



# Environment Committee

## Agenda

### Part One

Council Chamber - Town Hall

Wednesday, 12 November 2014 at 7.00 pm

#### **Membership (Quorum – 3)**

##### **Councillors**

Cllrs Lloyd (Chair), Sapwell (Vice-Chair), Cloke, Faragher, Keeble, Mrs Murphy, Mynott, Newberry, Russell and Ms Sanders

**Committee Co-ordinator:** Claire Hayden (01277 312741)

#### **Additional Information:**

##### **Substitutes**

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Substitutes for quasi judicial Committees must be drawn from members who have received training in quasi-judicial decision making. If a casual vacancy occurs on a quasi judicial Committee it will not be filled until the nominated member has been trained.

##### **Rights to attend and speak**

Any Member may attend any body to which these Procedure Rules apply.

## **Point of Order/Personal explanation/Point of Information**

### **8.3.14 Point of order**

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the point of order will be final.

### **8.3.15 Personal explanation**

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Chair on the admissibility of a personal explanation will be final.

### **8.3.16 Point of Information or clarification**

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Chair. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Chair gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Chair on the admissibility of a point of information or clarification will be final.

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## Part I

(During consideration of these items the meeting is likely to be open to the press and public)

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11	<b>Local Government Act 1972 -Exclusion of Press and Public</b>		

A handwritten signature in black ink, appearing to read "J. Ireland". The signature is written in a cursive, slightly slanted style.

Acting Chief Executive

Town Hall  
Brentwood, Essex  
04.11.2014

## Minutes

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### Environment Committee Tuesday, 16th September, 2014

#### Attendance

Cllr Lloyd (Chair)	Cllr Mynott
Cllr Sapwell (Vice-Chair)	Cllr Newberry
Cllr Cloke	Cllr Ms Sanders
Cllr Faragher	Cllr Russell
Cllr Keeble	

#### Apologies

Cllr Mrs Murphy

#### Substitute Present

Cllr Mrs Hones

#### Also Present

Cllr Foan	West Horndon Parish Council
Cllr North	Kelvedon Hatch Parish Council

#### Officers Present

Jo-Anne Ireland	Acting Chief Executive
Roy Ormsby	Head of Street Scene
Claire Hayden	Governance and Member Support Officer
Chris Potter	Monitoring Officer & Head of Support Service

#### 132. Apologies for Absence

Apologies for absence were received from Cllr Mrs Murphy.

#### 133. Minutes of previous meeting

The minutes of the Environment Committee meeting held on 9.7.2014 were approved and signed by the Chair as a correct record.

#### **134. Verbal update from Chair**

The Chair gave a verbal update to the committee on a number of issues; Pot Holes, Budget Bids, Food Waste Bags and Green Redeem.

Green Redeem project costs known at £80k, only £40k put into the budget this year, a shortfall of £40k. The project has now been axed, whilst an investigation is undertaken on what to do next.

#### **135. Tree Wardens**

The Tree Warden Scheme is a national network that enables people to play an active role in conserving and enhancing trees and woodlands in their local area. The scheme was founded by the Tree Council and is co-ordinated by them in partnership with Local Authorities.

Brentwood has been part of the current scheme since it was launched in 1990, and currently has eight active member's in various locations around the Borough, but it would be the intention of the Tree Officer to raise this to two per ward where possible.

The wardens are the 'eyes and ears' of the community in relation to trees, hedgerows and our woodlands, and report back issues locally that may otherwise be unnoticed by Council Officers.

It is important that the scheme is continually promoted in order to attract new volunteers, especially young people, who are the next generation that will manage and retain our environment in the future.

During the debate Cllr Hones, expressed her personal thanks to Mr Marsh, Arboricultural Assistant for the time spent with Parish Councillors and Residents of Ingatestone explaining the Tree Warden Scheme.

A motion was **MOVED** by Cllr Lloyd and **SECONDED** by Cllr Sapwell to receive the recommendation set out in the report.

**RESOLVED UNANIMOUSLY** to:

- 2.1 To agree that Officer develop a promotional campaign to further develop the National Tree Warden scheme across the Borough.



## 136. Textile Waste

At the Environment Committee on 7<sup>th</sup> July 2014 it was resolved that Officers should explore the possibility of introducing a kerbside textile collection service for our residents.

Discussions have now been held with Essex Textiles, who would provide the service free of charge for the Council, and provide £80 per tonne for the textiles collected. The Council would also be able to claim the recycling credit on the collected textiles, which is currently £60.69 per tonne.

In addition to the £80 per tonne, the company would also provide a delivery service for the sacks. The Council currently employ agency staff each year to deliver the orange sacks and food waste bags at a cost of circa £12,000, which will be saved if the scheme is introduced.

The predicted tonnage from the collection is based on that of similar sized Authorities, at 60 tonnes per annum. This could generate an income of £4,800, plus the recycling credit income of £3,641 if similar tonnages are achieved.

Therefore the combined financial benefit from the saving and the predicted income will be circa £20,441 per annum.

After a full discussion, a motion was **MOVED** by Cllr Lloyd and **SECONDED** by Cllr Sapwell to receive to recommendations set out in the report subject to an amendment to 2.2.

2.2 That the Council will inform all charity shops of the collection scheme to be introduced and seek their reviews before the final ~~implication~~ implementation of the scheme.

Voting took place by a show of hands and in accordance with Rule 9.2 of the Council Procedure Rules, the Chair exercised his casting vote and the Motion was **CARRIED**.

**RESOLVED** to:

2.1 Agree that the Council introduce a free textile waste collection service for the residents of the Borough.

- 2.2 That the Council will inform all charity shops of the collection scheme to be introduced and seek their views before the final implementation of the scheme.

### 137. Fire Authority

It is recognised that all Council's need to identify alternative ways of delivering services, and that the high expectations of residents cannot be delivered by the Council alone.

It is the intention of this Council to identify all opportunities to work in partnership with other agencies to enhance our communities, and take action on the issues that impact on their lives.

To start this process it is intended to have discussions with the Fire Authority, to look at how we can work together to make a difference across the Borough through working in partnership on environmental schemes.

A motion was MOVED by Cllr Lloyd and SECONDED by Cllr Sapwell to receive the recommendations as set out in the report subject to a suggested alteration by the Mover to 2.2.

- 2.2 Agree that Officers commence discussions with the Fire Authority to identify any opportunities to develop joint working to enhance our communities and a further report advising on the outcome of these discussions to be submitted at the Environment Committee on 20.1.2015.

#### **RESOLVED UNANIMOUSLY to:**

- 2.1 Agree that Members will provide Officers with information on potential areas for joint working to feed into the discussions.
- 2.2 Agree that Officers commence discussions with the Fire Authority to identify any opportunities to develop joint working to enhance our communities and a further report advising on the outcome of these discussions to be submitted at the Environment Committee on 20.1.2015.

### 138. Tower Hill and Vaughan Williams Way

There have been requests for the Council to provide improvements to land in Vaughan Williams Way, and to take on the maintenance of land in an alley way in Tower Hill.

Officers have inspected both sites, and whilst both would deliver an improvement to those in the immediate vicinity, this would become a liability in terms of ongoing maintenance cost.

It has been identified that the alley way in Tower Hill is private land, and the request is for the Council to become responsible for this land, and therefore take full responsibility for the on-going maintenance, and public liability through any insurance claims. Taking responsibility of the annual maintenance of the alley way in Tower Hill would incur additional revenue costs to the Council of £1,500 per annum, However, this does not include the Officer and legal work that would be required in order to adopt the land.

The capital cost of the work on Vaughan Williams Way would be £6,500, and would incur an annual revenue cost for the additional maintenance of £1,000.

Through the discussion the Chair requested that an investigation is undertaken by the Asset and Enterprise Committee on the pockets of land within the Borough that have no acknowledged ownership.

A Ward Member spoke in support of this item.

A Motion was **MOVED** by Cllr Lloyd and **SECONDED** by Cllr Sapwell to receive the recommendations set out in the report.

A vote was taken by a show of hands and was **RESOLVED**.

2.1 Invite Members to consider taking on the maintenance at Vaughan Williams Way and the alley way at Tower Hill, with both being the subject of budget bids for 2015/16 onwards.

2.2 Agree that all future requests to adopt, or purchase, private land are referred to the Assets and Enterprise Committee for discussion.

#### **Termination of Meeting**

During the preceding item, in accordance with Rule 28 of Part 4.1 – Council Procedure Rules, the business of the meeting not having concluded by two hours after it's start, Members voted to agreed to continue with the meeting for a further 30 minutes.

### 139. Closure of Recycling Centre - Urgent Business

The Chair advised the committee that a request for urgent business had been received.

The Chair allowed it as urgent business due to the special circumstances for submitting this item are that acts of criminal and anti-social behaviour are continuing on site in spite of enforcement action being taken, and that urgent consideration is needed in order to decided how best to protect the community, and this action cannot reasonably wait until the next scheduled meeting of the Committee on 12<sup>th</sup> November 2014.

Ward Members and Parish Council in support of the tabled report.

A motion was MOVED by Cllr Lloyd and SECONDED by Cllr Sapwell to receive the recommendations set out in the report, subject to a suggested alteration to 2.2 by the Mover.

2.2 ~~Agree that all other recycling sites are reviewed, and that a report is presented to the Environment Committee on November 12th 2014 for Members to decided on the future of these sites.~~

2.2 To undertake a review of all recycling centre within the Borough in consultation with Ward Members and relevant Parish Council's and that a report be presented to the next meeting of the Environment Committee on 12<sup>th</sup> November 2014 on the future of the existing sites and any potential new sites.

#### **RESOVLED UNANMIOUSLY to:**

2.1 Agree that the recycling centre at Crown Corner is closed, and that the site is fenced off to prevent further misuse through flytipping.

2.2 To undertake a review of all recycling centre within the Borough in consultation with Ward Members and relevant Parish Council's and that a report be presented to the next meeting of the Environment Committee on 12<sup>th</sup> November 2014 on the future of the existing sites and any potential new sites.

**12<sup>th</sup> November 2014**

**Environment Committee**

**TEEP Assessment**

**Report of:** *Roy Ormsby – Head of Streetscene*

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 From January 2015, new regulations will require the separate collection of paper, plastic, metals and glass for recycling, unless it is not necessary to provide high quality recyclates; or it is not technically, environmentally or economically practicable (TEEP). The aim of this is to increase the quality of recycled material by reducing contamination, and improve the environment.
- 1.2 In July 2014, Officers appointed WYG, an external organisation, to carry out the TEEP assessment to ensure that there was an independent assessment of the service. The assessment cost £3,500 which was a reduced cost due to procurement via the Essex Waste Partnership.
- 1.3 The assessment has identified that the collection service provided by the Council is compliant to continue in it's current form, as it is not economically viable to introduce separate collections for all commodities, which is estimated would cost a further £600,000.

## **2. Recommendation(s)**

- 2.1 Agree that the Council continues to collect co-mingled waste, and that approval is given to the TEEP assessment as a formal record.**

## **3. Introduction and Background**

- 3.1 The revised European Waste Framework Directive requires the UK to take measures to promote high quality recycling. This includes a specific requirement by 1 January 2015, to set up collections of paper, plastic, metal and glass (and other materials if possible) all as separate materials.

Collectors of these wastes must collect the materials separately, unless it is not necessary to provide high quality recyclates; or it is not technically, environmentally or economically practicable (TEEP).

- 3.2 The UK Government transposed the Waste Framework Directive into UK law through the Waste Regulation (England and Wales) 2011, which came into force on 1 October 2012.
- 3.3 Given that the Council currently deliver a very efficient service regarding the collection of recycling, it is necessary to consider the TEEP criteria and demonstrate that the Council complies with the requirements.
- 3.4 WYG were commissioned to assess compliance of the Councils collection method. The report clearly identifies that the collection method used by the Council is compliant, and therefore it is not necessary to provide separate collection for different materials.

#### **4. Issue, Options and Analysis of Options**

- 4.1 The Council were required to carry out the TEEP assessment to ensure they are compliant with the new legislation.

#### **5. Reasons for Recommendation**

- 5.1 To gain formal Council approval for the TEEP assessment.

#### **6. Consultation**

- 6.1 This is not a requirement of the TEEP assessment.

#### **7. References to Corporate Plan**

- 7.1 To ensure that the Council are delivering an effective and efficient service.

#### **8. Implications**

##### **Financial Implications**

**Name & Title: Jo-Anne Ireland, Acting Chief Executive**

**Tel & Email: 01277 312712 / jo-anne.ireland@brentwood.gov.uk**

- 8.1 If Members agree to the recommendation as set out in this report, there are no financial implications.

The cost of the assessment was met from within existing budgets

**Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk**

8.2 None.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 None

**9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.1 None

**10. Appendices to this report**

Appendix A - The TEEP assessment report, and appendices contained within the report

**Report Author Contact Details:**

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# Brentwood Borough Council

## TEEP Assessment

October 2014

The Pavilion, Botley Grange Office Campus, Hedge End, Southampton, SO30 2AF

Tel: 02382 022 800

Email: [waste.enquiries@wyg.com](mailto:waste.enquiries@wyg.com)



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## 1.0 INTRODUCTION

- 1.1 Brentwood Borough Council (BBC) collects its dry recyclables and other waste in-house. The collected materials remain the property of BBC; and the co-mingled materials are delivered to the transfer station located at Barleylands, Basildon (operated by Basildon Borough Council) from where they are subsequently transported and treated through a contract between Basildon Borough Council and Biffa, under the terms of which Basildon Borough Council provides transfer facilities, while Biffa provides transport to its MRF and treatment of the materials for recycling. Glass is not included in this co-mingled arrangement; but it is also sent to Barleylands transfer station and thence to Berrymans for recycling.
- 1.2 In designing its services and in agreeing to use the contract between Basildon Borough Council and Biffa, BBC was fully cognisant of the requirements of the EU Waste Framework Directive (WFD) 2008 and the Waste England and Wales Regulations 2011 which flow from it. The Regulations (which were the subject of a judicial review) include Regulation 13 regarding the collection of glass, metal, paper and plastic for recycling.
- 1.3 BBC was therefore aware that the requirement of Regulation 13 is that these materials (i.e. glass, metal, paper and plastic for recycling) should be collected separately: but may be collected on a different basis in certain circumstances where it can be shown that it is not technically, economically or environmentally practicable (TEEP) to collect separately.
- 1.4 Accordingly, as part of the design of its recycling systems, options for collecting recyclables were considered and tested: although no official guidance as to how this was to be done (in terms of TEEP) was available at the time. As far as separating glass was concerned, this decision fits with Lord de Mauley's letter of October 2013, although this was clearly not available at the time that the current system was chosen.
- 1.5 In late April 2014 WRAP published the Waste Regulations Route Map. WYG was asked by BBC to assess its chosen methodology on the basis of this Route Map; and to re-examine in detail alternative options to the current system: i.e. separate collection of materials for recycling.



