

## Appendix 5

### Management Review of EMAS for 2007/8 Summary for Cabinet November 2008

#### 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 November 2007 to November 2008.

#### 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 verifier Paul Smith visited the authority between 16<sup>th</sup> – 27<sup>th</sup> November 2007 and 4<sup>th</sup> -6<sup>th</sup> June 2008, to undertake EMAS verification. LRQA did not visit schools during this management review period. This visit will take place during November 24<sup>th</sup>-28<sup>th</sup> 2008. The Internal Audit programme is an on-going cycle on a three year rolling programme. The current programme runs from April 2008-March 2011.

The process resulted in a recommendation to approve the authority for EMAS registration with the scope of the registration to include 50 schools (unchanged from previous report). On 15<sup>th</sup> July 2008, 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 2008. Internal issues are tracked by internal audit and all, except the following, are now signed off.

#### Outstanding major/ minor non compliances

##### External audit minor non compliances

##### **Contractor/ consultant competencies (external audit)**

*"Leicester City Council has well established procedures for engaging contractors and determining the environmental credentials of the organisations they employ. However, the determination of the competence of the individuals who actually undertake the work is less well established and implemented. LCC shall ensure that any person(s) performing tasks for it or on its behalf **that have the potential to cause significant environmental effects** (as identified by LCC) are competent on the basis of appropriate*

*education, training or experience and retain associated records. For example, Heating and Water Hygiene Contractors, Air Con Engineers (AC2000) etc. In addition, this should be extended beyond “blue collar” contractors to agency workers and consultants.”*

Action update 16/9/08

Initial discussions with colleagues suggest that it would not be feasible to check the qualification of contractors' staff when they arrive on site. This point was put to the Verifier at his June 2008 visit and accepted. Alternative approaches are now being investigated. One of these could be to incorporate contractor staff environmental competence via Risk Assessment Method Statements that contractors are required to produce.

**School travel plans (external audit)**

*“The LTP requires 90% of all schools to have Travel Plans by 2011 compared with the government target for all schools.*

*Of all the schools in Leicester City, only 50% have formally developed Travel Plans. Amongst the EMAS approved schools, the proportion is broadly similar. In order to more fully demonstrate their commitment to environmental management beyond the school premises, all EMAS schools should have formally developed Travel Plans to meet with LCC and governmental expectations.”*

Action update 16/9/08

Resources are currently being sought to ensure the government target is met. EMAS schools without a travel plan are being prioritised by the Road Safety and Travel Plans team. Documentary evidence of progress will be required for the November verification.

**Internal Audits 2007-8: Outstanding Non-Compliances**

***Air Quality in Leicester 2007-8: Main Conclusion: Overall Summary***

*The Council has made good progress in monitoring and modelling systems but shows little commitment to meeting the Air Quality Objectives. There is little evidence of research being carried out now into more radical solutions to the problems of poor air quality caused by traffic. Both air quality and climate change are subject to LAA performance indicators and significant effects under the EMAS system. This should ensure that the issue of air quality is not neglected or compromised by the drive to address climate change. Indeed there are a number of possible transport and planning interventions, which could benefit both.*

| Ref  | Major/Minor | Non-Compliance   | Management Response   |
|------|-------------|--|---|
| 2006 | Major       | A Major Non-compliance report (NCR) was issued in 2006 because the Air Quality Action Plan does not make provision for reaching the EU Air Quality Objectives by 2010 and NO2 levels are already in excess of the UK Air Quality limit values Regulations deadline of 2005. This NCR is still outstanding. | By Cabinet resolution, in January 2008, Local Air Quality Management has been integrated with the work of the Climate Change Programme Board. Funding has been secured to review and strengthen the current air quality action plan by end of march 09. The new plan will be adopted as part of the next LTP. |
| NC2  | Minor       | There would appear to have been no progress on progressing the non-LTP   | No resources have been  |

|     |       |   |   |
|-----|-------|---|---|
|     |       | action measures, such as Roadside emission testing and campaigns to influence driver behaviour.   | made available to implement non-infrastructure measures outside the LTP.<br><br>It is hoped that the re-drafted Air Quality Action Plan referred to above will address at least some of these issues. |
| NC3 | Minor | Annual monitoring reports of LTP progress are not being compiled, although a draft report for 2006/7 was produced in October 2007 but has not been finalised.<br>Whilst the DfT may be accepting short pro-forma reports, these do not address the complete set of targets in the LTP.<br>In addition, the Environmental Report of the LTP2, included a commitment to monitor regularly (annually) primarily using data produced from annual LTP monitoring, but also data from other sources, such as the amount of highways waste produced. This report does not appear to have been produced either. | A report suitable for reporting both LTP progress to DfT and air quality progress to DEFRA has been compiled.   |
| NC4 | Minor | Pedestrian training has now ceased with no officer in post. The target of 10 schools by Jan 2007 has not been achieved. The LTP target is 50% of primary school children by 2010/11 which means about 75 schools to be covered during the next three years.   | Additional funding for posts and an honorarium to pay school-based volunteer organisers has been put forward as a growth bid  |

