



Agenda

Environment and Enforcement Committee

Wednesday, 6 December 2017 at 7.00 pm

Brentwood County High School, Shenfield Common, Seven Arches Road,
Brentwood CM14 4JF

Membership (Quorum – 3)

Cllrs Parker (Chair), Bridge (Vice-Chair), Barrell, Clarke, Cloke, Mrs Fulcher, Kendall,
Mrs Middlehurst and Mrs Slade

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 10
3.	Presentations		
4.	Enforcement Update - Verbal Update	All Wards	
5.	Fees and Charges To follow	All Wards	
6.	Open Space Protection Measures Update To follow	All Wards	
7.	Air Pollution	All Wards	11 - 14
8.	Urgent Business		

A handwritten signature in black ink, appearing to read "P. L. Russell". The signature is stylized with a large, sweeping underline that extends to the right.

Chief Executive

Town Hall
Brentwood, Essex
28.11.2017

Information for Members

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.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Mayor 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 Mayor on the point of order will be final.

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 Mayor on the admissibility of a personal explanation will be final.

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 Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor 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 Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Dates of the meetings are available at www.brentwood.gov.uk.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Private Session

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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Access

There is wheelchair access to the meeting venue from the Main Entrance. There is an induction loop in the meeting room.

Evacuation Procedures

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.



Minutes

Environment and Enforcement Committee Tuesday, 24th October, 2017

Attendance

Cllr Parker (Chair)	Cllr Cloke
Cllr Bridge (Vice-Chair)	Cllr Mrs Fulcher
Cllr Barrell	Cllr Kendall
Cllr Clarke	Cllr Mrs Slade

Apologies

Cllr Mrs Middlehurst
Substitute Present

Cllr Mrs Murphy (substituting for Cllr Mrs Middlehurst)

Also Present

Cllr Mrs Pound

Officers Present

David Carter	-	Environmental Health Manager
Mike Dun	-	Trade Waste Officer
Zoey Foakes	-	Governance & Member Support Officer
Tracey Lilley	-	Community Safety Manager

151. Apologies for Absence

Apologies were received from Cllr Mrs Middlehurst and Cllr Mrs Murphy substituted.

152. Minutes of the Previous Meeting

The minutes from the Environment and Enforcement Committee held on 28 June 2017 were approved as a true record.

153. Performance Presentations

Mr Carter and Mr Dun presented to committee members on fly-tipping figures.

The presentation showed that there had been 43 cases from June to September 2017.

In 2017/18, £8,900 had been received in prosecution and Fixed Penalty Notices (FPNs). This was over 130% more than the last 4 years combined.

The most common fly-tip size in 2017/18 was from small van and transit van loads; and the most common type of waste had been construction and commercial waste. The majority of fly-tips had been on the Highway.

Cllr Fulcher requested that a report be brought to the Environment and Enforcement Committee on Air Pollution including the measurements and any comparable figures year on year.

154. Participation Survey

The Technical Officer for education and recycling, monitored a minimum of 1,100 households, in order to assess the uptake for the Council's waste and recycling kerbside services.

The survey took place in April, May and June of 2017. The monitoring covered a period of eight weeks, ensuring the capture of as much data as possible.

The participation rate results indicated that despite the reduction in the tonnage of recyclables collected, the participation rate had increased for recyclables when compared with the results of a survey taken in 2014; with the exception of food waste.

Cllr Parker informed Members that there would be a change from orange sacks to clear sacks.

A motion was **MOVED** by Cllr Cloke and **SECONDED** by Cllr Barrell to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

- 1. The Committee note the results of the Participation Survey to enable further debate on the appropriate actions to be taken with the issues concerning the reduction in recyclables collected and the increase in residual waste collected.**

Reasons for recommendation

Members were required to be fully informed on the status of the Council's waste and recycling services; with particular reference to data captured such as the results of the participation survey and statistics on weights collected.

Members would be able to contribute to the ongoing process of helping to evolve the strategy for engagement with householders.

155. CrimeNotToCare Campaign Update and Christmas Recycling Road Shows

The report was to notify Members of the forthcoming Recycling events planned for the December period. Officers would raise awareness of recycling by answering questions, provide advice and handing out rolls of recycling sacks and food waste bags to residents.

The report would update members on the Love Essex 2017 #CrimeNotToCare campaign which was launched on Monday 4th September and ran for six weeks. Brentwood Borough Council held one of the Essex two launch events on Friday 8th September 2017, where Street Scene Operatives built a large fly tip using a third of the items that they had collected that week from the Borough as a visual example of the scale of fly tips. Staff from Street Scene and Environmental Health were joined by Keep Britain Tidy representatives and Councillors to talk to the public about fly tipping. The waste on display was a third of what had been collected from fly tips in the Borough that week and it was certainly a talking point with many passers-by stopping to take pictures and ask questions about it. The Leader of the Council did an interview with BBC Look East at the scene which was aired that evening. The press coverage for the launch week had been comprehensive so hopefully got the message out to residents throughout Essex.