## 2.0 THE SYSTEM DESIGN AND OUTCOMES

2.1 The system that BBC uses is designed to maximise the recycling / composting rate at an affordable cost; and part of the process for ensuring the system is economic is playing to the strengths of its in-house organisation, which include:

- The proximity and economies which flow from the shared transfer station at Barleylands; and
- High productivity from its collection rounds, recently tested using software.

2.2 An additional key factor in BBC's design of system is that funding was received from DCLG which contributed to the current configuration.

2.3 In terms of the recycling / composting rate BBC is an upper quartile performer, being the 80<sup>th</sup> highest-performing authority in England in 2012/13 (the latest league table available at the time of writing) with an overall rate of 49.05%. In terms of dry recycling it performs particularly well, as discussed in more detail below.

2.4 The design is as follows:

- Residual waste collected weekly in sacks;
- Dry mixed recyclables (DMR) collected weekly, co-mingled but excluding glass, in orange sacks;
- Glass collected fortnightly from kerbside boxes;
- Food waste collected weekly from caddies; and
- Garden waste collected fortnightly from a brown 240-litre wheeled-bin or in bio-sacks, on a chargeable basis.

2.5 The choice of an orange sack means that BBC's dry recyclables can be separately analysed, if required, meaning easier management of contamination (discussed later).

2.6 In terms of volumes collected, in 2013/14 these were (from 32,490 households):

- Overall tonnages of household waste: 28,922 tonnes.
- Residual waste at the kerbside: 13,929 tonnes.
- DMR collected at the kerbside: 8,282 tonnes comprising 6,194 tonnes of co-mingled dry recyclables (including subsequent rejects) and 2,088 tonnes of glass collected separately.
- Compostable waste collected at the kerbside: 1,232 tonnes of food waste and 4,057 tonnes of



garden waste – total 5,289 tonnes.

2.7 If measured in terms of kg per household for that year, BBC's figures are as follows:

Total household waste: 890 kg

Residual household waste at the kerbside: 429 kg

Dry recycling at the kerbside: 255 kg

2.8 This gives the following outcomes:

- Recycling rate: 32% (including from bring sites etc.)
- Composting rate: 18.3%
- Combined recycling / composting rate: 50.3%



## 3.0 USING THE WRAP ROUTE MAP

With the benefit of now having the WRAP Route Map to hand, the following commentary works its way through the various stages.

### 3.1 Step 1

3.1.1 Here BBC should consider the waste collections covered; and the current waste collection system.

3.1.2 The waste collections being covered are household waste. The current waste collection system does collect the four materials (glass, metal, paper and plastic) for recycling; but only glass is collected as a separate waste stream.

3.1.3 Bring sites continue to be used to collect additional materials in the form of textiles as well as for collecting glass and collecting other dry recyclables.

3.1.4 The published guidance also refers to the collection of food and garden waste: the system collects these on a separate basis.

3.1.5 The published guidance also refers to the collection of bulky waste and the system collects this on a weekly, chargeable basis; and applies a waste hierarchy promoting reuse and recycling.

3.1.6 Commercial waste is also collected by BBC: and recycling services are offered to commercial customers. In 2013/14 some 418 tonnes (21.3%) of the 1,992 tonnes of commercial waste collected were recycled; and this was collected in two ways:

- Co-mingled from sacks and from wheeled containers (as per household waste); and
- Glass collected separately.



3.1.7 Average arisings as a percentage for residual waste – summary extract from a waste composition audit undertaken for the Essex Waste Partnership ( July 2012 – July 2014):

	%
Paper & Card	14.0
Plastics	14.9
Textiles	4.0
Misc. Combustible	14.3
Misc. Non Combustible	4.7
Glass	2.6
Ferrous Metals	1.3
Non-Ferrous Metals	1.8
Putrescible	38.4
Misc.	4.0

**Table 1 – Average residual waste arisings as a %-attributed to BBC**

3.1.8 Analysis of waste collected, and respective tonnages, for 2013/14 can be found in *Appendix 1*. An example of Gravimetric data for DMR is attached for the month of August 2014-see *Appendix 2*.

3.1.9 BBC’s contract, with Basildon Borough Council, for the disposal of its DMR will end 30.04.15. BBC are currently entering into a joint procurement exercise with Basildon Borough Council and two other Local Authorities. See *Appendix 3* for a copy of the current contract.

3.1.10 BBCs contract with Basildon Borough Council for the storage at Barleylands and collection of mixed glass by Berryman’s has been extended until 2017.

3.1.11 BBC are instructed by the WDA as to where food and garden waste is delivered.

3.1.12 See *Appendix 4* for an extract of Members meeting minutes and decisions, with reference to BBC’s waste collection services.

3.1.13 See *Appendix 5* for a summary of the income and expenditure for waste and recycling, 2013/14.



## 3.2 Step 2

- 3.2.1 Here BBC should consider how each waste stream is managed and what waste is recycled.
- 3.2.2 Residual household waste is not currently recycled: but there will be recovery and some recycling through the new MBT facility at Basildon (run on behalf of Essex County Council, the Waste Disposal Authority for BBC).
- 3.2.3 Dry recycle collected is all recycled, except for fines and contaminants. The documentation which covers the contract between Basildon BC and Biffa sets out detailed processes that are followed to determine the make-up of the recycle and managing contamination. There is a requirement that at least 95% of the material is recycled: and there has never been a problem in achieving this outcome. Refer to *Appendix 6* for the product Destination List for July/August 2014.
- 3.2.4 The collection of glass as a separate stream optimises the amount of glass being sent for re-melt (as opposed to being sent for aggregate). The glass is either colour-separated by Berryman's or exported to Europe as mixed glass.
- 3.2.5 Food waste is treated through in-vessel composting and garden waste is also composted. Bulky waste is also reused where it can be.
- 3.2.6 Materials from bring sites, including glass, are (apart from contaminants) also recycled.

## 3.3 Step 3

- 3.3.1 Step 3 relates to the waste hierarchy: which has been applied throughout the decision-making process regarding the selection of recycling methodology.

## 3.4 Step 4

- 3.4.1 At this stage a number of questions are asked in relation to the four dry streams of glass, metal, paper and plastic. Working through these questions:
- Does BBC collect glass, metal, paper and plastic for recycling? Yes
  - Are separate collections in place? Yes for glass (so likely to be compliant). No for other materials (so necessity and practicability questions to be answered)





- Are separate collections necessary to ensure that waste is recycled and to facilitate or improve recovery? No – waste collected for recycling is (apart from contaminants etc.) recycled
- Is there an approach to separate collection that is technically, environmentally and economically practicable? Addressed in the following tests.

## 3.5 Necessity test

Here the quality and quantity of recycling is considered.

3.5.1 In terms of quality, the contract documentation requires that at least 98% of collected material shall be recycled: and as stated this has never been a problem throughout the duration of the contract. Further, the contractor is required to set out in their tender the methodology to be used so that good quality recyclables result from the process; and this information is then incorporated into the contract.

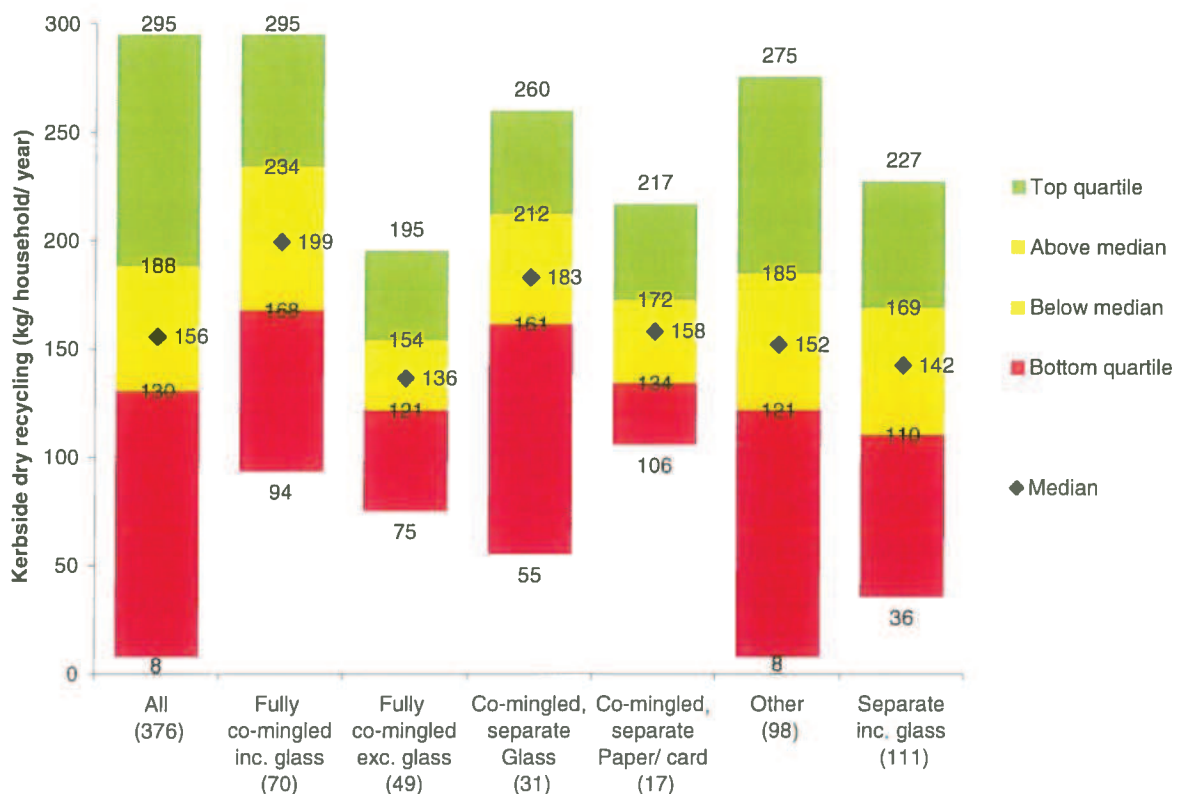
3.5.2 The minimum range of materials required to be accepted through the treatment contract is as per the following list:

- Newspaper, magazines, (EWC 20 01 01)
- Shredded paper (EWC 20 01 01)
- Office paper, white and coloured (EWC 20 01 01)
- Other paper including clean paper bags (EWC 20 01 01)
- Greeting cards (EWC 20 01 01)
- Envelopes including window type (EWC 20 01 01)
- Telephone directories inc. Yellow Pages and other catalogues (EWC 20 01 01)
- Wrapping paper (EWC 20 01 01)
- Junk mail (EWC 20 01 01)
- Cardboard (EWC 20 01 01)
- Egg boxes card based (EWC 20 01 01)
- Cans (steel and aluminium) (EWC 20 01 40)
- Aluminium foil (EWC 20 01 40)
- Aerosols (EWC 20 01 40)
- Plastic Bottles (EWC 20 01 39)
- Mixed Plastics (EWC 20 01 39)



- 3.5.3 This is an extensive range: but in addition to these minimum requirements the system actually also accepts such items as: hard and soft-back books; Tetrapak cartons; bubble/heat shrink wrap packaging; and metal screw tops / beer bottle tops. This is a very wide range of materials and it would be difficult to collect such a range without some degree of co-mingling and subsequent treatment through a facility with advanced sorting processes.
- 3.5.4 Finally, in terms of quality (but also in relation to quantity) it should be noted that of the co-mingled collected recycle only 164 tonnes (2.7%) was not recycled.
- 3.5.5 In terms of quantity, there is a good deal of evidence which shows that the chosen methodology recycles much more than could be achieved with separate collections.
- 3.5.6 Nationally, if one looks at the higher performers, then the highest performer is for a fully co-mingled service (295 kg per household per annum) with a two-stream service collecting glass separately achieving 260 kg per household per annum. This position does not just hold for the highest performers: it is also true at all quartiles, as shown in Figure 1 below (showing 2010/11 figures):

**Figure 1**





3.5.7 The 2011/12 figures tell a similar story which supports BBC's choice of system. Table 2 overleaf shows that 20 of the top 30 performers collect fully co-mingled dry recyclables, and five collect on a two-stream basis collecting glass separately: whereas only one of this top 30 (North Somerset) collects on a kerbside-sort basis. See *Appendix 7* for the full WYG report: Review of Kerbside Recycling Collection Schemes in the UK in 2011/12.

