

Agenda

Environment and Enforcement Committee

Wednesday, 26 September 2018 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), Mrs Fulcher, McLaren, Morrissey, Naylor, Poppy, Tierney and Wiles

Substitute Members

Clirs Barrell, Barrett, Clarke, McCheyne, Mrs Pound and Mrs Slade

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7. Urgent Business

Chief Executive

Town Hall Brentwood, Essex 18.09.2018

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

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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

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Evacuation Procedures

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Minutes

Environment and Enforcement Committee Wednesday, 4th July, 2018

Attendance

Cllr Parker (Chair)
Cllr Bridge (Vice-Chair)
Cllr Mrs Fulcher
Cllr McLaren

Cllr Naylor
Cllr Poppy
Cllr Tierney

Apologies

Cllr Morrissey

Substitute Present

Cllr Mrs Pound (substituting for Cllr Wiles)

Also Present

Cllr Chilvers

Officers Present

Greg Campbell - Director Of Operations

David Carter - Environmental Health Manager

Zoey Foakes - Governance & Member Support Officer
Darren Laver - Operations Manager, Operational Services

Tracey Lilley - Enforcement Manager

Lorne Spicer - Business Development and PR Manager

Steve Summers - Chief Operating Officer

Dawn Taylor - Business Support Services Manager

70. Apologies for Absence

Apologies were received from Cllr Wiles with Cllr Mrs Pound substituting and also from Cllr Morrissey.

71. Minutes of the Previous Meeting

The minutes from the Environment and Enforcement Committee held on 6 December 2017 were approved as a true record.

72. Verbal update

Cllr Parker addressed the committee on the incursion measures at the Brentwood Centre. Defences and repairs would alleviate the number of incursions.

73. Recycling Road Shows, Campaigns and Second Recycling Sack deliveries

The report was to notify Members of the forthcoming Recycling events planned for the summer months. Officers would raise awareness of recycling by answering questions, providing advice and handling out rolls of orange recycling sacks and food waste bags to residents.

Members should be aware that officers from Street Scene would be working with partners of The Cleaner Greener Group on two campaigns. One campaign would be held the early part of 2019 and would concentrate on Litter. The second campaign planned for Autumn 2018 would continue the campaign launched the previous year #CrimeNotToCare, regarding 'Duty of Care' awareness to try and tackle fly-tipping issues.

A second delivery of orange sacks and food waste bags would take place in Autumn/Winter 2018; 40 sacks would be delivered in one roll to every household (excluding flats, which were on request).

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 to note and support the arrangements for the forthcoming Summer Recycling Road shows; and to note that Brentwood Borough Council will be working again with the Cleaner Greener Group later in the year on campaigns tackling litter and fly-tipping.
- 2. Members to note that a second delivery of orange sacks, food waste bags and a recycling information flyer will be made in Autumn/Winter 2018.

Reasons for Recommendation

Holding road shows could assist in helping increase awareness about recycling and gather feedback from residents about the service.

Working with partners on campaigns to raise awareness about Duty of Care, fly-tipping and litter issues would help to raise the same consistent message throughout Essex, with shared resources.

As a trial, two deliveries of orange sacks were to be made in 2017/18 in order to assess their usage and establish identifiable savings.

A benefit of having a later delivery in the year, close to the Christmas holiday period, would help to remind and encourage residents to participate in the Council's recycling services as it was intended to deliver food waste sacks and on information flyer also.

74. Town Centre Public Spaces Protection Order

Following a series of complaints and incidents in and around Brentwood Town Centre involving anti-social behaviour of several types, the Corporate Enforcement Team investigated the use of a Public Spaces Protection Order (PSPO) to assist in controlling activities that were causing concern.

A draft Order was produced to address evidenced issues in the town centre following liaison with legal advisers, Essex Police, Essex Police Fire & Crime Commissioner, and stakeholders in the area proposed to be covered by the Order.

The draft Order covered the main Brentwood town centre area including the High Street and surrounding areas and incorporating roads down to Brentwood rail station.

Members supported Order being put into place and praised the work put into this and getting the officers accredited.

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**:

- To consider the outcome of the consultation which has been undertaken and the comments received set out in Appendix A (of the report).
- 2. To approve the Final Order set out in Appendix B (of the report).