Environmental Health Officers undertook a Stop and Search activity with the Police within the campaign period in an operation to prevent fly tipping. Stops were made on vehicles that were or could be carrying waste and drivers were checked to make sure they had waste transfer information and a license to transport and dispose of commercial waste they carry. Two vehicles were found to be suspicious and would be followed up to ensure they were disposing of commercial waste correctly. Fixed penalty notices of up to £600 could be issued for contraventions of carrying or disposing of waste without a license or waste transfer notice. The officers would be out again on a regular basis doing the same operation. The Environmental Health Officers had also shown the police officers what to look for when stopping those who may be illegally transporting commercial waste. This would include waste generated from a business or from a business activity such as debris that might have been handled by a builder or the garden waste that a gardener may have moved. Officers were also in regular communication with the local police regarding looking out for vehicles of interest and fly tipping information sharing.

Cllr Kendall requested year on year figures for fly tipping incidents in Essex based on what was recorded in point 3.2 of the report.

A motion was **MOVED** by Cllr Cloke and **SECONDED** by Cllr Mrs Slade to approve the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

1. **Members note and support the arrangements for the forthcoming Christmas Recycling Road Show events to be held during December 2017.**
2. **Members note details of the recent #CrimeNotToCare Campaign and local activities to help raise awareness regarding Duty of Care.**

Reasons for recommendations

Holding road shows could assist when contributing to increasing recycling and to encourage a change in behaviour for those who think it was acceptable to drop litter as well as answering questions residents may have.

To raise residents awareness about Householders "Duty of Care" for disposing their rubbish responsibility.

156. Corporate Enforcement Team

At the meeting of the Environment and Enforcement Committee on 28 June 2017, the establishment of a Corporate Enforcement Team was approved, together with the appointment of a General Manager.

The Committee also approved a recommendation to bring back a workplan for Enforcement Activity to the next Committee meeting.

Ms Lilley explained to the committee members about the "Enforcement Team" and also the draft workplan (appendix A of the report). Providing incidents were recorded through the systems the Council have set up, reports could be produced to show what enforcement issues had occurred and what was being done.

Cllr Kendall suggested that the Plan needed more work and Cllr Parker emphasised that this was a "Draft" plan at this stage.

A motion was **MOVED** by Cllr Mrs Murphy and **SECONDED** by Cllr Barrell to approve the recommendations in the report.

A vote was taken by a show of hands and it was **UNANIMOUSLY RESOLVED** that:

1. **Members note the appointment of the General and Deputy Managers for Corporate Enforcement.**

2. Members approve the draft Corporate Enforcement Strategy subject to consultation with senior managers.

Reason for recommendations

To provide a measurable work plan for Corporate Enforcement to report on outcomes and achievements.

157. Open Space Protection Measures

A following motion was submitted to Ordinary Council on 18 October 2017:

This Council recognises the sharp drop in illegal incursions on Brentwood Council owned land over the last 12 months and acknowledges the success of the land protection measures, which include bollards and height restrictors, that have been installed by the Council.

This Council further notes and welcomes the strong working relationship with Essex Police, Essex County Council and the Traveller Unit and pledges to continue to operate closely with these partner organisations.

A report will be brought to the Environment and Enforcement Committee to review the need for any further protection and security improvement works on publicly owned open spaces, that would benefit the Borough of Brentwood. Resulting recommendations will be included as part of the budget setting process for 2018/19.

A motion was **MOVED** by Cllr Parker and **SECONDED** by Cllr Bridge to approve the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

- 1. Members note the progress on works to protect Council land against unauthorised entry and outcomes of actions taken.**
- 2. Members authorise officers to identify possible areas where additional or improvements in security would be appropriate and to provide estimated costs.**

Reason for recommendations

To continue to effectively reduce the likelihood of unauthorised incursions onto Council and Parish Council land in the Borough and to reduce the impact of additional expenditure, particularly on site clearance.

158. Urgent Business

There were no items of urgent business to discuss and the meeting concluded at 20:55.

6th December 2017

Environment and Enforcement Committee

Air Quality Update

Report of: *David Carter Environmental Health Manager*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

1.1 At the meeting of the Environment and Enforcement Committee on 24th October 2017, Members requested a report to update on air quality in the Borough.

1.2 This report aims to update on general air quality in the Borough and also to consider arrangements for monitoring.

2. Recommendation

2.1 Members note the contents of the report and instruct officers to investigate potential locations to redeploy the continuous monitoring equipment if considered appropriate and viable.