# NOTE FOR BRENTWOOD BC: TEEP ASSESSMENT



**Table 2: Collection Details for the Top 30 Kerbside Dry Recycling Authorities in 2011/12**

Rank	Authority	WYG client	Kerbside Recycling kg/hh/yr	Type	% Co-mingled	Recycling				Refuse			
						Freq.	Wheeled Bins	Sacks/ Other	Kerbside Boxes	Freq.	Wheeled Bins	Sacks/ Other	Communal
1	South Oxfordshire	•	310	C	100%	F	96%	4%		F	90%	4%	5%
2	Surrey Heath	•	291	C	100%	F	98%	1%		F	89%	2%	8%
3	Vale of White Horse	•	282	C	100%	F	97%	3%		F	91%	3%	7%
4	Windsor and Maidenhead		276	O	76%	W	100%			W	85%	5%	10%
5	Lichfield		267	C	100%	F	100%		0%	F	96%	1%	3%
6	Elmbridge	•	263	C	100%	F	96%		4%	F	88%	4%	8%
7	Mole Valley	•	263	C	100%	F	85%	16%		F	85%	10%	6%
8	Rochford		261	C	99%	F	99%			F	100%		0%
9	South Kesteven		258	C	100%	F	100%			F	100%		
10	North Somerset	•	255	S	0%	W			92%	F	83%	8%	8%
11	Castle Point	•	253	C/g	77%	F		100%	100%	F		100%	
12	Epping Forest	•	253	C/g	78%	F	5%	95%	95%	F	91%	3%	5%
13	Tamworth		252	C	100%	F	100%			F	100%		
14	Cannock Chase		250	C	100%	F	100%			F	100%		0%
15	Rutland		249	C	100%	F	99%	1%		F	96%	1%	3%
16	Stratford-on-Avon		249	C	100%	F	96%		4%	F	94%	4%	2%
17	South Cambridgeshire		249	C/p	66%	F	100%		0%	F	95%	0%	4%
18	West Oxfordshire	•	245	O	26%	W	5%		95%	F	94%	1%	5%
19	Basildon	•	244	C/g	78%	F		93%	98%	W		90%	9%
20	Wychavon		241	C	100%	F	90%	10%	7%	F	90%	7%	3%
21	Huntingdonshire	•	240	C	100%	F	88%	12%		F	92%	4%	5%
22	Woking	•	239	C	100%	F	93%	7%		F	86%	4%	10%
23	North Kesteven	•	238	C	100%	F	99%			F	99%		
24	Mid Sussex		237	C	100%	F	99%			F	99%		
25	South Holland		234	C	100%	W		100%		W		100%	
26	Caerphilly		232	C	100%	W	71%	1%	27%	W	98%	2%	
27	Charnwood		231	C/g	88%	F	98%	2%	98%	F	98%	2%	
28	Guildford	•	231	O	17%	W	8%	9%	83%	F	86%	9%	6%
29	Central Bedfordshire		230	C/g	82%	F	72%	16%	12%	F	91%	5%	4%
30	Spelthorne	•	229	C	100%	F	94%			F	89%	0%	11%



- 3.5.8 Conversely (as noted in WYG’s report – *Appendix 5*) among the bottom 30 performers the reverse is true – 25 out of 30 practice a form of kerbside-sort. It is worth noting also that a number of these bottom performers have since moved to either a two-stream or fully co-mingled system (e.g. Ashford, LB Brent, Eastbourne, Isle of Wight, Rother and Wealden) have since abandoned kerbside-sort and report significantly higher capture rates.
- 3.5.9 In terms of volume, then, the argument runs in favour of moving away from kerbside-sort and toward some degree of co-mingling, either as a two-stream service or a fully co-mingled service.
- 3.5.10 Additionally, a pattern whereby higher capture results from either fully co-mingled or two-stream systems can be seen in Table 3 below, which looks at the capture rate at the kerbside for Essex authorities in 2012/13, net of contamination and rejects.

**Table 3: Capture rate for dry recycling at the kerbside for Essex authorities in 2012/13**

Authority	Kg / household	Collection system for Dry Recyclables	Notes
Epping Forest	250	Two-stream: glass separate	Sack for DMR, fortnightly
Castle Point	249	Two-stream: glass separate	Sack for DMR, fortnightly
Rochford	243	Co-mingled	W/bin for DMR, fortnightly
Uttlesford	243	Co-mingled	W/bin for DMR, fortnightly
Basildon	233	Two-stream: glass separate	Sack for DMR, weekly
Brentwood	231	Two-stream: glass separate	Sack for DMR, weekly
Harlow	210	Co-mingled	W/bin for DMR, fortnightly
Chelmsford	178	Kerbside sort	Weekly
Maldon	176	Three-stream	Weekly
Colchester	165	Kerbside sort	Weekly
Braintree	162	Co-mingled but glass not collected	Sack collection fortnightly*
Tendring	100	Kerbside sort but glass not collected	Weekly*

\* We do not have full figures for Tendring; but in the case of Braintree, if glass collected at bring sites is added, the figure rises to ca. 210 kg / household / year.



3.5.11 There is a lot of evidence to show that the key factors in determining the volumes of dry recyclables collected are:

- (a) choice of system for collecting dry recyclables,
- (b) type of residual waste service and
- (c) the degree of affluence.

3.5.12 In Essex the highest performers collect recyclables on either two-stream or fully co-mingled basis, with more affluent districts as well as those with fortnightly residual waste collections at the higher end of the spectrum for weight of recyclables collected per household. In 2012/13 BBC collected some 231 kg / household at the kerbside net of contamination and rejects (245 kg / household in 2013/14) and this is significantly more than any other Essex authority collecting on a kerbside-sort basis.

3.5.13 It should be clear that BBC has considered the quality and quantity of recycled material arising most carefully.





## 3.6 Practicability test

Here the three areas to be addressed are: is the separate collection of each material stream economically, environmentally or technically impracticable?

- 3.6.1 It should be clear from the analysis above that the chosen system is more environmentally practicable: it recycles significantly more than a system which collects material streams separately.
- 3.6.2 There is also an economic benefit to recycling at this level: both to BBC in terms of recycling credits and additional payments in terms of the overall recycling / composting rate; as well as to the disposal authority Essex CC over and above the payments made to BBC.
- 3.6.3 As part of this TEEP assessment WYG has undertaken an assessment of what costs might be if the materials were collected separately. Under such a scenario, we assume glass will be collected as present; and that residents would separate out paper and card as one stream and cans & plastic as the other.
- 3.6.4 In such a scenario the volume of dry recyclables collected at the kerbside would drop sharply (as can be seen from the table above); and to maintain any sort of volume we are sure that weekly collections of dry recyclables would continue (which is the case at e.g. Maldon and Chelmsford).
- 3.6.5 As stated BBC collected 231 kg per household in 2012/13 (and 245 kg / household in 2013/14) but Chelmsford collected just 178 kg per household per annum in 2012/13; and Chelmsford (like Brentwood) collects residual waste weekly. Maldon collected just 176 kg per household per annum: and Maldon (like Brentwood) collects residual waste weekly from sacks, collects food waste separately on a weekly basis and collects garden waste fortnightly on a chargeable basis.
- 3.6.6 Looking at other characteristics, Brentwood is in the 'Prospering Southern England' group with an Index of Multiple Deprivation score (IMD) of 9.62. Chelmsford is also in the 'Prospering Southern England' group with an IMD of 9.57 (very similar to Brentwood). Maldon is a 'Prospering Smaller Town with an IMD' of 12.66. On that basis Brentwood is more similar to Chelmsford.
- 3.6.7 Looking at 'Prospering' UK authorities with weekly residual waste and weekly dry recycling collections which collect the dry materials as separate streams, we can find only two other examples: Bath & North East Somerset (capture rate of 180 kg per household per annum in 2012/13) and Oadby & Wigston (capture rate of 186 kg per household per annum in 2012/13).



- 3.6.8 The average across the three benchmarks (i.e. excluding Maldon) is 181 kg per household per annum.
- 3.6.9 We believe, therefore, that a reasonable assumption would be that if BBC collected on a separate stream basis then BBC's capture at the kerbside would be 181 kg for dry recyclables.
- 3.6.10 In BBC, DMR which is co-mingled in orange sacks is currently co-collected with food waste using a Duo RCV (i.e. with a pod for the food waste); whilst glass is collected as a separate stream using a RCV and utilizing a slave bin.
- 3.6.11 The DMR and food are collected with four rounds, each comprising a driver with two loaders: this is a pass-rate of almost 1,605 properties per day, which is good productivity. Glass is collected with just one round: meaning a pass-rate of over 3,200 properties per day which is very high productivity. In terms of tonnages collected and based upon figures from the first quarter of 2014/15, the DMR / food rounds collect (on average) some tonnes of 6.12 DMR and 0.98 tonnes of food per day; whilst the glass round collects (on average) some 7.78 tonnes of glass per day. High productivity is facilitated by the tipping arrangements which flow from these tonnages and the location of the tipping facilities.
- 3.6.12 Interestingly Maldon (which uses a private contractor) collects at a significantly lower productivity rate (1,082 properties per day) when collecting dry recycling and collecting the streams separately: and they have three loaders per round to deal with the glass. On the basis of this benchmark it is not unreasonable to assume that, to collect a decent volume of dry recyclables on a source separated basis as described would require six rounds in Brentwood, each with a driver and three loaders; plus a separate resource of four rounds (driver plus two) collecting food waste using a smaller (e.g. 7.5 tonne) vehicle.





3.6.13 The Basildon contract with Biffa is extremely financially advantageous to the Council currently; but not at a sustainable price level. We have therefore used current market prices.

**Cost for current system (2015/16): collect dry recycling on a co-mingled basis plus food waste using current methodology**

	£	£
• 5 drivers @ £30,303		151,515
• 10 loaders @ £26,667		266,670
• 5 x RCVs @ £73,000		365,000
• Basildon gate fee/Haulage		<u>173,000</u>
• Sub-total		956,185
• <b>Income:</b>		
• Glass @ £20/t	42,000	
• IAA funding	364,896	
• Recycling Credit @ £62.51	<u>486,015</u>	<u>892,911</u>
<b>Net Cost</b>		<b>63,274</b>

**Cost for new system, collect dry recycling keeping streams separate plus food waste**

• 9 drivers @ £30,303		272,727
• 18 loaders @ £26,667		480,006
• 9 x RCVs @ £73,000		<u>657,000</u>
• Sub-total		1,409,733
• <b>Income:</b>		
• Glass @ £20/t	42,000	
• Paper @ £50/t	160,000	
• Card @ £50/t	25,000	
• Cans/Plastics @ £35/t	35,000	
• IAA funding	364,896	
• Recycling Credit @ £62.51	<u>425,068</u>	<u>1,051,964</u>
<b>Net Cost</b>		<b>357,769</b>



3.6.14 This differential in cost is high in percentage terms: but is significant in just absolute terms. To change systems would cost BBC over £400,000 more per annum in revenue costs: and our assessment above does not take into account:

- Any one-off costs of change in terms of publicity etc.
- Any one-off or on-going costs in terms of different containers
- The cost of constructing a storage facility for the separately collected recyclables
- Any running cost for this storage facility including for loading etc.
- Any management overheads (which would typically be pro rata).

3.6.15 NB these costs are just net costs to BBC: there are further savings to Essex CC over and above the recycling credits for the additional volumes diverted from residual waste: we estimate those further savings at ca. £60,000 per annum

3.6.16 Taking into account the higher level of recycling and the relative costs as noted above, it should be clear that the current system has been chosen by BBC because it would not be technically practicable, environmentally practicable and economically practicable to undertake separate collections of metal, paper and plastic.

## 3.7 Step 5

At this stage sign-off is required: the Route Map recommends this involves sign-off by both the service head and legal services.

3.7.1 We recommend that this assessment should be formally approved by those Officers and the appropriate Council Committee; and retained as a formal record.

3.7.2 In terms of a review (Step 6 in the Route Map), we believe that this TEEP test is appropriate for the new treatment contract BBC is entering into (a framework contract, facilitated by Basildon BC, starting in May 2015); but a review should take place just prior to the end of that contract (expected to be May 2019) or whenever waste services are generally reviewed, whichever is the earlier.

LA/WYG/10.14

**12<sup>th</sup> November 2014**

**Environment Committee**

**Closure of Recycling Centre**

**Report of:** Roy Ormsby – Head of Street Scene

**Wards Affected:** All

**This report is:** Public

## 1. Executive Summary

1.1 At the Environment Committee on 16<sup>th</sup> September 2014 it was agreed that a review should take place on other recycling sites, and that a report should be presented to the Committee on 12<sup>th</sup> November 2014.

1.2 The Council currently provide nine bring sites, which are as follows:

	<b>MDR Bins (No.)</b>	<b>Glass Bins (No.)</b>	<b>Textile Banks (No.)</b>	<b>Book Banks (No.)</b>
<b>Blackmore Village Hall</b>	8	2	0	0
<b>Brentwood Centre</b>	8	3	1	1
<b>Hunter Avenue Car Park</b>	13	4	0	0
<b>Mountnessing Village Hall</b>	9	2	1	1
<b>Rayleigh Road</b>	7	3	1	0
<b>Station Road, West Horndon</b>	8	3	1	0
<b>Town Hall</b>	5	2	1	0
<b>William Hunter Way</b>	10	3	0	0
<b>Warley Depot</b>	10	3	1	1
<b>TOTAL</b>	<b>78</b>	<b>25</b>	<b>6</b>	<b>3</b>

- 1.3 Information was sent out to all Members on 2<sup>nd</sup> October 2014 requesting details of any issues with sites within their Ward, and a request was made at the Parish Council liaison meeting on 22<sup>nd</sup> September 2014 for the same information.
- 1.4 There has been two comments; Blackmore feel that their site has deteriorated since the closure of Crown Corner, and there has been ongoing issues with the site at Mountnessing, who on 13<sup>th</sup> October, at their Parish meeting agreed to close the site.
- 1.5 There are other high profile sites that Officers constantly have to deal with at key locations around the Borough. It is felt that due to their high profile locations they could be considered for closure, as they do not represent the Borough in a good way. These are; Hunter Avenue, Town Hall, and William Hunter Way.

## **2. Recommendation(s)**

- 2.1 To seek members views on the potential closure of the following recycling centres: Mountnessing, Hunter Avenue, Town Hall, and William Hunter Way.**
- 2.2 Agree that other sites are monitored, and where appropriate, through discussions with local Ward Members, and where appropriate Parish Councils, that the Head of Streetscene is given delegated authority to close further sites.**

## **3. Introduction and Background**

- 3.1 The recycling centres around the Borough have been subject to ongoing issues with fly tipping for a number of years. At the Environment Committee on 16<sup>th</sup> September 2014 it was agreed to close the site at Crown Corner due to continuous fly tipping, and numerous complaints from local residents.
- 3.2 Although Crown Corner appeared to be the site most used for fly tipping, it has become evident by the refuse crews that misuse of all sites has been increasing over the past 12 months.
- 3.3 There are some sites located in high footfall locations around the Borough, creating a poor appearance for residents and visitors to the Town. These sites include the Town Hall, Hunter Avenue car park, and William Hunter Way, all of which suffer from fly tipping issues.

- 3.4 All sites have been monitored through Environmental Services, and Street Scene staff, and where possible action has been taken against offenders. Cameras have been used at some sites, and although some offenders have been fined, it has not stopped the misuse and continuous fly tipping.
- 3.5 It is felt that now the Council provides a weekly dry recycling collection service from the kerbside it has reduced the need for local residents to use the sites to dispose of their recycling.
- 3.6 What is evident is that the sites are now being used by residents and businesses from other Districts to dispose of their waste, and this is coming at a cost to residents of the Borough, through both collection and disposal.
- 3.7 This is an issue for a number of Local Authorities, and in March 2013, following a phased approach, Southend Borough Council closed all of their 32 bring sites, as the materials were being collected at the kerbside. This was clearly communicated to residents, and through this approach they had a minimal number of complaints from residents.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Due to the introduction of a weekly kerbside collection service for dry recycling it is felt there is no requirement for such a large number of sites, as they are become increasingly abused, and waste is being sent to landfill, rather than recycled.