Reasons for Recommendation

To effectively address issues of anti-social behaviour in and around Brentwood Town Centre and reduce the fear of crime. To enable the use of relevant powers of enforcement needed to tackle the issues covered by the Order and to make our community safer and a more pleasant place for anyone who visits, lives or works in our town centre.

75. Enforcement & Fly Tipping

Brentwood Borough Council, in common with most other local authorities, had seen an increase in fly tipping with a cost to the Borough of over £60,000 in the previous year.

Mr Carter presented to the committee figures on fly tipping.

The Council had focussed on ways to provide an effective and robust approach to enforcement of fly tipping in the Borough to seek to act against those responsible.

The report outlined the measures taken to date and recommended proposals aimed at increasing awareness of fly tipping problems and to further improve successful enforcement.

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 agree to consider improving the visibility of action against fly tipping using warning signage and surveillance cameras in hotspot areas.
- 2. Members agree to procure a dedicated enforcement vehicle to assist with the duties of the Street Inspector.
- 3. To review the charges for legitimate clearance against the cost to remove/enforce against fly tips and what are the likely benefits/results of a more attractive rate.
- 4. That funding is taken from the Incursion Defence budget.
- 5. Members note the effects of improved enforcement activities regarding waste offences and resolve to maintain regular updates to the Committee on future enforcement action.

Reasons for Recommendation

To provide more effective, mobile and visible enforcement activity which would enables technology to assist in environmental crime and waste investigations.

76. Fixed Penalty Notices

New penalty levels for littering, graffiti, fly-posting and unauthorised distribution of free literature on designated land had recently been introduced by the Government with effect from 1st April 2018, with discretionary levels that could be set by local authorities.

The Community Safety Accredited Officers would have powers to issue these penalties.

The report set out the new levels of these fixed penalty notices and summarises the powers available to authorised officers to issue penalties.

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 approve the new recommended maximum penalty levels set out at 4.5 of the report.
- 2. Members to approve the additional discount levels for early payment also contained in Table 4.5 of the report.
- 3. Members agree to delegate authority to the Chief Executive, Director of Operations, the General Manager Corporate Enforcement and to such officers of the Council that are nominated by any of them to issue Fixed Penalty Notices under the relevant legislation.

Reasons for Recommendation

New penalty levels were recommended at the maximum levels in order to reflect the Council's intention to ensure that enforcement action was effective; most of these penalties were offered as an alternative to prosecution and should therefore reflect the serious nature of the offence.

77. Urgent Business

There were no items of urgent business to discuss.

Th emeeting concluded at 8:55pm.



26th September 2018

Environment and Enforcement Committee

Chair's Update Report

Report of: Cllr Keith Parker – Chair of the Environment and Enforcement Committee

Wards Affected: All Wards

This report is: Public

Members to note updates from Officers set out below.

CSAS

The Council were successful in becoming an accredited organisation under the Community Safety Accreditation Scheme through Essex Police earlier this year. As a result, accredited officers of the Council will have 18 additional powers including:

- Power to issue fixed penalty notices for dog fouling
- Power to issue fixed penalty notices for graffiti and fly-posting
- Power to issue fixed penalty notices for littering
- Power to issue fixed penalty notices in respect of offences under dog control orders
- Power to require giving of name and address
- Power to deal with begging
- Power to require name and address for anti-social behaviour
- Power to require persons drinking in designated places to surrender alcohol
- Power to require persons aged under 18 to surrender alcohol
- Power to seize tobacco from a person aged under 16
- Power to remove abandoned vehicles
- Sale of alcohol to a person under 18
- Purchase of alcohol for a person under 18
- Delivery of alcohol to a person under 18 or allowing such delivery
- Causing harassment, alarm or distress
- Consumption of alcohol by a person under 18 or allowing such consumption
- Buying or attempting to buy alcohol by an under 18
- Sells or attempts to sell alcohol to a person who is drunk

This is double the powers of most other Local Authorities across Essex. The plan is to put existing officers through Essex Police vetting and for them to undergo the required training to become accredited officers.

Officers have been selected from across the organisation including Housing, Environmental Health, CCTV, Community Safety and the depot. This will result in our officers being awarded the powers like that of a Special Constable and therefore improve our enforcement activity across the Council. This will not increase their workload as the plan is that they will be able to enforce more effectively, share information appropriately, have access to Essex Police intel and PNC whilst carrying their current role.