***The Quality of the Natural Environment on Council-owned Land 2007-8:  
Main Conclusion: Overall Summary:***

*The Council is currently failing to conserve a significant number of Sites of Importance for Nature Conservation (SINCs) on its own land. Improved processes are in place to rectify the system failings but no short term remedial action is currently proposed. There is, however, evidence of significant habitat creation in parks.*

| Ref | Major/Minor | Non-Compliance  | Management Response  |
|-----|-------------|---|--|
| NC2 | Minor       | The new training matrix does not include EMAS training. This is particularly important as it covers how to manage relevant risks, such as complying with legislation to protect wildlife, management of oils and chemicals and how to dispose of waste.   | Response to be prepared  |
| NC3 | Major       | The recent survey of SINC sites has revealed that a significant number of important wildlife sites have not been managed according to their schedules. 15 of the 35 sub-sites (areas within SINCs) for which Parks and Green Spaces are responsible for are damaged or declining.<br><i>The new management plan structure</i> | The issue with the decline in the standard of SINCs has been previously raised by the service. A decline in the level of resources available to the service has led to a decline in the level of quality. A bid for additional funding through the LAA process |

|  |   |   |
|--|---|---|
|  | <i>identifies routine SINC management actions and it is intended that these will now be monitored and reported. However, in view of the SINC survey results a short term action plan to remedy the situation may be called for.</i> | was not successful, as it was not seen as a priority. There is now a funding bid submitted to the Strategic Green Infrastructure Board (6Cs Growth Point) for £252K over three years. |
|--|---|---|

**Issues raised during school audits (internal audit)**

A number of major non compliances were raised during the internal audit programme of schools, but these were school specific and have now been satisfactorily resolved.

**b) Communications from external interested parties including complaints**

A new system for recording environmental complaints became live in July 08. 2 departments, Housing and Regeneration and Culture receive the majority of such complaints. During July – September, Regeneration and Culture department recorded 84 EMAS complaints which were split between the following issues:

|                      |     |
|----------------------|-----|
| Litter               | 28% |
| Landscape            | 22% |
| Noise                | 20% |
| Overhanging greenery | 19% |
| Pollution            | 10% |

No communications were received from the Environment Agency during the period of this management review.

**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, November 17th 2008. This is supported by:

- Appendix 1 Detailed progress towards objectives and targets
- Appendix 2 Text for the Public Statement 2007/08
- 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 2008. Internal Audit tracks internal issues. Those outstanding, are listed in Section a) above.

**f) Follow-up actions from previous management reviews**

**Issues raised in management review November 2007**

| paragraph | concern  | action update 16/09/08                         |
|-----------|--|--|
| a)        | <b>Climate Change (external audit)</b><br>In May 2007, LRQA noted that climate | This finding was closed out during November 07 |

|    |  |  |
|----|--|--|
|    | change was not correctly referenced within EMAS  | verification. LRQA were satisfied with the adoption of 2 significant effects on carbon dioxide to ensure its management within the scope of our EMAS system.   |
| a) | <b>Monitoring of environmental clauses in contracts (external audit).</b><br>Environmental contract specifications and requirements are not adequately monitored.  | This finding was closed during November 07 verification. LRQA were satisfied that Internal Audit had included this within the scope of their audits and two examples were checked with Braunstone Leisure Centre Maintenance contract and Bursom PFI contract. |
| a) | <b>Effluent discharge City Cleansing (external)</b><br>City Cleansing needed to obtain a concession from Severn Trent Water to provide exemption from monitoring effluent discharge quality.   | This finding was closed during the May 08 visit. Severn Trent have issued a letter containing an agreement relating to effluent from the depot and suspends the need to install a flow meter.  |
| a) | <b>Swimming pool discharge issues (external)</b><br>Concern was raised about adequate monitoring of volumetric and quality issues of swimming pool discharge.  | This finding was closed during November 07 verification. LRQA were satisfied with the monitoring provided through Intelligent metering from the Energy Team.   |
| a) | <b>Environmental assessment of major projects (internal audit)</b><br>The City Centre Upgrade major project was found not to comply with Major Project guidelines. This theme was to be picked up in other internal audits for EMAS.                       | Evidence of auditing other Major projects and the findings will be presented to LRQA during their November visit.  |
| a) | <b>Compliance with council policy on paper (internal audit)</b><br>Two non compliances were raised relating to low use of recycled paper on council leaflets and lack of compliance with the EMAS procedure to record paper usage on outsourced documents. | Response to be prepared  |
| a) | <b>Management of risk of water pollution (internal audit)</b><br>High risk premises are required to commission drainage plans.   | This remains outstanding   |

**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.

One Leicester

Revisions are proposed to The council's Environmental Policy to deliver the environmental aspects of "One Leicester". (Appendix 6)

### Community Area Assessment for Leicester

EMAS targets have been realigned with relevant national indicators. The EMAS management system is the agreed delivery mechanism for NI 186 and 188.