#### **5. Reasons for Recommendation**

- 5.1 Due to the misuse of sites, and increasing amounts of waste are now being sent to landfill due to contamination.

#### **6. Consultation**

- 6.1 All Members, and the Parish Council's have been consulted, and any feedback received is included in the report.

#### **7. References to Corporate Plan**

- 7.1 The sites to be considered for closure would assist the Council in maintaining a clean environment, and reduce the amount of waste being taken to landfill.

## **8. Implications**

### **Financial Implications**

**Name & Title: Jo-Anne Ireland, Acting Chief Executive**

**Tel & Email: 01277 312712 / jo-anne.ireland@brentwood.gov.uk**

- 8.1 There are no quantifiable savings available at this time, although these will be considered further in conjunction with other changes to the current waste service delivery arrangements.

### **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk**

- 8.2 None.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 None.

- 9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

- 9.1 None.

## **10. Appendices to this report**

None.

### **Report Author Contact Details:**

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**12<sup>th</sup> November 2014**

**Environment Committee**

**Pot Hole Improvement Initiative**

**Report of:** *Roy Ormsby – Head of Street Scene*

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 At the Environment Committee on 7<sup>th</sup> July 2014, it was agreed that the Leader of the Council, and the Chair and Vice Chair of the Environment Committee meet with the lead Member for Highways and Transportation at Essex County Council to explore partnership working opportunities to improve highway maintenance across the Borough.
- 1.2 The meeting took place on 29<sup>th</sup> September 2014 with Cllr Bass, the lead Member for Highways and Transportation at ECC, and provided an opportunity for the Borough Members to open a debate on how communication and on-going maintenance could be improved. Cllr Bass welcomed the meeting, as there had been a lack of engagement with Brentwood Borough Council in the past over these matters.
- 1.3 It was agreed by all that for a number of years there had been a lack of investment nationally on the highway network, and that there was a need to invest more on local roads throughout the County.
- 1.4 However, through the discussion it became evident that the maintenance of highways should be co-ordinated centrally through ECC as the Highway Authority, but there was an opportunity to debate wider issues at the Local Highways Panel. It was noted that maintenance could be improved by making more detailed information available regarding the state of the network, which is currently being assessed through survey work.
- 1.5 It was therefore agreed that there would be better communication between the two Authorities, and that when detailed information is available regarding local roads, then Cllr Bass would, in principle, be

happy for this to be debated at the Local Highways Panel to ensure local knowledge is used moving forward.

## **2. Recommendation(s)**

**2.1 Agree that Members note the outcome of the discussion with Essex County Council, and that when detailed information becomes available relating to local roads, this will be debated at the Local Highways Panel.**

**2.2 That in Principle, Members agree to the development of area working with Essex County Council, and other Districts/Boroughs.**

## **3. Introduction and Background**

3.1 At the Environment Committee on 7<sup>th</sup> July 2014 there was a debate regarding the improvement of minor roads throughout the Borough, and if the Borough Council could assist ECC, through implementing a scheme to speed up the programme of improvements, especially pot holes. It was therefore agreed that a meeting would take place to identify opportunities to move forward with improvements.

3.2 The meeting with ECC was held on 29<sup>th</sup> September 2014, where it was made clear that the discussions were about having a proactive relationship with ECC on potentially developing schemes that could improve local highways, and if the Borough could assist with this on non-priority routes.

3.3 ECC felt that as Highway Authority they should remain responsible for any highway improvements, and this would be delivered through their contractor. This would ensure that residents are clear on who is responsible for highway improvements, and there is no confusion on who they should report any defects to.

3.4 To ensure that there is an effective programme, which is within the ECC highways budget, they would decide on which roads will be repaired. ECC have identified what they feel are the worst 50 roads in each District/Borough, and have a programme to improve these within the current financial year. These are published on the ECC website and a copy is also attached as Appendix A to this report.

3.5 ECC are also carrying out further work through condition surveys, which is being done for the first time, and this information will be shared with the



Local Highways Panel, and used to develop the future improvement programme.

- 3.6 It was agreed that in the longer-term the Local Highways Panel would be the forum to discuss the maintenance programme, but this will need to be based on the information being generated through the condition surveys currently being undertaken.
- 3.7 In the long-term ECC would like to engage Local Authorities in debating opportunities to establish area working arrangements to improve efficiency. This was still being developed by ECC, but it was felt that in principle this could improve the service, but further details would need to be provided before the Council could become involved.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Discussions through the Local Highways Panel will enable Members to be involved in debating the programme that is to be delivered, and provide local knowledge relating to future schemes.

#### **5. Reasons for Recommendation**

- 5.1 To inform Members of the outcome of discussions with Essex County Council, and how issues relating to the Borough's highway network will be debated at the Local Highways Panel to seek local input on future improvements.

#### **6. Consultation**

- 6.1 The meeting provided an opportunity to open discussions with Essex County Council on highways related issues, and promote future debates and consultation through the Local Highways Panel.

#### **7. References to Corporate Plan**

- 7.1 Partnership working is a key part of the Corporate Plan, as is working closely with community groups to enhance the environment.

#### **8. Implications**

##### **Financial Implications**

**Name & Title: Jo-Anne Ireland, Acting Chief Executive**

**Tel & Email: 01277 312712 / jo-anne.ireland@brentwood.gov.uk**

8.1 There are no direct financial implications arising from this report.

**Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officers and Head of Support Services**

**Tel & Email: 01277 312860/ christopher.potter@brentwood.gov.uk**

8.2 None.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 None.

**9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.1 None.

**10. Appendices to this report**

Appendix A - List of roads identified for maintenance in 2014/15

**Report Author Contact Details:**

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## Brentwood

Location
ALFRED ROAD - Brentwood
ALL SAINTS CLOSE - Doddinghurst
ALPHA ROAD - Brentwood
BROAD MEADOW - Kelvedon Hatch
CHAFFORD GARDENS - West Horndon
COLERIDGE WALK - Brentwood
CORCORANS - Brentwood
CRESCENT DRIVE - Brentwood
CROSSWAYS - Brentwood
ESSEX WAY - Brentwood
FIRSGROVE CRESCENT - Brentwood
FIRST AVENUE - Blackmore
THE GARDENS - Doddinghurst
GREENSHAW - Brentwood
HIGHVIEW CRESCENT - Brentwood
HOGARTH AVENUE - Brentwood
KNIGHTS WAY - Brentwood
LANGFORD GREEN - Brentwood
LONG MEADOW - Brentwood
MIDDLETON ROAD - Brentwood
MOUNT CRESCENT - Brentwood
NEWMANS DRIVE - Brentwood
OLIVER ROAD - Brentwood
THE PADDOCKS - Ingatestone And Fryerning
PLOVERS MEAD - Blackmore
PRIESTS FIELD - Herongate And Ingrave
PROSPECT WAY - Brentwood
QUEENSWOOD AVENUE - Brentwood
ROBIN HOOD ROAD - Brentwood
ROSE VALLEY - Brentwood
SAXON CLOSE - Brentwood
SHELLEY ROAD - Brentwood
SOUTH DRIVE - Brentwood
SPRING POND MEADOW - Blackmore
ST THOMAS ROAD - Brentwood
STATION ROAD - West Horndon
TENNYSON ROAD - Brentwood
THORNRIDGE - Brentwood
THE TYBURNS - Brentwood
VINE WAY - Brentwood
WAKELIN CHASE - Ingatestone And Fryerning
WARLEY MOUNT - Brentwood
WEST PARK HILL - Brentwood
WESTWOOD AVENUE - Brentwood
WHADDEN CHASE - Ingatestone And Fryerning
WOODMAN ROAD - Brentwood
WYATTS GREEN LANE - Blackmore
CHELMSFORD ROAD SERVICE ROAD EAST - Brentwood

LASCELLES CLOSE - Brentwood
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FIRSGROVE ROAD - Brentwood
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**12<sup>th</sup> November 2014**

**Environment Committee**

**Textile Collection**

**Report of:** *Roy Ormsby – Head of Street Scene*

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 At the Environment Committee on 16<sup>th</sup> September 2014 it was resolved that the Council will inform all charity shops of the collection scheme to be introduced, and seek their views before the final implementation of the scheme.
- 1.2 Officers have now visited the following shops, and their feedback is noted in Appendix A of the report:
  - Saint Francis Hospice
  - Cancer Research
  - Sue Ryder
  - British Heart Foundation
  - Save the Children
  - Barnardo's
- 1.3 It was evident from the discussions with the charity shops that they are opposed to the introduction of a free collection by the Council. However, they provided no evidence that this has impacted their shops in other areas of the Country, where Council's currently provide a household collection.
- 1.4 Other Essex Council's were also contacted, which included; Uttlesford, Castle Point and Rochford, all of whom have run a service for a number of years through Essex Textiles with no adverse impact on charity shops. Both Southend and Colchester also provide a service, either through their contractor or through a single charity.

## **2. Recommendation(s)**

**2.1 Agree that the Council introduces a monthly Kerbside collection service through Essex Textiles for a trial period of 12 months.**

**2.2 Agree that Officers work with local charity shops to enhance income through recycling credits.**

**2.3 Agree that the results of the trial are reported back to the Environment Committee in order to approve the long term strategy for textile recycling.**

## **3. Introduction and Background**

3.1 At the Environment Committee on 16<sup>th</sup> September 2014 it was resolved that the Council will inform all charity shops of the collection scheme to be introduced, and seek their views before the final implementation of the scheme.

3.2 Officer's have now visited a number of shops on the High Street and sought the views of the Managers, who were negative towards a kerbside collection scheme being introduced by the Council.

3.3 However, the shops provided no tangible evidence that the service would impact on their charity, but it was their perception that it may have an adverse impact on income, as local people would not make the effort to bring their textiles to the shops.

3.4 There is anecdotal evidence from other Council's that provide a Kerbside service, that it has no impact on local charity shops, and that working with the shops can enhance their income through recycling credits. This is outlined in page 54-55 of this agenda. There is also evidence from waste analysis surveys carried out by the Essex County Council that approximately 400 tonnes of textiles are sent to landfill each year through residual waste collected at the kerbside.

3.5 The Council currently have 6 Bring Sites for textiles, which average 28 tonne per annum. The British Heart Foundation also provides textile sites, and collects an average of 37 tonne per annum. They also enhance their income as they provide weighbridge tickets to the Council, and have a share of the recycling credit, which is currently £60.69 per tonne.

- 3.6 The impact of introducing a kerbside local collection on charity shops is unknown, but evidence from other Authorities suggests that there is no impact.
- 3.7 There is however, an opportunity to work with the charity shops to enhance their income by providing weighbridge tickets which can then be used to claim recycling credits, and go towards the Borough's recycling rate. Officers will have further discussions with the charity shops and identify more opportunities for recycling, and monitor any impact the Kerbside collection may have.

#### **4. Issue, Options and Analysis of Options**

- 4.1 This scheme would provide an enhanced service for our residents, and an opportunity to work with charity shops to enhance their income through recycling credits.

#### **5. Reasons for Recommendation**

- 5.1 To provide an enhanced service for our residents, and reduce the amount of waste sent to landfill.

#### **6. Consultation**

- 6.1 The results of the consultation are contained in Appendix A of the report.

#### **7. References to Corporate Plan**

- 7.1 Partnership working is a key part of the Corporate Plan, as is increasing recycling and reducing the amount of waste sent to landfill.

#### **8. Implications**

##### **Financial Implications**

**Name & Title: Jo-Anne Ireland, Acting Chief Executive**

**Tel & Email : 01277 312741/ jo-anne.ireland@brentwood.gov.uk**

- 8.1 There are no direct financial implications at this stage – but these will be fully evaluated as part of the options appraisal process.

##### **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk**

8.2 None.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 None

**9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.1 None

**10. Appendices to this report**

Appendix A - Consultation with local charity shops.

**Report Author Contact Details:**

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**Telephone:** 01277 312554  
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TEXTILE WASTE REPORT – Textile Waste Contract

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## TEXTILE WASTE REPORT – Textile Waste Contract

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### 1.0 EXECUTIVE SUMMARY

At the Environment Committee on 7<sup>th</sup> June 2014, it was resolved:

2.2 *That the Council will inform all charity shops of the collection scheme to be introduced and seek their views before the final implementation of the scheme.*

- 1.2 Discussions were held with a number of charity shop managers, in order to seek their feedback on the proposed collection scheme. Generally there was negative feedback received, though there is no empirical evidence that can be drawn upon to substantiate such feedback.
- 1.3 Information from neighbouring local authorities indicates that textile collections are in a state of flux, with tonnages reducing on a ‘year on year’ basis.
- 1.4 As an alternative option to the kerbside collection scheme, it’s suggested that the scheme of paying charity shops a recycling credit is extended. This will contribute to BBCs recycling rate.

### 2.0 CHARITY SHOPS

- 2.1 The following charity shops were approached in order to seek their views on the proposed kerbside textile collection service:
- 2.2 Saint Francis Hospice, 37 High Street, Brentwood – Manager: Ms S.Smith
- 2.2.1 Ms S.Smith was visited on the 13<sup>th</sup> October 2014. Ms S.Smith referred to a Brentwood Gazette article – 13<sup>th</sup> August 2014 – which articulated the concerns of charity shops in the area. Concerning the Saint Francis Hospice shop, the Assistant Manager was quoted as stating, ” it will affect us, because when we recycle stuff it brings money to the charity. I think it is wrong because, obviously, we have been doing this for a while.”
- 2.2.2 It was explained that a recent waste composition analysis undertaken for the Essex Waste Partnership identified that an approximate 400 tonnes of textiles were sent to landfill annually. It’s assumed that these textiles are low grade – rag quality. Ms S.Smith advised

## TEXTILE WASTE REPORT – Textile Waste Contract

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that they collect all grades of textiles as, for example, the company they use for collection pays on a weekly basis £250 to £350 for the rag they collect.

2.2.3 Ms S.Smith also advised that textiles are also sent to their Ilford shop, where they are sold at a lower rate than Brentwood.

2.2.4 Ms S.Smith stated that she anticipated a reduction in their donations, should the scheme be introduced, as people will opt for the more convenient method of disposing of their waste. This is despite good access to the Saint Francis Hospice shop from the front or the rear.