In May this year 6 officers were awarded their accreditation by District Commander Lewis Basford. Since this time a further 3 have successfully passed their training and are fully accredited. Eventually we will have over 20 officers fully accredited.

Corporate Enforcement Team

We developed a small core team of 6 accredited officers as listed below:

Tracey Lilley – Corporate Enforcement

David Carter – Environmental Health/Corporate Enforcement

Terry Knight – CCTV

Daniel Cannon – Community Safety

Anthony Willson – Street Inspector

Isabelle Hatton – Community Safety (ASB)

Whilst this is not a new team of officers, and they still have other responsibilities within their substantive role they are very keen to develop their roles and support the Councils enforcement activity. As a result, the core team have undertaken the additional responsibility of the role of Enforcement Officer. They have been provided with appropriate uniform, and the use body worn cameras whilst on patrol for additional security and evidence gathering. The equipment provided is of high quality and was funded by the Community Safety Partnership. The team meet every Monday for tasking where we review what has happened the week before, any issues that may have arisen over the weekend, and what is planned for the week ahead.

Dedicated Patrols

We have recently produced a patrol schedule documenting dedicated patrols undertaken by the enforcement team in key locations addressing key issues such as homeless individuals in the High Street, nuisance motorbikes in Pilgrims Hatch and other patrols in locations such as parks. This schedule also details engagement events that take place throughout the year.

The team have supported SEPP during evening patrols tackling parking in the Town Centre and daytime patrols in other key locations including Brook Street. This has resulted in over 100 Penalty Charge Notices (PCNs) being issued. The plan is to put our core team of enforcement officers through Civil Enforcement Officer (CEO) training which will mean we will improve our enforcement activity and generate income to support the team. This has been agreed by SEPP which is also positive and demonstrates how well our partnership is working.

Homeless Intervention

As mentioned we have been carrying out regular patrols in the High Street to tackle the issue of homeless individuals leaving their bedding all over the High Street. Officers have engaged with the homeless and explained what we consider acceptable behaviour. They have been advised that any unattended bedding will be removed and stored at the depot for them to collect.

This is to reinforce the message and to encourage them to seek support. We have also engaged with Team Challenge who are a charity who provide outreach with the homeless and have managed to secure a place in a rehab facility for a vulnerable homeless man. Team Challenge also patrol with our officers.

Whilst on patrol officers have been welcomed by members of the public and have received positive feedback about the Council's effort to address community concerns.

Enforcement Vehicle

We are currently going through procurement for a dedicated enforcement vehicle agreed at Environment and Enforcement committee in July. This will be a 4x4 vehicle made to look as much like a police vehicle as possible and will provide much needed mobility but also be a visible presence for our main enforcement officer, Anthony Willson. One of the main uses will be in targeting flytipping in our rural areas. It will be fully equipped with CCTV, flood lights etc and is being sponsored by the Community Safety Partnership who have provided funding for the decals etc. As a result, the vehicle will display our partnership logos. The vehicle will also be used by the team when undertaking high visibility patrols in key locations, and for transporting enforcement officers as and when required.

Public Spaces Protection Order

We are in the final stages of putting in place a Public Spaces Protection Order (PSPO) in the Town Centre and surrounding area. The plan is for the Order to in force by the end of September once the appropriate number of signs have been erected in the restricted area. This has been a huge piece of work but will mean that Essex Police and the Council will be able to enforce a vast array of unacceptable behaviours. This will obviously present resource pressures to ensure we proactively enforce the Order, but Essex Police are in full support.

Corporate Enforcement Newsletter

To keep Members, partners and the wider community informed of our enforcement activity across the Council we will be producing a bi-monthly Corporate Enforcement Newsletter in partnership with our comms team.

Purpose To provide an opportunity for all service areas to showcase their enforcement activity. To better inform our stakeholders of the work undertaken and provide context to enforcement cases allowing us to highlight best practice and examples of good work. The newsletter will be an informative and useful document with a wide distribution list and the ability to promote through not only the usual channels but also social media, Council website and wider.

Target Audience Members, partners, businesses, and the local community. **Content** Facts & figures from service areas for enforcement activity i.e. cases logged, those dealt with, action taken etc. Also, Case Studies highlighting particular good work/best practice.

Frequency Bi-monthly start with. The first edition is planned for the end of September 2018 which will be reviewed once we have produced the first edition.