### Leicester City Council Corporate Plan

References to this document will be updated within the EMAS system during the next management review period, if not already aligned with One Leicester (above).

### The Environmental Permitting (England and Wales) Regulations 2007

The Environmental Permitting (EP) Regulations came into force on 6 April 2008. These new regulations will make existing legislation more efficient by combining Pollution Prevention and Control (PPC) and Waste Management Licensing (WML) regulations. The Environment Agency will use a risk-based approach to enforcing the new permits reflecting the hazards associated with an activity and how well they are being managed. The risk rating will be used to set charges. Therefore the council's EMAS system may be able to considerably reduce the risk rating and charges for permits under the new regime. The Environment Agency intend to roll out this approach to other regimes in future.

### Environmental Liability – Directive 2004/35/EC

This Directive will be implemented through the The Environmental Damage (Prevention and Remediation) Regulations 2008 (Draft) which is timetabled for December 08.

Local authorities will play a role in enforcing this legislation and will have to comply within defined activities such as waste management and activities requiring a discharge consent.

Operators of defined installations must take all practicable steps to prevent environmental damage, and (unless the threat has been eliminated) notify all relevant details to the enforcement authority. If damage has been caused the enforcement authority will determine if the operator is at fault and may serve a remediation notice.

The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (SI 2007/991) as amended SI 2007/3302, SI 2008/647

Public buildings such as leisure centres and libraries (over 1,00m<sup>2</sup>) must display a DEC (Display Energy Certificate) by 1<sup>st</sup> October 2008 and have in their possession a valid Advisory Report which conveys recommendations to improve energy performance.

All buildings that are built, rented or sold (over 2,500m<sup>2</sup>) from 1<sup>st</sup> July will need an EPC (Energy Performance Certificate). This requirement operates at the point at which the building is sold or let.

The Site Waste Management Plans Regulations 2008

From 6 April 2008, all construction projects in **England** worth more than £300,000 must have a site waste management plan (SWMP). A SWMP must be updated through the course of the project. Because it is produced at the very beginning of a project, the designer can consider ways that waste can be reduced and site-gained materials can be reused or recycled as part of the project.

Major project clients will be responsible for producing the initial SWMP before construction work begins, passing the SWMP to the principal contractor and updating the SWMP at least every three months. At the end of the project, the plan must be reviewed and reasons for any differences between the plan and what actually happened recorded.

Carbon Reduction Commitment (CRC)

The Climate Change Bill contains enabling powers to introduce new trading schemes, including CRC. Government plans to issue a detailed consultation on the CRC draft regulations in late autumn 2008.

CRC will cover large business and public sector organisations. (Organisations will be included in CRC if it has at least one meter settled on the half-hourly market – and its total half-hourly metered electricity use is greater than 6,000 megawatt-hours (MWh) **between 1 January 2008 and 31 December 2008.**)

From 2008, the authority will have to monitor and report all energy use emissions from all sources (all electricity, gas and other fuels) except for transport emissions. Emissions from schools will be included under the umbrella of the Local Authority.

In 2011, allowances will be sold to participants at a fixed price of £12/tCO<sub>2</sub>. The first capped phase of trading is scheduled to begin in 2013.

EU Regulations EC 2008/303, EC 2008/304, EC 2008/305, EC 2008/306, EC 2008/307 on training and certification requirements for personnel working with certain fluorinated greenhouse gases

Any council and personnel who are responsible for undertaking any activities including installation, maintenance, leak testing and repair of any system or equipment containing fluorinated greenhouse gases or the recovery of fluorinated greenhouse gases must be certified and trained to the specifications set out in the relevant Regulation.

Any council employing staff or contactors to carry out any activity on a system/equipment that may contain fluorinated greenhouse gases should ensure that the personnel carrying out the activities are properly certified.

The Smoke Control Areas (Authorised Fuels) (England) Regulations 2008 SI 2008/514

These Regulations provide for certain fuels to be authorised for use within a smoke control area. The regulation is enforced through Pollution Control .

**h) Recommendations for improvement**

Recommendations for improvement are given in paragraph 4 of this report to Cabinet, 8<sup>th</sup> December 2008.