2.2.5 Ms S.Smith was unaware of any case studies concerning this issue; she did add that members of the public visiting the shop had been enquiring as to the proposed collection by the Council.

2.2.6 It was suggested as a goodwill gesture to ameliorate the impact of the initiative, whether a payment from the income that the Council will earn would be of interest? Further should the textile kerbside collection be suspended for the moment, would the Saint Francis Hospice be interested in receiving a recycling credit, on the basis a weighbridge certificate or Weighbridge Transfer Note with pertinent information is provided as evidence. Ms S.Smith responded positively to both suggestions.

2.3 Cancer Research, 87 High Street, Brentwood – Manager: Ms C.Arias

2.3.1 Ms C.Arias was visited on the 14<sup>th</sup> October 2014. Ms C.Arias was quoted in the Brentwood Gazette as saying, “ It is something good for the Council but it is going to affect our donations. It is going to mean fewer donations but it is the Council’s idea and whatever I say I don’t think they are going to listen to much.”

2.3.2 Ms C.Arias was also concerned about the impact on the sales targets she has to reach for the charity. Currently the ‘ragman’ she uses takes any quality of rag, paying 44p/kg; they

## TEXTILE WASTE REPORT – Textile Waste Contract

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usually collect 20 bags weekly, equating to an estimated 160kg ( 8.32 tonnes for the year).

2.3.3 Donations are ‘steady’ at the moment, providing sufficient stock for the shop, however Ms C.Arias is presuming there will be a negative impact on donations should the collection scheme be introduced.

2.3.4 Ms C.Arias stated that she thought it was a good idea for the elderly , or housebound, as she receives calls from residents requesting collections from home.

2.3.5 Ms C.Arias was interested in the concept of benefiting from the income the Council could receive. Regards the payment of a third party recycling credit Ms C.Arias stated that she would be very interested, however she felt that her Head Office would have to be involved.

2.3.6 Ms C.Arias agreed that she was unsure what the impact of the collection scheme would be. She also stated that she was unaware of any case studies within the charity that could substantiate her concerns. Ms C.Arias said she would have to assess the impact after a six month period.

2.4 Sue Ryder, High Street, Brentwood – Manager: Ms C.Long

2.4.1 Ms C.Long stated that it is a good idea, however she is concerned that by making it easy for residents to discard their textiles, particularly the elderly, this will have an adverse impact on donations, whereby those who would normally donate will be ‘tempted to withdraw’ from donating.

2.4.2 Ms C.Long said that it could also impact on the social element of donating, where regular donators would often come in for a chat.

2.4.3 They have a rag collection – 30 to 35 bags per week – however Ms C.Long was unable to say what rate they receive, saying it would be a matter for Head Office.

## TEXTILE WASTE REPORT – Textile Waste Contract

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- 2.4.4 Concerning the possibility of receiving financial credit from the Council, Ms C.Long stated that issue would have to be handled by their Head Office.
- 2.5 British Heart Foundation – National Stock Generation Manager: Ms K O’Donoghue
- 2.5.1 They currently undertake a kerbside collection service in the Borough of Elmbridge; collections are made three times per year. Ms K.O’Donoghue stated that they collect 60 to 65 tonnes per year, which equates to the tonnage that many Authorities collect with a service that operates on a more frequent basis.
- 2.5.2 Ms K.O’Donoghue stated that residents tend to have a pattern to how they donate, whether to a charity shop, clothes bank or kerbside collection service. She was quite emphatic in stating that despite offering a kerbside collection service there was no adverse impact on the donations made to charity shops.
- 2.5.3 The British Heart Foundation shop in Brentwood currently receives a recycling Credit from the Council - £ 44.42/tonne ( BBC receive a credit of £60.69/tonne from ECC). In 2013/14 BHF claimed recycling credit for 35.561 tonnes.
- 2.6 Save the Children, Baytree Centre – Manager : declined to give her name ( company policy)
- 2.6.1 The Manager stated , “Do you want charity shops to close?” The manager is clearly against the introduction of the collection scheme stating that it would have an impact on their donations, which they rely upon heavily as they don’t benefit from additional stock being provided by a central store.
- 2.6.2 The Manager stated that there was a noticeable adverse impact on donations when the people realized the financial benefits of selling their textiles.

## TEXTILE WASTE REPORT – Textile Waste Contract

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- 2.6.3 Concerning the possibility of financial incentives from the Authority, the Manager stated that would have to be handled by the head Office. The shop has a weekly ‘rag’ collection, but the Manager was unable to provide any statistics.
- 2.6.4 The Manager ended the meeting with the comment that she was not happy as the convenience of the proposed service would divert ‘rags’ from the shop.
- 2.7 Barnardo’s, 196 Hutton Road, Brentwood – Head of Recycling : Mr J.Ellis
- 2.7.1 Mr J.Ellis stated there was risk of a reduction in donations; but it was agreed it would be difficult to quantify that risk at the moment.
- 2.7.2 Mr J.Ellis advised that their shop in Brentwood sends off approximately 300kg/month to the rag man. As such the suggestion of receiving a recycling credit would be welcome; though he appreciates it would not be a significant amount.

### **3.0 LOCAL AUTHORITIES**

- 3.1 The Principal Street Scene Officer at Rochford District Council – Ms L.Athey – stated the following, “I don’t believe our collections affected Charity Shops at all. If anything I would say that Charity Shops have impacted our collections, we have seen the tonnage drop away quite significantly in the past couple of years partly due to changing markets, cash for clothes and the increasing presence in the High Street of Charity shops.”
- 3.2 The Operational Services Team Leader from Castle Point Borough Council – Mr T.Read – stated that they have run kerbside collections , in one form or another, for the past 15 years, and to his knowledge they have never had any complaints from charity shops, though the amount they collect is reducing annually:

## TEXTILE WASTE REPORT – Textile Waste Contract

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	<b>Tonnes</b>
<b>2014/15 ( est)</b>	56
<b>2013/14</b>	67
<b>2012/13</b>	69
<b>2011/12</b>	74

Table 1 – Kerbside totals for textiles

3.3 The following comment was made by the Waste & Recycling Officer of Uttlesford District Council in 2012: “we also use Essex Textiles but we have had lots of complaints of missed collections and residents will always call you, even if you tell them to contact Essex Textiles. We also had problems with Essex Textiles not having enough phone lines so the phone number would always be ringing out. We are now terminating our contract because we are collecting through the co-mingled collections.”

3.4 At a recent meeting of the Essex Waste Managers the following minute was recorded concerning textiles:

*The Maldon Officer asked if any of the WCA’s in attendance collected textiles from the kerbside and what revenue they received.*

- § *Rochford – Use Essex Textiles. Tonnages are reducing.*
- § *Colchester – Work with The Salvation Army but tonnages are low.*
- § *Castle Point – same as Rochford*
- § *Southend – work with Cory and have seen a drop in tonnages.*

*The general consensus was that kerbside textiles was not very successful. Textiles often get stolen and that now was probably not a good time to introduce such a scheme.*

## TEXTILE WASTE REPORT – Textile Waste Contract

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### 4.0 BRING SITES

4.1 BBC currently have six textile banks located within the Borough, which are maintained by L.M.Barry. Tonnages have been dropping off significantly over the years:

	<b>Tonnes</b>
<b>2014/15 ( est)</b>	27
<b>2013/14</b>	29

Table 2

4.2 British Heart Foundation are in receipt of recycling credits from BBC for the textiles they despatch for recycling. The tonnages they collect are significantly higher than BBCs bring site tonnages:

	<b>Tonnes</b>
<b>2014/15 ( est)</b>	38
<b>2013/14</b>	36

Table 3



**12<sup>th</sup> November 2014**

**Environment Committee**

**Fees and Charges**

**Report of:** *Roy Ormsby, Head of Streetscene*

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 Fees and charges made by the Council for various services are reviewed on an annual basis by the relevant Committees relating to the services provided.
- 1.2 Recommended amendments to the fees and charges are incorporated into the budget setting process to take effect from the following financial year.

## **2. Recommendation**

- 2.1 Members agree to freeze the proposed Fees and Charges at 2014/15 levels as outlined within the report, which will then be incorporated within the 2015/16 Budget.**
- 2.2 That a further report be presented to this Committee providing details of the outcome of the planned review of the current charging policies, which will then inform the 2016/17 charging levels.**

## **3. Introduction and Background**

- 3.1 The Council has a number of fees and charges relating to the services it provides. As part of the budget setting process, these charges are reviewed on an annual basis. Whilst some of the fees and charges are statutory, and therefore determined through legislation, the Council must also review its charges for discretionary services to ensure they reflect the current costs of service provision.

- 3.2 The individual charges that are being proposed are set out in Appendix A to this report.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Following consideration of the methods of calculating fees and charges it has been decided that a full review of the Council's charging policies should be undertaken.
- 4.2 Until this review has been carried out, the outcome of which can inform the 2016/17 budget setting process, it is recommended to keep fees and charges at the 2014/15 level.

#### **5. Reasons for Recommendation**

- 5.1 Recommendation is to freeze the charges at 2014/15 levels for 2015/16 pending a full project review of all discretionary fees and charges in order that the outcome of the review can inform the 2016/17 budget setting process.

#### **6. Consultation**

- 6.1 Not applicable

#### **7. References to Corporate Plan**

- 7.1 A Modern Council – providing increased customer satisfaction in the quality of Council services
- 7.2 Costs of services provided based on efficient systems providing value for money to customers.

#### **8. Implications**

##### **Financial Implications**

**Name & Title: Jo-Anne Ireland, Acting Chief Executive**

**Tel & Email: 01277 312712 / jo-anne.ireland@brentwood.gov.uk**

- 8.1 Historically, the Council has increased fees and charges in line with inflation (currently projected at 2% per annum). This is to reflect that the costs of running the service will rise by approx 2%, and therefore we try and maintain fees and charges at the same level. There is therefore a risk that there will be an implicit cost to a freeze since it will not keep pace with the inflationary cost increases, however this cannot be quantified or

confirmed until such time as the review of the current charging policies has been undertaken.

**Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk**

- 8.1 Publishing the Council's fees and charges as well as providing transparency satisfies legal process.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.2 Costs are applied inclusively to all sectors of the community

- 9. **Background Papers** (include their location and identify whether any are exempt or protected by copyright)

- 9.1 None.

**10. Appendices to this report**

Appendix A - Schedule of Fees and Charges

**Report Author Contact Details:**

**Name:** Roy Ormsby, Head of Streetscene

**Telephone:** 01277 312554

**E-mail:** roy.ormsby@brentwood.gov.uk

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## Appendix A

	2014/2015	2015/2016
<b>Season Booking:</b>		
<b>Adults</b>		
Use of pitch & pavilion one day per fortnight – Sunday/Bank Holidays	930.70	930.70
Use of pitch & pavilion one per fortnight – Other days	909.18	909.18
Use of pitch & pavilion one day per week – Sunday/Bank Holiday	1,860.38	1,860.38
Use of pitch & pavilion one day per week – Other days	1,816.30	1,816.30
<b>Juniors</b>		
Use of pitch & pavilion one per fortnight	322.88	322.88
Use of pitch & pavilion one per fortnight	644.73	644.73
<b>Occasional Matches</b>		
Adults	91.23	91.23
Junior Teams (under 17 years of age)	56.38	56.38
<b>Other Playing Fields with Limited or No Changing Facilities</b>		
<b>Season Bookings</b>		
<b>Adults</b>		
Use of pitch one day per fortnight – Sunday/Bank Holidays	589.38	589.38
Use of pitch one day per fortnight – Other days	589.38	589.38
Use of pitch one day per week– Sunday/Bank Holidays	1,176.70	1,176.70
Use of pitch one day per week– Other days	1,176.70	1,176.70
<b>Juniors</b>		
Use of pitch one day per fortnight	322.88	322.88
Use of pitch one day per week	644.73	644.73
<b>Occasional Matches</b>		
Adults	56.38	56.38
Junior Teams (under 17 years of age)	33.83	33.83

<b>Mini Soccer (No changing)</b>		
Season booking every week	340.30	340.30
Occasional	28.70	28.70
<b>Baseball</b>		
Season Booking	1,046.53	1,046.53
<b>Bowls</b>		
Rink Ticket – per person per 1 ½ hour session	7.18	7.18
Rink Ticket - Juniors and OAP per person per 1½ hour session	4.61	4.61
Season Ticket - per person per season	140.43	140.43
Season Ticket – Juniors & OAPs per person per season	88.15	88.15
Rink booking fee – per rink (available up to 7 days in advance non returnable)	2.05	2.05
<b>Club Charges (Residents Clubs Only)</b>		
Match Reservation + per rink (inclusive of visitor fees non returnable)	4.10	4.10
Other Reservations (not inclusive of visitors fees non returnable)	2.05	2.05
<b>Hackney Carriage and Private Hire vehicle Inspections</b>		
Full vehicle inspection	47.00	47.00
1 <sup>st</sup> Re-inspection	12.00	12.00
2 <sup>nd</sup> and subsequent re-inspections	47.00	47.00
Trailer inspection (non braked)	15.00	15.00
Trailer inspection (braked)	23.00	23.00
<b>Fixed Penalty Notices</b>		
Dog Fouling (Dog Fouling of Land Act)	47.00	47.00
Early Payment	50.00	50.00
Littering	80.00	80.00
Early Payment	50.00	50.00

<b>Commercial Waste Carriers</b>		
Failure to produce Waste Transfer Notes	300.00	300.00
Early payment	180.00	180.00
Failure to produce Waste Carriers' Licence	300.00	300.00
Early Payment	75.00	75.00

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**12 November 2014**

**Environment Committee**

**Protocol For Managing Unauthorised Encampments**

**Report of:** *David Carter, Borough Health Safety and Localism*

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 This report provides a protocol which outlines Brentwood Borough Council's approach to dealing with unauthorised encampments on land within the Borough, where persons trespass onto land (public or private) not owned by themselves with an intention to reside on a temporary or permanent basis.
- 1.2 The protocol details the powers and actions available to the Council and will inform decisions on appropriate enforcement.
- 1.3 The Council will consider its use of powers to deal with unauthorised encampments within the Borough in a proportionate way, which will recognise the rights of minority groups but will also seek to protect the interests and amenity of residents and provide a transparent outline of the powers and actions that the Council will consider in such cases

## **2. Recommendation(s)**

- 2.1 Approve and adopt the Protocol as set out in Appendix A and B to the report.**
- 2.2 Agree to continue to work in liaison with Essex Police, Parish Councils, other land owners and stakeholders to ensure an effective response to unauthorised encampments in the Borough, aiming to minimise the impact on residents, the use of public and private land and environmental damage.**

### **3. Introduction and Background**

- 3.1 Brentwood Borough, in common with other areas of Essex and the country has several unauthorised encampments each year, often on Council owned land. Dealing with these encampments involves expense including legal and court fees, officer time and costs to remove waste and improve site security, together with impacts on the amenity of residents and effects on the use of the site whilst the encampment is present.
- 3.2 The number and size of unauthorised encampments in the Borough is relatively small when compared to the rest of Essex. There are approximately 5 unauthorised encampments each year, which is less than most of the other authorities, with the exception of Maldon, Castle Point and Rochford.
- 3.3 Police protocols on the use of their power to issue a direction to occupiers to leave land have been updated recently (see Appendix A of the Protocol). They are more prescriptive and selective in the criteria that have to be met, which has resulted in a reduction in the use of Essex Police powers to direct occupiers to leave land.
- 3.4 The Council will always liaise with the Police who do have more immediate powers available if the circumstances are correct and where they choose to exercise them.
- 3.5 It is however more likely, particularly in cases where unauthorised encampments are on Council land, that direct legal action will need to be taken by the Council to deal with the encampment.
- 3.6 The Council is investigating the establishment of a transit site (or sites) within the Borough. These sites could provide short term accommodation for a small number of vehicles. The Police have power under the Criminal Justice & Public Order Act to direct an unauthorised encampment from occupied land to that site.
- 3.7 All unlawful unauthorised encampments will be treated fairly, respectfully and openly in accordance with the Council's duties, 'values and behaviours' and protocol procedures.
- 3.8 The protocol attached at Appendix A outlines the powers and actions available to the Council in the event of an unauthorised encampment in the Borough.