Service Areas

- Corporate Enforcement (fly tipping, abandoned vehicles, parking etc)
- CCTV
- Planning Enforcement
- Licensing
- Community Safety (ASB)

Enforcement Twitter

An enforcement twitter account has been established to allow the team to publicise and promote their work. Providing another way of engaging with our partners and communities on key issues that matter to them. Please feel free to follow us @BBCEnforcement

Recycling Roadshows

Members were informed on the 4 July on the forthcoming recycling events planned for the summer. To date there have been four roadshows, with three more to take place.

The roadshows provide an opportunity for officers to engage with the public and promote waste and recycling issues. The events also enable officers to promote the lease scheme for the garden waste bins.

Members were requested to note the details and to support the arrangements for the Recycling Roadshows.

Second Delivery of Orange Sacks

Members were advised on July 4 that there will be a second delivery of orange sacks. The first delivery of orange sacks earlier this year provided 26 sacks to each household with the second delivery providing a further 40 sacks. The second delivery will take place October/November 2018.

The second delivery will result in a higher number of sacks being provided to each household, 66 in number, compared to the 52 sacks issued in the previous year. This split method of delivery is hoped to reduce the number of residents inclined to seek additional rolls of sacks. The timing of the delivery is crucial, being just prior to Christmas will remind residents to participate in the kerbside collection schemes, when the waste stream generates greater tonnage over the Christmas holiday period.

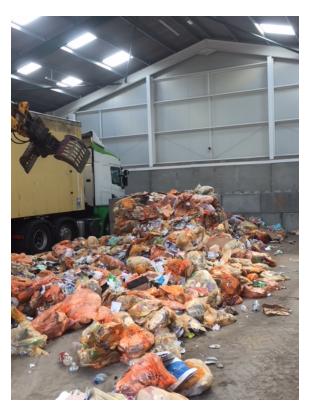
Members were requested to note that a second delivery of orange sacks, along with food waste sacks and an information leaflet will be delivered to every household.

Waste Holding Facility

Members are informed that the waste holding facility is complete and the Environmental Permit has been granted to enable the Council to store dry mixed recyclables, prior to haulage to a material recycling facility. This will result in an expected gross saving of c. £20.00/tonne.







Traveller Incursions

As members will be aware the Borough has, for a number of years been subject to multiple unauthorised incursions onto its land during the summer months via groups moving through the Borough to transit to other areas. For the last four years Officers in conjunction with lead Elected Members have been actively working to reduce the number of unauthorised incursions onto the land through a number of channels, one of which has been to improve the onsite security measures that are present.

Despite groups still passing through the Borough there has been a notable decline in the number of instances whereby these groups have gained access onto Council owned and operated land. Despite this decline both Officer and Lead Elected Members are conscious that the authority remains vigilant in its approach and this year has seen additional measures introduced to further combat the risk of an incursion taking place. These measure have included:

Improvements and strengthening to the height restrictor gates at Larkin Playing Field, Bishops Hall Park, Little Warley Common, King George's Playing Fields, Hutton Country Park, Hutton Poplars, Brentwood Centre main field, Brentwood Centre flying field have been completed along with strengthening of the padlock shrouds on the lower gates. In addition to this over 30 telescopic bollards have been installed in entrance ways at various sites to further prevent access. Wooden bollards have also now been installed around the amenity green to the front of Little Warley Village Hall [part of Little Warley Common], the amenity green at the junction of Doddinghurst Road and Elizabeth Road and also along the edge of Green Lane adjacent to Bishops Hall Park.

Following the completion of these works a further audit, only recently completed, has identified further improvements that could be made to provide even greater protection. These additions are in the process of being costed but would include plates welded over the top of hinges to all sites so that gates cannot be lifted off with mechanical intervention, the addition of bollards at a number of further sites, the installation of height restrictors and gates at the entrance to the field off of Crescent Road along with the installation of bollards/fencing along sections of the driveway entrance, strengthening to the height restrictor at Seymour Playing Fields car park and also strengthening to the field gate locking mechanism. Additional measures at the far end of the Brentwood Centre car park are also being considered. Members should note that following the recent incursion at Seymour Playing Field telescopic bollards were installed within 48 hours of the site being vacated to prevent a reoccurrence of the event. It is Officers intention to return the concrete blocks at site until after the summer period has finished and to then return these to storage at the Warley depot to be used as and when needed for quick reactionary work should incursion occur again.