3. Introduction and Background

3.1 Local authorities are required to monitor air quality in their areas and check compliance with the national air quality objectives.

3.2 Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions.

3.3 For Brentwood and most of the other local authorities the principal source of air pollution is road traffic, which generates nitrogen dioxide as a pollutant.

- 3.4 Monitoring of pollutant levels is undertaken using passive diffusion tubes, which are located at approximately 35 locations currently in the Borough.
- 3.5 Previous monitoring had indicated exceedances of the Air Quality Objectives for nitrogen dioxide, which had led to seven Air Quality Management Areas (AQMAs) in the Borough being declared in 2008.
- 3.6 Subsequent monitoring however indicated that four of the declared areas (primarily associated with the A12) had met the objectives consistently and these have therefore now been revoked following public consultation and in liaison with Defra.
- 3.7 Two of the remaining three AQMAs are sited near to the M25 at Brook Street and Nags Head Lane, with the third around the Wilson's Corner junction in Brentwood High Street.
- 3.8 Annual reports on air quality are prepared and submitted to Defra for approval; the most recent report was in October 2016; data for the 2017 report is being collated with Chelmsford City Council.
- 3.9 The most recent report has concluded that there are no exceedances of the Air Quality Objectives at relevant exposure, which has been accepted by Defra.
- 3.10 The Council has also been monitoring pollutant levels using continuous monitoring equipment sited in the Town Hall, however this equipment has had to be decommissioned because of the Town Hall refurbishment works which required the equipment to be removed.
- 3.11 Officers have been in discussion with Kings College, who maintain the London Air Quality Network which our monitoring equipment fed data into, to consider alternative locations for redeployment.

4. Issue, Options and Analysis of Options

- 4.1 The continuous monitoring equipment has been operating for several years at the Town Hall site. The equipment is now quite old and more liable to mechanical breakdown and will be difficult to repair, however it is currently operational and capable of redeployment.
- 4.2 Budget to maintain the equipment operation for this year has been provided, however additional costs would be incurred to relocate and install the equipment elsewhere.

- 4.3 Relocation will depend on
- A suitable location within the Borough providing relevant data.
 - Access to the site for calibration and maintenance as needed.
 - Power and telephone line/mobile phone access.
- 4.4 Providing continuous monitoring would enable more accurate local data but this is highly dependent on a suitable site being found which meets the needs of the air quality monitoring programme and is viable.
- 4.5 Alternatively, it would be more cost-effective to cease to operate this equipment and rely on existing diffusion tube monitoring alone to inform air pollution data.

5. Reasons for Recommendation

- 5.1 The recommendation to investigate suitable locations is to enable continued use of existing equipment redeployed to provide useful data whilst the analyser continues to function.

6. Consultation

- 6.1 Consultation will be undertaken with the Environmental Research Group at Kings College to determine a suitable location that meets the EU criteria for monitoring sites, ideally sited within an Air Quality Management Area, i.e. Wilson's Corner.

7. References to Corporate Plan

- 7.1 Environment and Housing Management
- 7.2 Enable communities to take a more active role in delivering a cleaner and safer environment.

8. Implications

Financial Implications

Name & Title: Jacqueline Vanmellaerts, Financial Services Manager (Deputy Section 151 Officer)

Tel & Email: 01277 312829 /

jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 Costs to provide an alternative monitoring location would need to be met from existing 2017/18 budget and ongoing maintenance costs to be incorporated into 2018/19 budget setting.

Legal Implications

Name & Title: Daniel Toohey, Head of Legal Services and Monitoring Officer

Tel & Email: 01277 312860 / daniel.toohey@brentwood.gov.uk

There are no direct legal implications arising from this report.

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

8.2 None identified

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

9.1 2016 Air Quality Annual Status Report (ASR)

10. Appendices to this report

None

Report Author Contact Details:

Name: David Carter Environmental Health Manager

Telephone: 01277 312509

E-mail: david.carter@brentwood.gov.uk

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, of 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.

Terms of Reference

Environment & Enforcement Committee

The functions within the remit of the Environment and Enforcement Committee (including the operational management of assets which for the sake of clarity also comprises maintenance) 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 (including highway closures under the Town Police Clauses Act 1847) and drainage.
- 5) Public conveniences.
- 6) Cemeteries and closed churchyards.
- 7) Unlawful incursions.
- 8) Operational facilities management (including maintenance) of the Town Hall and the Depot.
- 9) Oversee and monitor the enforcement activities of the Council.
- 10) Environmental nuisance and pollution controls.
- 11) Other miscellaneous powers enforced by Environmental Health.
- 12) Food Safety and Health and Safety.

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