- 3.9 The powers available to the Council in enforcement against unauthorised encampments are set out in legislation which will result in unavoidable time constraints as a result of the legal process which need to be taken into account when determining our response and will impact the use of land whilst the actions are being taken.
- 3.10 The principal actions which the Council can take are contained within the Criminal Justice and Public Order Act 1994 (s. 77 power of local authority to direct unauthorised campers to leave land) and the Civil Procedures Rules 1998 Part 55 (possession claim for recovery of possession of land).
- 3.11 The use of either of these powers requires service of documents giving a period of notice to the occupiers of the land; as a result of these processes and having regard to the availability of Court hearings to decide on each case it is likely that the time from occupation of the site to the Court decision will take up to a week.
- 3.12 If the case is successfully defended or if bailiffs are needed to enforce the Court Orders to remove the encampment there will be additional time required, although in most cases sites have been vacated following Court action. The legal process is outside the Council's control and will be dependent on the availability of Court hearing dates and Bailiffs.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Options available to the Council are to consider the effective and efficient use of powers available in dealing with unauthorised encampments, whilst ensuring that legal requirements set out in the Human Rights Act 1998 and Equality Act 2010 as well as the Council's 'values and behaviours' are met.
- 4.2 Following an assessment of the site, officers will determine the most appropriate action, which will need to be determined on a case-by-case basis. This will be an operational decision dependent on the circumstances of each case, having liaised with the Legal team, senior officers and Members and taking into consideration any welfare issues which have been identified as a result of discussions with the site occupiers.
- 4.3 If Police decide to issue a direction for the occupiers to leave the land this will reduce the impact of the encampment on the land with minimal delay.

4.4 In most cases where the Council takes action a possession order claim under Part 55 may be the most cost-effective and expedient procedure, however use of the Criminal Justice and Public Order Act provisions will also be considered when:

- Land is not owned by the Council (action can be taken on any land),  
or
- Access to the Courts is not possible in order to seek a hearing date,  
e.g. over weekends and/or public holidays.

4.5 Where an unauthorised encampment occurs on land that is not owned or managed by the Council, we will liaise with the landowner where possible to provide advice and offer assistance. The Council is able to assist certain public bodies including Parish Councils and also local charitable organisations in taking action on their behalf however we are unable to provide legal assistance to private landowners.

4.6 Current Council policy has provided assistance to Parish Councils in dealing with unauthorised encampments on land that they own or manage at no cost to the Parish. This has included legal assistance, Court costs, site visits, issue of documents and clearance of waste from sites. This assistance could also be extended to charitable trusts with land within the Borough at no cost.

4.7 The value of legal assistance provided to Parish Councils is dependent on the type of action undertaken and Court costs, but is approximately £1250 (including officer time) to obtain an order on Parish Council land. In recent years this has only been necessary on three sites within Mountnessing, Doddinghurst, Herongate and Parish Council areas. The average costs to clean and remove waste from encampment sites is approximately £1000

## **5. Reasons for Recommendation**

5.1 In order to improve transparency, effectiveness and expectations of the Council's approach to dealing with all unauthorised encampments in the Borough.

## **6. References to Corporate Plan**

### 6.1 Street Scene & Environment

6.2 We will seek to control the occurrence of unauthorised encampments in the Borough which affect the amenity and use of land in the Borough resulting in impact on the local community and to take efficient action to deal with unauthorised encampments working with our partners.

## **7. Implications**

### **Financial Implications**

**Name & Title: Jo-Anne Ireland, Acting Chief Executive**

**Tel & Email 01277 312712 / jo-anne.ireland@brentwood.gov.uk**

7.1 Financial implications include the costs of legal actions undertaken to deal with unauthorised encampments, costs of officers and equipment to carry out actions, attend Court hearings, remove waste from land, reinstate and protect sites from unauthorised encampments and to recover costs where possible. To date, the Council has been able to contain any such costs within existing budgets.

### **Legal Implications**

**Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services**

**Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk**

7.2 The legal implications are included with the report.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

7.3 Asset Management, Equality and Diversity, Crime & Disorder

7.4 Asset Management – the report and protocol seeks to reduce the number, length of occupation and impact of unauthorised encampments on Council land in order to protect its assets.

7.5 Equality and Diversity – all occupiers will be treated with respect and in accordance with Human Rights legislation.

**8. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

8.1 Department for Communities and Local Government; Dealing with illegal and unauthorised encampments; a summary of available powers August 2013 Crown copyright

8.2 Essex Police Procedure D 0706 – Unauthorised Encampments

## **9. Appendices to this report**

Appendix A - Protocol for Unauthorised Encampments

Appendix B - Protocol flowchart

### **Report Author Contact Details:**

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# **Protocol for Managing Unauthorised Encampments**

## **1. Introduction**

1.1 This Protocol outlines Brentwood Borough Council's approach to dealing with unauthorised encampments which occur on public or private land within the Borough. An unauthorised encampment occurs where persons move onto land which they do not own or have permission to enter with an intention to reside either on a temporary or permanent basis and includes camping in tents, caravans and other moveable accommodation or vehicles.

## **2. Principles**

2.1 The Council has adopted a coordinated partnership approach to managing unauthorised encampments which is based on the following:

- The protocol is commenced immediately when an unauthorised encampment is identified or reported and this is co-ordinated by Environmental Health or Planning in conjunction with Legal Services, reporting to the Head of Paid Service (Chief Executive), Gold Command and Lead Members.
- All illegal unauthorised encampments will be treated fairly and openly in accordance with our duties and protocol procedures regardless of who the groups or individuals illegally encamping are.
- From the powers available to us, we will work with the Police to determine and utilise the quickest and most appropriate method of dealing with any illegal unauthorised encampments. This will be determined by the nature and conditions of each case.
- The Council will always liaise with the Police who do have more immediate powers available if the circumstances are correct and where they choose to exercise them.
- The Council is duty bound to undertake a welfare check, this will be undertaken as part of a site visit assessment.
- This protocol will be carried out in accordance/compliance with the public authority duties and legal requirements set out in the Human Rights Act 1998 and Equality Act 2010
- Liaison with the Essex Countywide Traveller Unit (ECTU) will automatically take place as and where appropriate.
- The legal process is outside the Council's control and is dependent on the availability of Court dates and Bailiffs where appropriate.
- The Council will consider other potential sites that the occupiers may move to or be directed to, any security/property concerns, plans for future cleanup and security of the site once the site has been vacated.
- Communication will take place with key officers (including the Head of Paid Service (Chief Executive), Head of Legal Services, Gold Command, Heads of Borough Health, Safety and Localism and Head of Planning), the Lead Members for all parties, Ward Councillors for the area where the



encampment has occurred and through our Communications team to Press, Media and local residents.

- Gypsies and Travellers are protected by the law from racial discrimination.
- The Borough accepts that the Gypsies and Travellers community have their own needs; however it will adopt a robust approach to managing unauthorised encampments.

### 3. Protocol process

- 3.1 The flowchart shown on p.5 will be used to form the main procedure for dealing with unauthorised encampments. There are a number of possible actions and powers available (see Appendix 1 for a summary); in each case the most appropriate method will be determined depending on the circumstances, including the site location, ownership of the land and other factors.
- 3.2 Due to practicalities including the availability of the Magistrates' Court office out of hours it will generally be preferred to initiate a s.77 Direction, particularly if an encampment occurs outside normal business hours, (e.g. at weekends or Bank Holidays) as the issue of a direction can be undertaken (following welfare assessments) without Court access.
- 3.3 As a result of the legal processes involved and the time that the encampment occurs there will be different timescales but the following indicate the likely minimum times for action taken by the Council:

<b>s.77 Direction to leave land</b>	<b>Day</b>	<b>Part 55 Possession Order</b>	<b>Day</b>
Initial site visit	1	Initial site visit	1
Issue of direction to leave (24hrs)	1	Prepare court documents	1
Expiry – occupiers still on land	2	Attend Court – get hearing date	1-2
Apply to Court for hearing (24 hrs after expiry of direction)	3	Serve summons on site (min. 2 days before hearing)	1-2
Magistrate's Court hearing	4-5	County Court hearing	4-5

NB Weekends will extend the times shown above due to Court closures

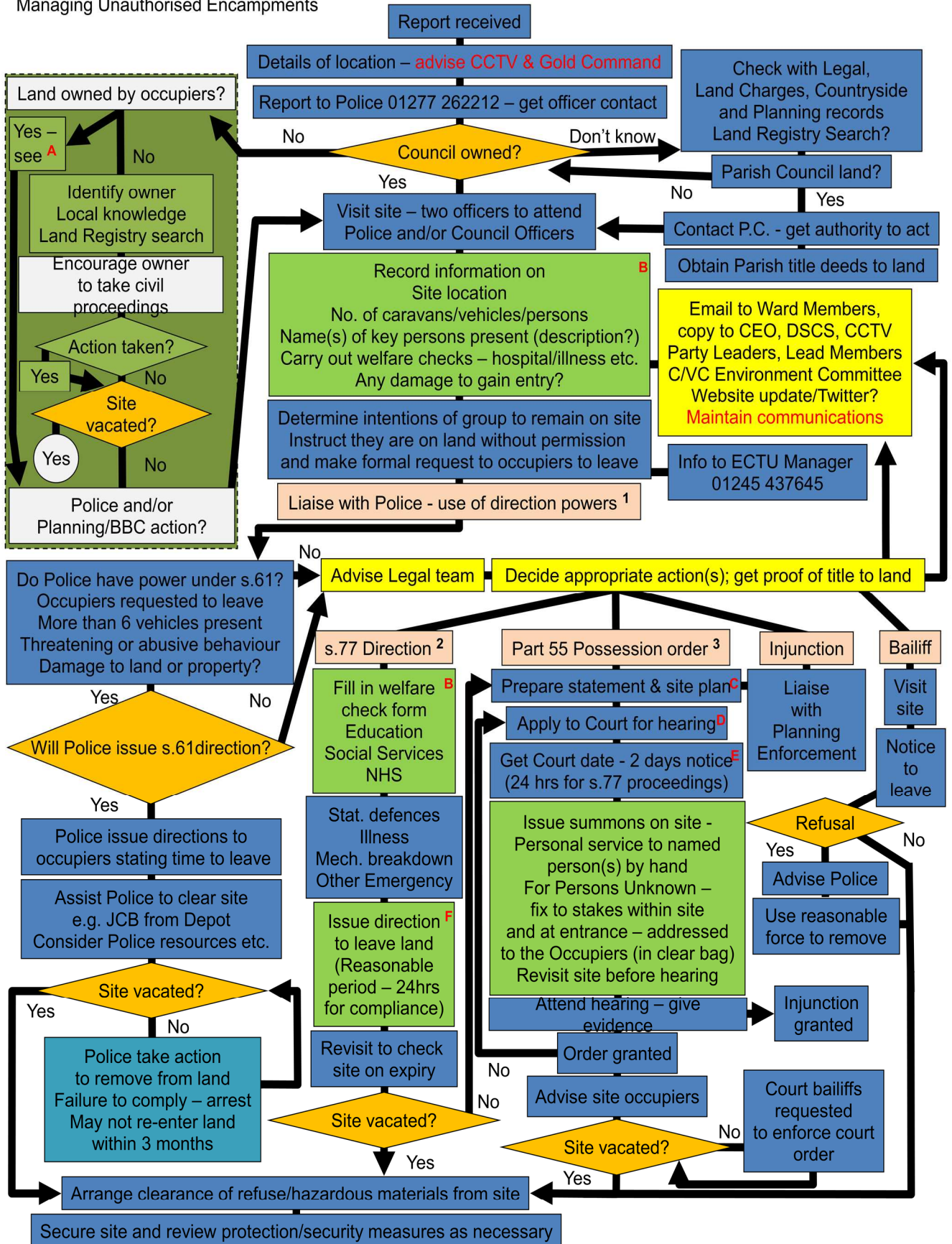
- 3.4 Following the Court hearing if the site has not been vacated it may be necessary to apply to the Court Bailiffs to enforce the order against the occupiers although this is rare. It is likely that this could take a further 1-2 weeks dependent on the Bailiffs availability.