Report Author Contact Details:

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Agenda Item 4

26 September 2018

Environment and Enforcement Committee

Recycling Contract

Report of: Darren Laver – Operations Manager

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 The current contract for processing our mixed dry recyclables is to end 3 May 2019 and it is necessary to commence the procurement process to ensure that a contractor is in place as from the 6 May 2019.
- 1.2 It is proposed to join a procurement partnership exercise, which is led by Basildon Borough Council; the other partners are Castle Point Borough Council, Rochford District Council and Uttlesford District Council.

2. Recommendation(s)

2.1 That the Committee delegate authority to the Director of Operations to lead on the procurement exercise and to finalise the contractual agreement with the successful bidder, in consultation with the Section 151 Officer.

3. Introduction and Background

- 3.1 This report is being brought to the attention of the Committee as the contract value will be significant, c. £1 million; the term is for four years, with the possibility of a two year extension.
- 3.2 The current contractual arrangements were reported to the Environment Committee 18 March 2015, at which point Members approved the introduction of the recycling contract.
- 3.3 The current contract performance is viewed as being a positive one, with all partners regarding communication as being good; with particular

reference to the gravimetric reports, facilitating the submission of data to WasteDataFlow.

4. Issue, Options and Analysis of Options

- 4.1 In order to attain the outcomes that are desirable as articulated in the Commissioning and Procurement Strategy 2016-19, the joint approach to procurement, with other local authorities, is preferred.
- 4.2 This approach is supported by Standing Orders for Contracts, which states the Council will work with others to widen the scope of its expertise and harness economies of scale.
- 4.3 The professional services of WYG have been engaged, through Basildon Borough Council, to act as lead throughout the project. WYG guided the procurement process for the current contract.
- 4.4 Brentwood Legal Services will be acting for us, providing advice and guidance at each stage of the procurement exercise up to the drafting and completion of any contract. Likewise, the Senior Payments and Procurement Officer will be actively involved throughout the process.
- 4.5 In conjunction with the continuous scrutiny by a range of experienced and knowledgeable officers, a procurement timetable has been proposed which defines the main stages; these factors will help to mitigate the adverse aspect of the expected typology of risks.
- 4.6 As a result of the procurement process, Brentwood will have its own contract which will be managed throughout its term by the Operations Manager, to ensure the contractor relationship is maintained and there is satisfactory delivery of services.

5. Reasons for Recommendation

5.1 Members are requested to concur with the recommendations set out in 2.1, as this will enable the Council to react to scenarios and agree, or act, upon solutions; ensuring the procurement process is seamless.

6. References to Corporate Plan

6.1 The eventual implementation of this contract will enable the Council to continue to focus on reducing waste through the promotion of recycling.

6.2 Working with other Essex local authorities will enable economic and community benefit.

7. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer Tel & Email

7.1 The contract will be significant, c. £1million; the term is for four years, with the possibility of a two-year extension. The procurement partnership exercise will present opportunities for Brentwood to harness economies of scale and presently the cost will be met within the Council current Medium Term Financial Plan.

Legal Implications Name & Title: Tel & Email

7.2 The process for the procurement of this contract will be subject to the requirements of the EU procurement regulations as well as the Council's internal requirements for commissioning as set out in its Constitution. Legal Services are available to advise and assist the Council officers, and the officers within the Lead Council handling the process, albeit that we anticipate that their legal team will primarily advise on this matter to ensure compliance as the matter progresses.

Report Author Contact Details:

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26 September 2018

Environment and Enforcement Committee

Winter Maintenance Local Plan

Report of: Darren Laver – Operations Manager

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 In the event of adverse weather conditions during the winter, a winter maintenance local plan is activated. This report outlines the steps to be followed in such an event.
- 1.2 The main actions will be to ensure minimal disruption to the waste and recycling collection services, and to offer support to the Essex County Council's gritting activities.
- 2. Recommendation(s)
- 2.1 That the Committee approve the Winter Maintenance Local Plan for 2018/19.
- 2.2 That the Committee agree to delegate authority to the Director of Operations on issues concerning the deployment of resources.

3. Introduction and Background

- 3.1 The Environment, Housing and Community Panel 17 November 2010 considered, and commented, on a report concerning winter operations and since this time it has been periodically updated by Members.
- 3.2 The winter operations report was subsequently reported to the Environment, Housing and Community Panel 1 February 2011, Environment Panel 18 September 2012 and the Community Services Committee 23 July 2013.

