need to be held for gas releases at any LCC pool and training provisions are to be reviewed. (R&C)

Effluent discharges (external audit)

“LCC should ensure that they obtain drainage plans for sites and clarify with the water company on the need for a discharge consent”.

This issue was raised during external verification, at the inspection of Linwood Workshops, where a coloured dye was seen entering a drain which could not be identified as foul or surface water. The Environment Agency have now visited this site and the manager is having a full survey of the drains carried out.

A similar issue was raised during the verification visit to schools and so the issue also needs to be considered corporately across all council sites.

The Environment Team have sent a memo to the high risk council properties requiring them to obtain full drainage plans. The survey experience from Linwood should be shared with these premises. For the remainder (which includes the schools) a more pragmatic approach needs to be developed which is appropriate to the level of risk.

Emergency Preparedness (external audit)

“LCC should ensure all relevant staff are aware of their roles and are appropriately trained”.

The issue was raised during the inspection of the oil tank at B block. Interviews with staff showed that emergency spill training had not yet taken place and that there was still a query concerning exact roles in the case of spills occurring.

During the previous year, the Environment Team have carried out refresher training for building managers which covers this issue. Further investigation needs to be carried out through the EMAS internal audit process to ascertain the extent to which this is an isolated incident, or whether a corporate response is needed.

b) Communications from external interested parties including complaints

During 2005/06 financial year, the Environment Agency contacted Leicester City Council regarding the following issues:

- A pollution incident at Rollerston School involving vandalism to an oil tank. A grill was immediately fitted over the bund to prevent unauthorised access to the oil tank. The tank has since remained empty over the summer, as the heating season had ended. The oil-fired heating system was scheduled to be replaced with a gas-fired system over the summer holidays.
- The storage of waste at housing depots. The immediate concern was around the management of asbestos. A new procedure for the disposal of asbestos waste has been introduced at housing depots.

**c) The environmental performance of the organisation
and d) The extent to which objectives and targets have been met**

A summary of our environmental performance is given to members in the EMAS cabinet report, October 30th 2006. This is supported by:

- Appendix 1 Detailed progress towards objectives and targets
- Appendix 2 Text for the Public Statement 2005/06
- Appendix 3 The Action programme in place to support targets
- Appendix 4 Proposed new or amended targets

e) status of corrective and preventive actions

Issues raised by LRQA are tracked by the Environment Team but will remain open until their next visit in November 2006. Internal issues are tracked by Internal Audit. Those outstanding, are listed in Section a) above.

f) follow-up actions from previous management reviews

This is the first management review of EMAS received by elected members. Actions from these reviews will be reported to cabinet members on an annual basis, prior to the next external verification.

g) changing circumstances including developments in legal and other requirements related to its environmental aspects

Changes to policy and legislation during the management review period are listed below. The Environment Team will ensure that these are correctly incorporate within the scope of the EMAS system and will be issuing an updated EMAS manual to staff in November 2006.

Clean Neighbourhoods and Environment Act 2005

Gives councils enforcement powers over a range of local nuisances and neighbourhood issues eg. litter, dog fouling, noise, abandoned vehicles, nuisance parking, unauthorised advertisement etc.

The Natural Environment and Rural Communities Act 2006

Part III, Section 40 created a new duty for local authorities and other public bodies:

'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.'

This is the first time local authorities have been given a specific duty towards biodiversity.

Hazardous Waste Regulations 2005 and List of Waste (England) Regulations 2005

Covers around 180 newly hazardous wastes (eg. fluorescent tubes, television sets), prohibits the mixing of hazardous waste with other hazardous and non-hazardous waste and places a duty on producers to notify their premises to the Environment Agency annually. Several city council premises have notified the Agency.

City of Leicester Local Plan 2006

The Plan sets out planning policies and proposals for the use of land, and the control of development and transportation policies as they relate to land use in the city. The new Plan covers the period up to 2016, and was adopted in January 2006. The Plan contains new priorities that reflect new Government guidance on a range of issues including; urban design, regeneration and mixed use, addressing social exclusion, sustainability, and the integration of land use and transportation policies.

Supplementary Planning Document on Energy Efficiency and Renewable Energy, Nov 2005

Compliments the City of Leicester Local Plan by providing detail on the Council's energy efficiency and renewable energy planning policy.

Central Leicestershire Local Transport Plan 2006 – 2011 (LTP2)

Contains 5 key objectives for transport in the Central Leicestershire area over the 5 year period 2006 to 2011: tackling congestion, delivering accessibility, safer roads, better air quality and better roads, footways and cycle route condition.

The Leicester Strategy (and Local Area Agreement)

Contains sustainability as a cross-cutting issue. The Local Area Agreement includes specific environmental improvement objectives for the City (eg. carbon dioxide emissions) and the Council. The relationship between the EMAS environmental improvement objectives and those in the LAA has been reviewed so that EMAS can contribute to the delivery of the LAA.

Animal Friendly Purchasing Policy

A new policy to ensure that purchasing within the Council precludes any future animal testing by suppliers and therefore contributes to the end of animal testing.

h) Recommendations for improvement

Recommendations for improvement are given in the supporting information of this report to Cabinet, 30th October 2006.