### 4. Communications

- 4.1 Communications will be maintained with all appropriate parties throughout the unauthorised encampment. The Council's Gold Command will be involved with key communications with the Police, Members, Press and public together with officers dealing with the encampment.
- 4.2 Information relating to the details of the actions being taken should be advised to the following:

- Head of Paid Service (Chief Executive)
- Monitoring Officer and Directors
- Gold Command
- Communications officers
- Lead Members of all parties
- Ward Members for the area of the encampment
- Council website
- Legal Services

Managing Unauthorised Encampments



1 s.61 Criminal Justice and Public Order Act 1994  
 2 S.77 Criminal Justice and Public Order Act 1994  
 3 Civil Procedure Rules 1998 Part 55

A - Guidance note: Gypsies & Travellers on land they own  
 B - Travellers Welfare Questionnaire  
 C - Statement of Witness  
 D - Particulars of Claim for Possession & Defence Form  
 E - Claim Form for Possession  
 F - s.77 Notice of Direction to Leave Land

**Appendix 1 – Summary of powers available to Local Authorities and the Police to deal with unauthorised encampments**  
 (Reproduced from Dealing with illegal and unauthorised encampments - A summary of available powers Department for Communities & Local Government August 2013)

Local Authority Powers	
Power	When can the power be applied?
<b>Temporary Stop Notice</b>	<p><b>Section 171E of the Town and Country Planning Act 1990</b> stops any activity that breaches planning control for a period of 28 days. This allows the local planning authority time to decide whether further enforcement action, such as issuing an enforcement notice, possibly with a stop notice, should be taken. Penalty for non-compliance is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment (<b>section 171G</b>).</p> <p>A temporary stop notice differs from a stop notice (see below) in that it does not have to wait for an enforcement notice to be issued and the effect of the temporary stop notice is immediate.</p> <p>The Town and Country Planning (Temporary Stop Notice) (England) Regulations 2005 were revoked on 4 May 2013. The revocation removes a previous restriction on the use of Temporary Stop Notices; this allows Local Planning Authorities to decide if enforcement action against a caravan, used as a main residence, is necessary and proportionate in the circumstances.</p>
<b>Injunctions to protect land from unauthorised encampments</b>	<p>If a local site is particularly vulnerable and intelligence suggests it is going to be targeted for unauthorised camping, causing disruption to others going about their day-to-day lives, local authorities could consider applying to the courts for a pre-emptive injunction preventing unauthorised camping (and/or protests) in a defined geographical area.</p> <p>The local authority will be required to point to an underlying claim on which the injunction application is based. The following are examples of possible bases:</p> <ol style="list-style-type: none"> <li>1. the relief from trespass or public nuisance;</li> <li>2. the prevention of obstruction of the highway (see "Public Highway" section);</li> <li>3. the prevention of a breach of planning control (<b>section 187B, Town and Country Planning Act 1990</b>); and</li> <li>4. the prevention of environmental damage.</li> </ol>
<b>Licensing of caravan sites</b>	<p><b>The Caravan and Control of Development Act 1960</b> prohibits the use of land as a caravan site unless the occupier holds a site licence issued by the local authority. A caravan site includes anywhere a caravan (including mobile or 'park' home) is situated and occupied for human habitation including touring sites and single sites. However, it does not include sites where caravans are kept for storage only (driveways, retailers, storage parks) or where a caravan is used as additional accommodation for an existing dwelling. Violation of licensing terms brings a £100 fine for a first offence, and a £250 fine for any subsequent offence.</p>

<p><b>Tent site licence</b></p>	<p><b>Section 269 of the Public Health Act 1936</b> gives the local authority powers to control the use of movable dwellings and to license the use of land as a site for such as a dwelling. If the land is to be used for more than 28 days in total in any calendar year, planning permission must be obtained. A site which is used for more than 42 days consecutively or 60 days in total in any consecutive 12 months, must have a site licence for the area concerned. The local authority may also decide to license tented areas on existing sites which operate within the 28 day planning allowance period. Violation of licensing terms brings a £2 fine per day.</p>
<p><b>Possession Orders</b></p>	<p>A possession order under <b>Part 55 of the Civil Procedure Rules</b> can be obtained by both local authorities and private landowners who require the removal of trespassers from property including land. The claim must be issued in a County Court which has jurisdiction over the affected land/property. A claim can be issued in the High Court in exceptional circumstances where there is a risk of public disturbance and harm to persons or property that requires immediate determination. Local authorities should also be prepared to advise private landowners about their rights to recover land from trespassers through the courts or using common law powers. It is also possible that local authorities may be called upon to assist other Government bodies such as the Highways Agency.</p> <p>The “ordinary” possession order may be used regardless of whether the property is a building or open land, and regardless of the type of squatter or trespasser. The landlord may combine the application for the possession order with suing the squatter for damages and/or an occupation rent for the period of squatting as well as the court fees. A possession order may be secured quickly against trespassers (a minimum of 2 days’ notice before a hearing can take place if the property is non-residential, or 5 days for residential property), but not as quickly as an interim possession order, and is not backed up by criminal sanctions, unlike the interim possession order (see below).</p>

<p><b>Interim Possession Order</b></p>	<p>If trespassers have occupied premises (rather than open land), a local authority or private landowner could also consider applying (under <b>Section III of Civil Procedure Rules Part 55</b>) for an interim possession order, an accelerated process for regaining possession of property. Once the court has granted such an order and it has been served, trespassers who fail to leave within 24 hours of service of the order or return to the premises within the currency of the order are guilty of an offence under <b>section 76 of the Criminal Justice and Public Order Act 1994</b>.</p> <p>The interim possession order has the obvious advantages of speed and being backed up by the criminal law. It is, however, not a final order, and there is a return date at which the court will decide whether to make the order final. If the court decides that the interim order was not justified, the landlord may have to pay damages. The interim possession order is also more restricted in that it may only be used where the property is or includes a building, not open land, and may not be used where the landlord also wishes to claim damages and/or an occupation rent.</p>
<p><b>Local Byelaws</b></p>	<p><b>Section 235 of the Local Government Act 1972</b> enables the local district council or London borough council to make byelaws for the good rule and governance of the whole or any part of the district or borough and for the suppression and prevention of nuisances. Such byelaws include noise in streets and other public places, urinating in a public place etc.</p> <p><b>Section 150 (2) of the Police Reform and Social Responsibility Act 2011</b> enables local authorities to attach powers of seizure and retention of any property (which could include tents and sleeping equipment) in connection with any breach of a byelaw made under <b>section 235</b> and enables the courts to order forfeiture of any such property on conviction for contravention of any byelaw. Local authorities could use this byelaw as a pre-emptive tool to prohibit encampments, if the local authority considers it has an area at risk of encampment protest. This will save having to go through costly injunctions after any encampments have been set up. Local authorities should consider this option as part of their local risk assessment and mitigation plan; as such a byelaw would still be required to go through the normal processes for amending or introducing new byelaws. Westminster City Council has already introduced such a byelaw, which came into force for a specified area around Parliament Square on 30 March 2012.</p>
<p><b>Power of local authority to direct unauthorised campers to leave land</b></p>	<p>Where people are residing in vehicles (including caravans) on land the <b>section 77 of the Criminal Justice and Public Order Act 1994</b> gives local authorities in England and Wales power to give a direction to leave the land. The power applies only to land forming part of a highway, any other unoccupied land or occupied land on which people are residing without the consent of the occupier.</p> <p>It is an offence to fail to comply with such a direction. If the direction is not complied with, the local authority can apply to a magistrates' court for an order requiring the removal of vehicles</p>

	<p>and any occupants from the land (section 78). Responsibility for eviction lies with the local authority. Officers or agents of the local authority may use reasonable force to evict. It is usually recommended that the police attend such evictions in order to prevent a breach of the peace. Please note this power does not apply to other campers i.e. those sleeping under canvas.</p>
<p><b>Planning contravention notice</b></p>	<p>Section 171C of the Town and Country Planning Act 1990 provides the power to serve a planning contravention notice. This may be used where it appears that there may have been a breach of planning control and the local planning authority require information about the activities on the land or to find out more about the nature of the recipient's interest in the land. A notice can therefore be used to invite its recipient to respond constructively to the local planning authority about how any suspected breach of planning control may be satisfactorily remedied.</p> <p>These notices enable local planning authorities to take action quickly following complaints and may be sufficient to reach a solution to the problem without taking any further formal action. Penalty for non-compliance is a maximum £1,000 on summary conviction (section 171D). A second conviction for continuing non-compliance can be penalised by a daily fine. A false or misleading response to a planning contravention notice (either deliberately or recklessly) is subject to a maximum fine of £5,000.</p>
<p><b>Enforcement Notice and Retrospective Planning</b></p>	<p>Section 172 of the Town and Country Planning Act 1990 is the power to issue an enforcement notice, requiring steps to be taken to remedy the breach of planning control within a given period. The steps can include demolition and restoration of a site or alterations to a building. There is a right of appeal to the Secretary of State against an enforcement notice (section 174). If the notice is upheld, the penalty for failure to comply is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment (section 179).</p> <p>An enforcement notice should be written in plain English and should enable every person who receives a copy to know – exactly what, in the local planning authority's view, constitutes the breach of planning control; and what steps the local planning authority require to be taken, or what activities are required to cease to remedy the breach.</p> <p>If an enforcement notice has been issued, the local planning authority may decline to determine a retrospective planning application for development that would grant planning permission for any of the matters specified in the enforcement notice (section 70C of the Town and Country Planning Act 1990 as inserted by section 123 of the Localism Act 2011).</p>
<p><b>Stop Notice</b></p>	<p>Section 183 of the Town and Country Planning Act 1990 This has the effect of quickly stopping any activity which contravenes planning control guidelines and where there are special reasons which justify doing this: for example to prevent further environmental damage or to stop the construction of an unauthorised building. A stop notice may only be served with or after an enforcement notice relating to the same activity.</p>

	Penalty for non-compliance is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment ( <b>section 187</b> ).
<b>Breach of Condition Notice</b>	<b>Section 187A of the Town and Country Planning Act 1990</b> enables a breach of condition noticed to be served where there is a failure to comply with any condition or limitation imposed on a grant of planning permission. Penalty for non-compliance is a fine of up to £2,500 on summary conviction.
<b>Powers of entry onto land</b>	<b>Sections 196A, 196B and 196C of the Town and Country Planning Act 1990</b> provides powers of entry for authorised officers of the local planning authority for them to obtain information required for enforcement purposes. This may be without a warrant at any reasonable hour (with 24 hours' notice for a dwelling house), or with a warrant if access has been or is expected to be refused, or it is an emergency. Wilful obstruction of an authorised person is an offence: penalty is a fine of up to £1,000 on summary conviction.



<b>Police Powers</b>	
<b>Power</b>	<b>When can the power be applied?</b>
<b>Power of the Police to direct unauthorised campers to leave land</b>	<p>Should trespassers refuse to adhere to a request to leave the land, <b>sections 61- 62 of Criminal Justice and Public Order Act 1994</b> gives the police discretionary powers to direct trespassers to leave and remove any property or vehicles they have with them. The power applies where the senior police officer reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and any of the following:</p> <ol style="list-style-type: none"> <li>1. that any of the trespassers have caused damage to land or property;</li> <li>2. that any of the trespassers have used threatening, abusive or insulting words or behaviour towards the occupier, a member of the occupier's family or an employee or agent of the occupier; or</li> <li>3. that the trespassers have between them six or more vehicles on the land.</li> </ol> <p>Failure to comply with the direction by leaving the land as soon as reasonably practicable is an offence. Similarly it is an offence for a trespasser who has left the land in compliance with an order to re-enter it as a trespasser within three months of the direction being given.</p>
<b>Police Powers to direct trespassers to an alternative site</b>	<p>Police have powers under <b>sections 62 A-E of Criminal Justice and Public Order Act 1994</b> to direct both trespassers and travellers to leave land and remove any vehicle and property from the land where there is a suitable pitch available on a caravan site elsewhere in the local authority area.</p>
<b>Offence of squatting in a residential building</b>	<p>The offence of squatting in a residential building, which comes into force on 1 September 2012, was created by section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The offence will be committed where a person is in any residential building as a trespasser, having entered as a trespasser, knows or ought to know he or she is a trespasser, and is living in the building or intends to live there for any period.</p> <p>Although the new offence does not cover squatting in non-residential buildings or on land, squatters who have broken into those premises, removed items or caused damage might be guilty of other offences such as criminal damage or burglary and should be reported to the police.</p>

**Appendix 2 – Welfare Questionnaire**

**Welfare Questionnaire**

**Date and Time:**

.....

**Who Present:**

.....

**Location:**

1. How long would you expect to stay?

days

Other – specify: \_\_\_\_\_

2. Why have you chosen this area?

Work

Family

Health

Other – specify: \_\_\_\_\_

3. Have you used or do you intend you use:

Hospitals

GPs

Clinics

Schools

Leisure Facilities

Other – specify: \_\_\_\_\_

Is any one pregnant / ill and requires medical attention?

If YES, please provide details: \_\_\_\_\_

4. Do you have any children?

Yes

No

If so, how many?

Gender and Ages:

5. Do they have education?

On the road

In school

**ETHNICITY**

6. How would you define your ethnic origin?

English

Irish

Romany

Gypsies

Irish Travellers

New Age

Other – specify: \_\_\_\_\_

7. What is your marital status?

Single

Married

Widowed

Divorced/Separated

8. Age Group:

20 – 29

30 – 39

40 – 49

50 – 65

66 – 85

9. Gender:

Male

Female

Any other comments:

10. Names of occupiers (may not give) or numbers of adults and children occupying land.

11. Details of Vehicles / Caravans (Registration numbers, unique identifying features)

12. OFFICERS NAME:

DATE:

TIME INFORMED:

### Appendix 3 – Sample documents

**Particulars of claim  
for possession  
(trespassers)**

In the  
Basildon County Court  
  
Brentwood Borough Council

Claim No.

Claimant

Defendant(s)

1. The claimant has a right to possession of:

which is occupied by the defendant(s) who entered or (has)(have) remained on the land without the claimant's consent or licence.