4. Issue, Options and Analysis of Options

- 4.1 The plan is required to inform Officers and Members on the procedures to be followed in the event of adverse weather conditions during the winter months.
- 4.2 The plan advises on the steps to be taken with reference to the waste and recycling collections, and to the co-ordination of gritting activities that support Essex County Council.
- 4.3 The waste and recycling collections will be supported by all required operational staff to maintain an exemplary record for collections. It should be noted that there maybe occasions when the Council will have to suspend/amend collection services subject to prior risk assessments.
- 4.4 The following priorities for domestic and trade waste and recycling collections will be followed:
 - 1. Residual waste collections.
 - 2. Mixed dry recycling, food waste and mixed glass.
 - 3. Garden waste.
- 4.5 It should be noted that the gritting of the roads is an Essex County Council function, operated by Essex Highways. The network of roads salted includes: 'A' roads (excluding the A12), 'B' roads, a primary road that links a rural settlement of over 50 houses to the main salting network, roads serviced by at least four public bus services per day for five days per week or more and roads that allow ambulance and fire stations access to the main salting network.
- 4.6 Additionally, Essex County Council have established the Salt Bag Partnership; where a one tonne of bagged salt is available to every Parish Council and County Council Member whose ward covers urban unparished areas. Salt bins are also provided along the highway for use by the local community.
- 4.7 Brentwood Borough Council's available Operational staff will be mobilised to support the work of Essex Highways by salting prioritised footway areas or the physical clearing of snow from prioritised footways. Ten tonnes of salt is expected to be provided by Essex County Council for this purpose.
- 4.8 'Appendix A' details the prioritised footway areas.

- 4.9 As with previous winters, requests for assistance in other areas will be considered whenever possible, however, this will be subject to available staff, health and safety, and the availability of salt.
- 4.10 Good communication is integral to the success of the plan and the Director of Operations, and operational staff when appropriate, will keep the Council's Communications Team and the Chair of The Environment and Enforcement Committee updated on a daily basis.

5. Reasons for Recommendation

5.1 Members are requested to approve the recommendations to ensure that effective decision making is undertaken within the framework of a structured approach.

6. References to Corporate Plan

6.1 The approval of the recommendations will benefit the street scene and environment.

7. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Chief Finance Officer

Tel & Email: 01277 312 500,

Jacqueline.vanmellaerts@brentwood.gov.uk

7.1 The Winter maintenance Local Plan is currently met within existing budgets of the medium term financial plan. Although depending on how heavy winter we have, may determine any future financial impacts and whether extra resources would be required. Variances will be reported to Project, Policy & Resources Committee, as part of budget monitoring.

Legal Implications Name & Title: Tel & Email

7.2 The Civil Contingencies Act 2004 puts a duty on borough/district councils to plan for incidents that may have an adverse effect on the community. By approving the recommendation in this report that duty will be complied with.

8. Appendices to this report

• Appendix A

Report Author Contact Details:

Name: Darren Laver – Operations Manager Telephone: 01277 312779
E-mail: darren.laver@brentwood.gov.uk

Appendix A

Winter Maintenance Local Plan

Footway areas to be hand gritted or cleared of snow:

High Street, Brentwood:

- The Parade, Brentwood Station
- Kings Road & Warley Hill (High Street to Avenue Road)
- Queens Road
- High Street(Westbury Road to Ingrave Road)
- Ingrave Road (High Street to Town Hall)
- Weald Road (High Street to Western Road)
- Crown Street (High Street to South Street)
- Shenfield Road (Ingrave Road to Sawyers Hall Lane)
- South Street (High Street to Crown Street)
- St Thomas Road (High Street to Moores Place)
- Moores Place (High Street to St Thomas Road)
- Millennium Way (High Street to William Hunter Way)
- Lion & Lamb Court (High Street to William Hunter Way)
- Bank Place (High Street to William Hunter Way)

Shenfield:

- Hutton Road & Rayleigh Road (Shorter Avenue to Great Oaks)
- A129/A1023 Junction (100m each arm of junction)

Ingatestone & Mountnessing:

- Station Lane (High Street to Railway Station)
- Market Place (High Street to Car Park)
- High Street (The Furlongs to Pine Drive)

