



# Agenda

## Environment and Enforcement Committee

Wednesday, 20 March 2019 at 7.00 pm

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

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### Membership (Quorum – 3 )

Cllrs Parker (Chair), Bridge (Vice-Chair), Mrs Fulcher, McLaren, Morrissey, Naylor, Poppy, Tierney and Wiles

### Substitute Members

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

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### Agenda

Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 6
3.	Chair's Update	All Wards	7 - 12
4.	Household Waste Duty of Care Fixed Penalty Notices	All Wards	13 - 18
5.	Improving the Councils Waste & Recycling Service	All Wards	19 - 26
6.	Countywide Bus Shelter Project	All Wards	27 - 38

7. **Urgent Business**

A handwritten signature in black ink, appearing to read 'P. K. Russell', with a large, sweeping underline.

Chief Executive

Town Hall  
Brentwood, Essex  
12.03.2019

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### 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.

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#### 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.

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#### 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.

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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

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these activities, in their opinion, are disrupting proceedings at the meeting.

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 **Private Session**

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 **Evacuation Procedures**

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## Minutes

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### Environment and Enforcement Committee Wednesday, 12th December, 2018

#### Attendance

Cllr Parker (Chair)	Cllr Morrissey
Cllr Bridge (Vice-Chair)	Cllr Naylor
Cllr Mrs Fulcher	Cllr Poppy
Cllr McLaren	Cllr Tierney

#### Apologies

#### Substitute Present

Cllr Mrs Slade

#### Also Present

Cllr Wiles

#### Officers Present

David Carter	-	Environmental Health Manager
Tracey Lilley	-	Enforcement Manager
Zoe Borman	-	Governance and Member Support Officer
Stuart Anderson	-	Deputy Operations Manager
Greg Campbell	-	Director of Operations

#### 279. Apologies for Absence

Apologies were received from Cllr Fulcher. Cllr Slade substituted for Cllr Wiles who was delayed. Cllr Wiles joined the meeting but did not take part in the debate nor vote.

#### 280. Minutes of the Previous Meeting

The Minutes of the Environment and Enforcement Committee held on 26<sup>th</sup> September 2018 were approved as a true record.

#### 281. Chair's Update

Members noted the updates provided by officers in the report and thanked officers for the informative content.

**282. Fees and Charges**

Fees and charges levied by the Council for various services are reviewed on an annual basis by the relevant Committees relating to the Services.

Recommended amendments to fees and charges are incorporated into the budget.

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

Members raised concerns regarding the fee levied in relation to high hedge complaints as this had increased considerably. Members were informed that this increase was due to charges not having been raised for a number of years and the new charge would be in line with neighbouring authorities and assist the Council to recover the costs involved with this service. The Chair agreed to ask officers to consider the service and how the charges are passed onto the resident and whether this was a fair service.

Following a full debate a vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY:**

**That the proposed fees and charges attached in Appendices A, B, C and D were approved and referred to Policy, Projects & Resources Committee and Ordinary Council as part of the 2019/20 budget setting process.**

**Reasons for Recommendation**

The recommended increases to fees and charges will enable the Council to recover the cost of services provided.

**283. Urgent Business**

There were no items of urgent business.

**The meeting concluded at 19.45**

**20 March 2019**

## **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*

### **Spruce up for Spring**

A very successful initiative was held in Brentwood High Street from the 4<sup>th</sup> March through to the 8<sup>th</sup> March. The initiative involved a deep cleanse and some maintenance work, carried out by three teams from Operational Services and a number of volunteers from the public, our own staff and fellow Members. Gratitude is also extended to Marks and Spencer, Domino's Pizza and Subway for providing much appreciated refreshments.

The work focussed on a deep cleanse of the High Street as well as the tidying up and maintenance of street furniture, flower beds and the fenced areas around the trees.

The list is lengthy as to what was achieved: for example, seven new litter bins were installed, a number of railings were rubbed down and repainted, benches were given a new lease of life, having been painted and stained, the flower beds at the Chapel ruins and the toilets were tidied up and new plants planted and street furniture had a jet wash. Mention should also be made of the cleaning of the Larkin's Water Trough, which looks splendid, particularly as it had its lettering repainted.

The passing public were very supportive, and some members of the public returned the following day to offer their help. There is still more work to be done in the High Street, but this is a very positive.

Similar work will be undertaken to Shenfield and Ingatestone High Street starting on the 15<sup>th</sup> April.

### **Woodland Planting**

The Arboriculturalist – Alan Marsh – has organised two planting days for the 22 and 29 March at an area by Potiphar Place. The first will involve Hollytrees School, who will plant some special trees and shrubs, along with woodland trees provided by the Woodland Trust. The second will involve the Breakfast Rotary Club planting the

remaining woodland trees. Additionally, Alan will source a carved oak bench, similar to the one at Hutton Poplars, for the new woodland.