2. The defendant(s) (has)(have) never been a tenant or sub-tenant of the land.
3. The land mentioned at paragraph 1 does (not) include residential property.
4. The claimant's interest in the land (or the basis of the claimant's right to claim possession) is  
*Give details:*

The Claimant is the freehold owner of the land

5. The circumstances in which the land has been occupied are  
*Give details:*



## Sections 77-78 Criminal Justice and Public Order Act

30. **Section 77** of the CJPOA gives local authorities the power to direct individuals to remove their vehicles and belongings and to leave highway land, or any land occupied without the consent of the landowner, whether owned by the local authority itself or by any other public or private landowner.
31. Before commencing any action to evict an unauthorised encampment, local authorities have an obligation to carry out welfare assessments of the unauthorised campers. This may necessitate the involvement of local NHS bodies, where health issues are apparent.
32. Local authorities may then draw up a Direction which instructs the unauthorised campers to leave on a particular date and time. This document is approved and signed by an authorised signatory of the local authority (usually a solicitor or legal executive employed by the authority). It also identifies either individuals or vehicles on the unauthorised encampment.
33. The Direction is then served on the unauthorised campers by a local authority officer (the document must be given directly to one of the named unauthorised campers or affixed prominently to one of the vehicles).
34. If the campers have failed to move and/or remove any vehicles and other property by the date specified in the Direction, or return to the same location within three months of the date of the Direction, they are then committing a criminal offence and may be arrested by the police. If a prosecution is successful they may then be given a custodial sentence of up to three months, or be liable to a fine of up to £1,000.
35. In practice however, it can be more effective for local authorities to pursue unauthorised campers who have contravened a direction under Section 77 by using their powers under **Section 78** of the CJPOA. This allows local authorities to advise the Magistrates' Court of the contravention and, if the court is satisfied, then they may grant an Order for Removal of Persons and Vehicles.
36. In the first instance, the Listing Clerk at the Magistrates' Court should be contacted in order to obtain a date for a court hearing, which is required before the Order can be issued.  
  
Depending on the location of the encampment, the local authority may ask the court to expedite the process so that the unauthorised campers can be moved quickly.
37. The appropriate local authority officer then attends the Application Court to make an application for a summons, which can be issued immediately. This summons requires the person(s) in charge of the caravan(s) to appear before a court hearing to answer the complaint.
38. The summons is then served on the unauthorised campers by the appropriate local authority officer or by a process server contracted to perform this service for the local authority.
39. A hearing in the Magistrates' Court is set for later in the day on which the summons is served, or on the following working day. A solicitor must appear at the hearing on behalf of the local authority. Good practice indicates that, where possible, the same solicitor should be used in all court proceedings relating to unauthorised camping by Gypsies and Travellers so that they have a good working knowledge of the legislation. The solicitor should be provided with all of the necessary court documents as well as any relevant background information (the findings of welfare enquiries for example). The solicitor will request that the magistrate grants an Order for Removal of Vehicles and Persons.

40. If the unauthorised campers attend the hearing and contest the eviction, the case may be adjourned in order to allow time to hear all the evidence. However, if the magistrate is satisfied that the correct procedures have been followed, the Order will be granted immediately in normal circumstances.
41. Once granted, the Order should be served on the unauthorised campers as soon as possible by a local authority officer or process server, as above.
42. Twenty-four hours must be allowed to elapse between serving the Order and any action to remove the unauthorised campers. At any point thereafter, the local authority (or private bailiffs employed on their behalf) may remove the unauthorised campers and their vehicles from the land. As with any eviction, police should be present to ensure that no breach of the peace takes place.

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994  
SECTION 77  
NOTICE OF DIRECTION  
TO LEAVE LAND AND TO REMOVE VEHICLE(S) AND OTHER PROPERTY

To:

**The Occupiers**

At:

**TAKE NOTICE** that it appears to Brentwood Borough Council (“the Council”) being the local authority, that you are for the time being residing in a vehicle or vehicles within an area on (un) occupied land at:

Without the consent of the owner within the district of the said Council

in accordance with powers under section 77(1) of the Criminal Justice and Public Order Act 1994 you are required to leave this land within **24 hours of this notice being served**, you shall remove all unauthorised occupiers and vehicle(s) and other property including:

Vehicle, colour, make model and registration

Signed:

Date:

Name: .....

.....

Authorised to sign on behalf of Brentwood Borough Council

Town Hall Ingrave Road Brentwood Essex CM15 8AY

*This copy to be read and then given to the occupier of the land or, if unoccupied, left in a prominent position on a vehicle*



### GUIDANCE FOR THOSE RECEIVING THIS NOTICE

*(This guidance does not form part of this Notice, but it is for the guidance of those served with the notice).*

#### **Dealing with this Notice**

Section 77 of the CJPOA gives local authorities the power to direct individuals to remove their vehicles and belongings and to leave highway land, or any land occupied without the consent of the landowner, whether owned by the local authority itself or by any other public or private landowner.

Section 77 CJPOA 1994 states that if it appears to a Local Authority that travellers are residing on: land forming part of the highway; any other unoccupied land; or any occupied land without the consent of the occupier, the authority may give a direction by Notice that those persons leave the land and remove the vehicles and other property they have with them on that land.

The Notice under Section 77 must be in writing and Local Authorities should make their best efforts to serve that Notice on those present at the site. Where a Notice is fixed in a prominent place to a vehicle, it shall be treated as duly served on the occupants of the vehicle. The Local Authority should also take reasonably practicable steps to display the Notice on the land in a position and manner such that it is likely to be seen by any person camping on the land.

If you do not comply with the Section 77 Notice, the Local Authority can apply to the Magistrates' Court for a Court Order authorising the Local Authority to enter upon the land to remove Persons and Vehicles.

If the land is both owned and occupied by the Local Authority (being occupied includes open land with no third party occupier). The council may enforce the Court Order immediately. If the Local Authority either does not own or occupy the relevant land, it must give the owner/occupier at least 24 hours notice of the Authority's intention to enter the land, unless after reasonable enquiries the authority is unable to ascertain the owner/occupier's name and address.

#### **Offences**

If the campers have failed to move and/or remove any vehicles and other property by the date specified in the Direction, or return to the same location within three months of the date of the Direction, they are then committing a criminal offence and may be arrested by the police. If a prosecution is successful they may then be given a custodial sentence of up to three months, or be liable to a fine of up to £1,000.

#### **Contact Details**

**Brentwood Borough Council**

**Town Hall Ingrave Road Brentwood CM15 8AY**

Phone: 01277 312500

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994  
SECTION 77  
NOTICE OF DIRECTION  
TO LEAVE LAND AND TO REMOVE VEHICLE(S) AND OTHER PROPERTY

To:

**The Occupiers**

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Vehicle, colour, make model and registration

Signed:

Date:

Name: .....

.....

Authorised to sign on behalf Brentwood Borough Council

Town Hall Ingrave Road Brentwood Essex CM15 8AY

*This copy to be retained by Authorised Officer*

**Brentwood Borough Council**

Certificate of Service or Authentication

C J Act 1967, S.9; M C Act 1980, Ss 5A(3)(a) & 5(B):  
M C Rules 1981 r. 70

This certificate is true to the best of my knowledge and belief and I make it knowing, that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything I know to be false or do not believe to be true.

I, ....  
of Brentwood Borough Council Town Hall Ingrave Road  
Brentwood CM15 8AYD, hereby certify that this is a true copy  
of a letter / notice / other. Sent to / served upon: **Occupiers** of  
, **on**..... at \_\_: \_\_h, by post / delivering it  
by hand / to the above person / to the address / leaving it with  
.....

Signed.....Date.....

## Appendix 4 – Code for Unauthorised Encampments in Essex (ECTU)

### The Code for Unauthorised Encampments in Essex

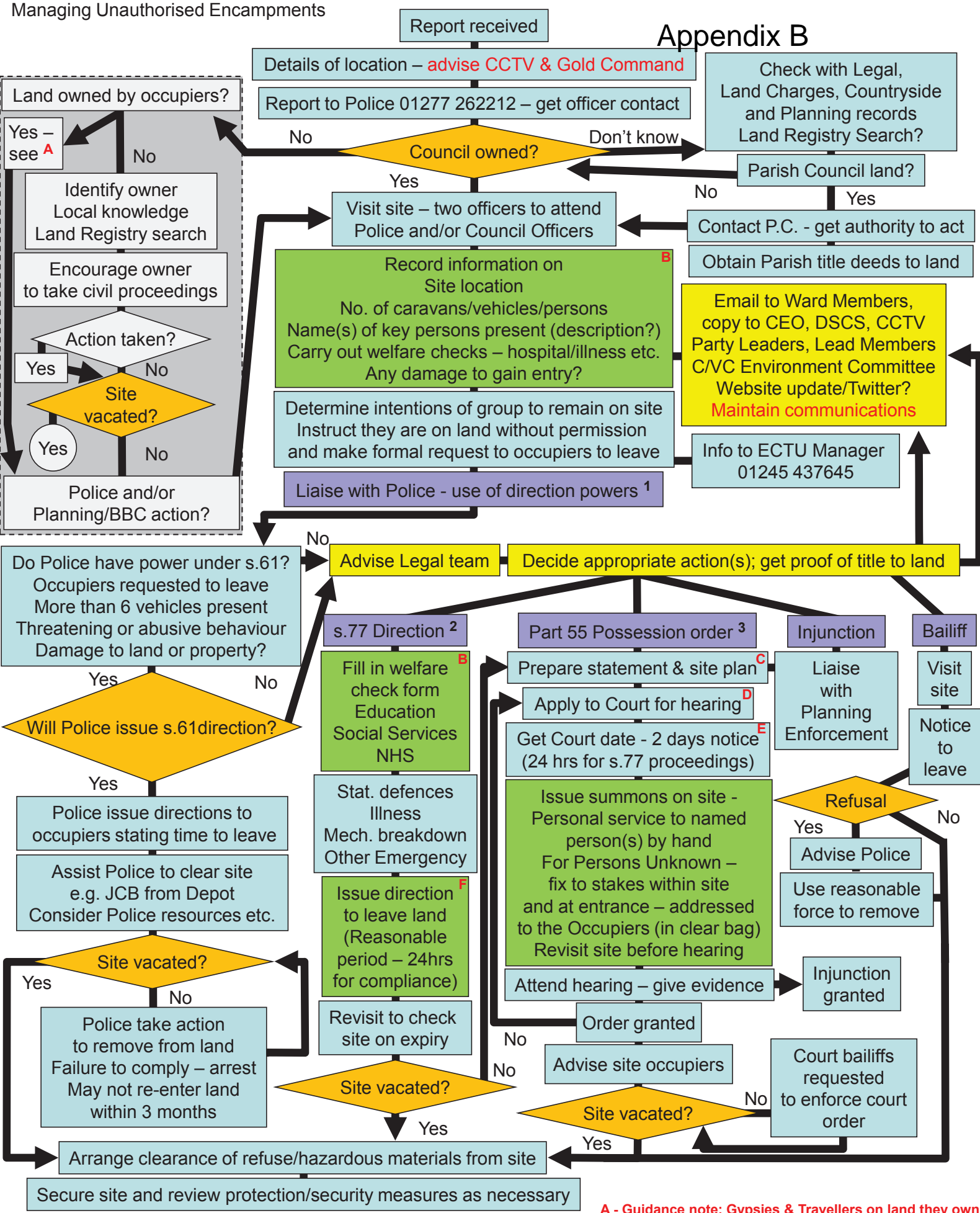
Providing guidance to all parties involved in unauthorised encampments on public land (landowners, residents, occupiers of sites, members, and enforcement agencies) regarding the criteria that will be considered by the Essex Countywide Traveller Unit for unauthorised encampments.

Subject to the satisfactory assessment of the following factors, the Essex Countywide Traveller Unit, representing partner Essex authorities will not normally pursue immediate action subject to an agreed departure date, and continued compliance with the code.

1. **The number of caravans involved.** The maximum number normally acceptable will be 3 caravans in any one group although larger groups *may* be permissible in locations remote from residential or commercial premises.
2. **Damage.** No damage shall be caused to any property, fences, trees etc. on that or adjacent land during access and encampment.
3. **Previous recorded encampments.** The behaviour and compliance (or non compliance) with the code on previous recorded encampments involving the group or individuals within the group.
4. **Impact on the land and surrounding property.** The occupation of any land shall not have a serious detrimental effect on the amenities of, or otherwise cause nuisance to, the occupants/users of the land and of any adjacent property.
5. **Occupation of local authority or other partner authority land.** The occupation of local authority or other partner authority land shall not impede its necessary operational use or, insofar as parkland or other public open space is concerned, shall not detract from its amenity value.
6. **The distance between groups.** The minimum distance between unauthorised encampments shall normally be half a mile
7. **Behaviour.** Behaviour towards other members of the public and surrounding properties shall be acceptable i.e. no intimidation especially involving actual violence or the use of abusive or insulting language, no excessive noise or any other forms of anti-social behaviour.
8. **Access to the land/encampment.** The landowner / representatives, or Local Authority officer must not be prevented in accessing the encampment (*not* individual homes/vehicles).
9. **Tipping/Rubbish.** There shall be no dumping or inappropriate disposal of household, human or trade waste on the encampment, or on adjacent land, nor any stockpiling of materials.
10. **Fires.** No fires shall be lit on any land other than for cooking or washing purposes.
11. **Site Safety.** Vehicles shall be parked, and any animals kept, in such a manner as to ensure the safety of the site users and cause no inconvenience to or affect the safety of users of the land and adjacent or nearest highway. Appropriate fire distances to be maintained between caravans
12. **Departure.** Once the agreed period of occupation has elapsed, the site must be vacated and the distance moved must be at least two miles from the site occupied. Re-occupation of the same site must not take place within three months



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1 s.61 Criminal Justice and Public Order Act 1994  
 2 S.77 Criminal Justice and Public Order Act 1994  
 3 Civil Procedure Rules 1998 Part 55

A - Guidance note: Gypsies & Travellers on land they own  
 B - Travellers Welfare Questionnaire  
 C - Statement of Witness  
 D - Particulars of Claim for Possession & Defence Form  
 E - Claim Form for Possession  
 F - s.77 Notice of Direction to Leave Land

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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.



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## **Environment Committee Terms of Reference**

### **General Powers of Committees**

This scheme of delegation sets out the functions of the Council to be discharged by its Committees and Sub- Committees and includes the terms of reference of statutory and non statutory bodies set up by the Council.

Each committee or sub committee will have the following general powers and duties:

- (a) To carry out the duties and powers of the Council within current legislation;
- (b) To comply with the Council's standing orders and financial regulations;
- (c) To operate within the budget allocated to the committee by the Council.
- (d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council
- (e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the Committee;
- (f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (g) To consider and approve relevant service plans;
- (h) To determine fees and charges relevant to the Committee;

### **Environment Committee**

The functions within the remit of the Environment Committee are set out below:

- 1) Waste management, refuse collection and recycling
- 2) Environmental improvement schemes
- 3) The quality of the public realm, including street services and grounds maintenance
- 4) Highway matters that are the responsibility of the Borough Council and drainage
- 5) Public conveniences

6) Cemeteries and closed churchyards

7) Unlawful incursions