Various Shop Locations

- Eagle Way
- Crescent Road
- Brook Street
- Copperfield Gardens
- Robin Hood Road
- Danes Way
- Harewood Road
- Hatch Road
- Ongar Road
- Church Road, Kelvedon Hatch

- Blackmore Road, Kelvedon Hatch
- Blackmore Village Store
- Church Lane, Doddinghurst
- Orchard Avenue
- Eastham Crescent
- Hanging Hill Lane
- Rayleigh Road
- Springfield Avenue
- Thorndon Avenue
- Chafford Gardens

Other Locations:

- Fairfield Road access to job centre
- Outside Doctor's Surgeries (as assessed)
- Pathways on Crown Street and Weald Road
- Footpaths around Hogarth and Endeavour school
- Footpaths around Blackmore Primary School
- London Road Cemetery
- Woodman Road Cemetery
- Courage Playing Fields Walkway
- King George's Playing Fields Walkways

Car Parks

- Chatham Way
- Friars Avenue
- Hunter Avenue
- King George's Playing Fields
- Multi-Storey entrance and exit
- Westbury Road
- William Hunter Way

26th September 2018

Environment and Enforcement Committee

Amendment to the Cemetery Regulations in respect of the placing and management of floral tributes.

Report of: Stuart Anderson – Deputy operations Manager

Wards Affected: All Wards

This report is: Public

1. Executive Summary

- 1.1 In 2014 the Council reviewed the cemetery regulations to govern the Cemeteries in London Road, Woodman Road and Lorne Road.
- 1.2 The 2014 review proved beneficial to both informing residents and the bereaved of their rights as set out in the Exclusive Right of Burial (ERB) holder.
- 1.3 However, since the introduction of the ERB there has been a noted increase in the trend to place pots, containers, plants and ornaments on a burial plot.
- 1.4 Often these items are left on a burial plot even after the plants have perished or ornaments have deteriorated. This can result in numerous empty pots/containers remaining on or around a grave.
- 1.5 This gives an unkept or neglected look to the cemetery, detracting from its appearance for all users.
- 1.6 An amendment to the current Cemetery Regulations is sought in order to take a sympathetic but practical approach to address the issue of excessive or uncared for items being left on a burial plot.

2. Recommendations

2.1 That members approve the amendment to the current cemetery regulations as set out in section 4.2 of this report.

3. Introduction and Background

Current Regulations

3.1 Under the memorials section of the current regulations it states the following in relation to the placing of pots, flowers, ornaments and memorabilia:

Ornaments and small pot plants may only be placed in the following areas:

- Within an approved kerb set
- On the concrete plinth to the rear of the headstone (if one is present)
- On the stone base of a headstone

The following items are not permitted on or around grave plots, or adjoining grassed/slabbed areas:

- Ornaments and pot plants exceeding 12"/ 30cm / 1 foot in height
- Any texts or written documents that have not been preapproved by the Council
- Items with club association i.e. sporting memorabilia
- Solar lights/ lanterns
- Wind chimes
- Flags
- Nationalist memorabilia
- Perishable items including food and drink
- Candles
- Soft toys *
- Balloons

For ashes plots; ornaments and small pot plants are only permitted on the stone plinth to the front of the memorial tablet.

Any ornament, pot plant or any other item that is placed on a plot outside of the above approved areas may be removed without notice in order to preserve the visual appeal of the cemetery.

3.2 Whilst this has aided in controlling some of the issues being experienced it has become apparent that further amendments are

^{*}As an exception, on special occasions such as birthdays and anniversaries, these items will be allowed to be placed and left for a period of 2 weeks.

required to aid control of the number and length of time pots, flowers and other items remain is situ.

- 3.3 The cemeteries, and in particular the plots themselves are, understandably, a sensitive and emotionally charged subject. Often families will place ornaments, flowers, pot plants and other floral containers on plots. However, these are often never removed or replaced. Therefore, after a period these plants perish, and the ornaments deteriorate to the point that they detract from the look and feel of the site.
- 3.4 Often plots end up with dead plants, empty pots, glass vases, glass memorabilia and jam jars or deteriorated and perished ornaments around or behind it.
- 3.5 This not only has an effect on the visual appeal of the cemetery to all those visiting it, but can also pose an issue for operatives who maintain the cemetery.