### **Recycling Road Shows**

So far this year, there have been six recycling road shows, led by the Recycling Officer – Andrew Long; with a further two to be held on the 29 March and 12 April by the Chapel Ruins in the High Street. A new programme of road shows will be drawn up for 2019/20.

The Recycling Officer also participated in a well-attended Home Composting event on the 9 March, held at St Georges Hall in Pilgrims Hatch. This was an event in partnership with Essex County Council.

Further, the Recycling Officer has been busy giving a number of presentations, including activities, to schools and scouting organisations; the last one was on the 15 March at Blackmore Primary School.

### **Waste & Recycling Calendars and Sacks**

The recent sack deliveries were completed in January and it's intended to deliver an annual guide to the recycling and waste services prior to Easter, which will also include the collection dates for 2019-20. A further scheduled sack delivery will be undertaken later in the year, the date is still to be agreed. It should be noted that there are 32 outlets for official Council sacks; details are online and will also be found in the guide.

### **Commercial Waste**

The commercial waste service is performing well with turnover expected to increase, based on the turnover for 2017-18, by 1% for 2018-19 to £540,000. The market is very competitive, and the Business Waste Team have worked well to ensure that despite a number of businesses contracting elsewhere for their waste services, there have been 32 new contracts for this year which have not only replaced the loss of the contracts, referred to earlier, but resulted in a favourable variance of £38,000.

Work is continuing to develop our commercial waste contracts and understand why some organisations went elsewhere. We are considering how we remain competitive in this market

### **Traveller Defences**

Phase three of the works has now been completed with additional or new measures introduced at the following sites:



- Warley Country Park [Both the entrance at Vaughan Williams Way & Crescent Road]
- St Faith's Country Park
- Larkin Playing Field
- Brentwood Centre
- Little Warley Common
- Hutton Country Park
- & Seymour Playing Field

The works have included the installation of additional gates and height restriction barriers, installation of both wooden posts and telescopic metal posts, reinforcing site fencing and strengthening of gates and locking mechanisms. This work, coupled with the works already completed in phases one and two will mean that incursions, whilst not impossible, will be much harder to affect and enter onto site in the first instance. Although works are concluded the sites and measures will continue to be monitored over the coming season and any weakness identified will be addressed as necessary.

## **Community Safety Accreditation Scheme – CSAS**

### **Corporate Enforcement Team**

Another member of the team has successfully passed their Community Safety Accreditation bringing the core team of accredited officers to 7. A further 2 officers from housing will be undertaking their training in April which will bring the total number of officers with accreditation to 15.

### **Fly-tipping**

Fly tipping continues to be an issue across the borough. The team are continuing to work with the local community, Essex Police and other partners to tackle the issue of the fly tipping across the borough. Regular monthly operational meetings have now been established where enforcement officers meet with the depot in order to tackle fly tipping as collective using all powers and tools available. This includes increased patrols at key times in hotspot areas using both the enforcement vehicle and depot 4x4. Work is also underway for a fly tipping campaign/roadshow across the borough.

#### **Fly tipping figures**

Month	No	Comment
Oct 18	36	A decrease of 21 from the previous year
Nov 18	48	A decrease of 9 from the previous year
Dec 18	34	An increase of 5 from the previous year

Jan 19	94	An increase of 11 from the previous year
Year to Date	549	A decrease of 19 from the previous year

We have established that there is a pattern with December seeing the lowest amount of fly tips, which increases in January quite significantly. This has been discussed at our monthly operational meeting and as mentioned above patrols will be increased at key times with support from Essex Police. Data also shows that the types of fly tips are predominantly linked to householder's waste and therefore our campaign will focus on residents being aware of their duty of care and that it is a community issue that needs support from residents as much as partners. Brizes and Doddinghurst ward including Navestock is still dominant with around 25% of all fly tips in January followed by the wards of Warley, Ingatestone, Fryerning and Mountnessing.

As well as activity locally, there is a new Essex wide fly-tipping group which has been established to encourage better information sharing and collaboration. It is in its early stages, but we will continue to work with our county-wide partners to tackle the issue ensuring best practice is shared to improve our enforcement activity and opportunities for collaborative working across boroughs.

Recently Cllr Parker accompanied officers at an Essex Byway meeting and as a result the panel agreed to carry out work to two byways in the borough in order to reduce access to the byways in a bid to reduce the opportunity for fly tipping.

A fly-tipping and duty of care campaign was launched in Navestock during December. Leaflets have been handed out to the Parish Council as well as local businesses and the community including all traveller sites across the borough.