4. Proposed Changes

4.1 It is proposed to make changes in order to address the issue that has been outlined and to amend the wording in the regulations to the following:

An ornament and a small pot plant may be placed in the following areas of a full burial plot;

- Within an approved kerb set.
- On the stone base of a headstone.

The following items are not permitted on or around grave plots, or adjoining grassed/slabbed areas;

- Ornaments and pot plants exceeding 12"/ 30cm / 1 foot in height
- Any texts or written documents that have not been preapproved by the Council
- Items with club association i.e. sporting memorabilia
- Solar lights/ lanterns
- Wind chimes
- Flags
- Nationalist memorabilia

- Perishable items including food and drink
- Candles
- Soft toys *
- Balloons*
- Glass jars or any glass containers

The above list is not exhaustive and other items considered inappropriate may be addressed on a case by case basis.

*As an exception, on special occasions such as birthdays and anniversaries, these items will be allowed to be placed and left for a period of 2 weeks

No items shall be permitted to be placed to the rear of a headstone, regardless of the presence of a concrete plinth or base.

All empty pots, jars, containers or any other item will be removed, without prior notification and disposed of accordingly. Any dead plants or flowers shall be removed when observed and disposed of.

For ashes plots only a single square 6" x 6" flower vase may be placed on the plinth to the front of the headstone as part of an approved memorial application or a single spiked floral container, again placed within the stone area to the front of the headstone. No item will be allowed to be placed on or within the grass to the front of the memorial setting/beam. Other forms of pot plant or container shall not be permitted to be placed on an ashes plot.

Benches shall be permitted to have a singular pot or container placed at the base of one side of the bench only. Ornaments will not be permitted on or around a bench.

Any ornament, pot plant or any other item that is placed on a plot or bench base outside of the above approved areas may be removed without notice in order to preserve the visual appeal of the cemetery.

- 4.2 To accommodate the requirements within the 'ashes' areas of the cemeteries there will be a need to alter the plinth at the front of the headstone to allow the placing of flower holders. This can be achieved from existing capital budgets and with minimal disturbance to the plots themselves.
- 4.3 A sympathetic and phased approach will obviously need to be taken by Officers with signage placed on site to advise of the amendment to the regulations in the first instance.
- 4.4 Thereafter efforts will focus on working through a section of cemetery at a time and addressing individual plots with the ERB holder.

5. Reasons for Recommendation

- 5.1 Cemeteries are a sensitive and emotionally emotive area of operations within the Council. As such any actions taken must be carried out first and foremost with the families of all those buried in the cemetery in mind and the feelings of those individuals. For this reason, it is important that the Council act as an intermediary in controlling what is placed on a grave within one of its sites.
- 5.2 To allow for greater control and regularisation of the placing of ornaments, pots, containers and floral tributes on graves
- 5.3 To ensure that the visual appeal of the cemetery is preserved for all those visiting the facility.

6. References to Corporate Plan

- 6.1 To ensure the provision of efficient and effective services to our residents and businesses.
- 6.2 Providing increased customer satisfaction in the quality of Council services.

7. Implications

Financial implications

Name & Title: Jacqueline Van Mellaerts, Financial Service Manager: Interim Chief Finance Officer Tel & Email: 01277 312 829 jacqueline.vanmellaerts@brentwood.gov.uk

There are no direct financial implications included in this report. Maintenance costs of the cemeteries are included in the Council's existing budgets.

Legal Implications

Name & Title: Daniel Toohey, Legal Services Manager

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

7.1 The power to make by-laws in reference to cemeteries is contained in paragraph 11, Schedule 26 Local Government Act 1972 and is in respect of the management of cemeteries. This power would by implication enable the amendment of any existing regulations. Any regulations would have to be confirmed by the Secretary of State. **Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

Health & Safety implications

Name & Title: David Wellings, Health & Safety Officers
Tel & email: 01277 312518 david.wellings@brentwood.gov.uk

7.4 To maintain the safety of members of the public visiting or attending the cemeteries and, employees maintaining the grave plots and green space, these amendments support the Council's duty to maintain a safe environment for all to use.

8. Appendices

None.

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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, 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.

Environment and Enforcement Committee

- 1. 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) Environmental nuisance and pollution controls
- 10) Other miscellaneous powers enforced by Environmental Health
- 11) Food safety and health and safety
- 12) Oversee and monitor the enforcement activities of the Council.