We are hoping that contracts will be approved by legal shortly which will result in 4 CCTV cameras being installed in Navestock which is being sponsored by a local resident in order to provide the best opportunity for enforcement and prosecution.

The CSP provided funding to purchase 'NO Fly-tipping' signs which have now been erected across the borough.

Following a report of a fly-tip in Hutton a local resident identified the items and was able to provide details of the company who collected the waste. This resulted in officers working with the Environment Agency. Investigations are ongoing and prosecution is being sought against the waste carrier.

### **Enforcement Opportunity/Support**

Six members of the team have now been trained by Essex Police to be able to carry out speed checks. The speed gun is the same equipment used by Essex Police

and has infrared capability. We are waiting for the equipment to be type approved by the Home Officer and the Chief Constable of Essex Police to delegate powers to the officers. They will then be able to carry out speed checks in approved areas. Speeding is always a key community safety issue for our communities, so this is a real positive step forward. It will also improve our visibility across the borough including our rural areas.

Abandoned Vehicles info;

Month	Enquiries	Total Removed	BBC Removed	DVLA Removed	Owner Removed
Nov-18	19	6	0	2	3
Dec-18	27	6	0	3	3
Jan-19	22	4	1	0	4

Parking on grass verges - Essex Act 1987 notices have been applied to only 3 vehicles that were parked illegally where prohibition notices are in force on Chelmsford Road and Coram Green.

Waste presentation issues – 23 warning/education letters sent to residents since November.

Dedicate Patrols

The team continue to undertake patrols in key locations tackling community issues such as ASB, flyt-ipping, nuisance vehicles and enforcing the PSPO. Several of the patrols have been during the evening and weekends alongside Essex Police.

In addition to the usual patrols the team also undertook a joint operation with Essex Police, South Essex Parking Partnership (SEPP) and members of the Councils parking team. Over three late evening and weekend patrols in and around the Town Centre 236 Penalty Charge Notices were issued (132 in Council owned car parks, 107 for on street parking contraventions). More joint patrols are planned.

Corporate Enforcement Newsletter

The first edition of the Corporate Enforcement Newsletter has been published with positive feedback. The distribution is continuing to build, and the next edition is due in April.

Community Safety

Anti-Social Behaviour - Since January 2018 the following has been achieved:

- 125 cases reported and have closed 98 cases with 25 still open under investigation.
- 11 Notices of Seeking Possession have been served for a variety of different reasons
- A demotion of tenancy is being sought for a long standing ASB issue in one of the sheltered schemes
- 6 Acceptable Behaviour Contracts have been signed by tenants regarding their behaviour. One of the ABCs was for a tenant's child who was causing ASB and was mentored by the ASB Officer.
- Two injunctions have been sought and granted for threatening behaviour against residents.
- Two Community Protection Warnings and one Community Protection Notice has been served in Brentwood High Street.

Nuisance Vehicles have continued to be an issue for the partnership. Overall there has been a decrease in the number of ASB reports and the partnership have worked hard to eradicate the hotspots from last year. However, reports of anti-social behaviour involving cars at William Hunter Way has started to increase once more. As a result, various activities were undertaken by the partnership which included:

- CCTV Cameras targeting specific areas in the car park
- Regular and out of hour patrols by the Corporate Enforcement Team with support from Essex Police
- Warning letters and Section 59 Notices continue to be issued at William Hunter Way
- Introduction of the PSPO to help tackle ASB

Anti-Social Behaviour is down 11.7% (206 less offences) year on year. This is hugely down to the joint work of the Community Safety Team, Enforcement Team and Essex Police patrolling hotspot areas and having more of a visible presence.

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**20th March 2019**

## **Environment and Enforcement Committee**

### **Household Waste Duty of Care Fixed Penalty Notices**

**Report of:** *David Carter – Environmental Health Manager*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 The Government has recently introduced the fixed penalty notice (FPN) for breaches of the household waste duty of care as an alternative to prosecution. Guidance, which local authorities should follow, has been issued.
- 1.2 There is no obligation to offer an alleged offender the option to discharge liability through an FPN. However, it can be more proportionate than prosecution through the courts.
- 1.3 The duty of care requires occupiers of domestic property to take all reasonable measures available to them in the circumstances to ensure that they only transfer household waste produced on that property to an authorised person. This reduces the chance of waste ending up in the hands of those who would fly-tip it.
- 1.4 This report sets out the proposed level of fixed penalty notices and summarises the powers available to authorised officers to issue penalties.

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

- 2.1 Members approve the new recommended maximum penalty levels set out at 4.5**
- 2.2 Members consider whether to additionally approve the discounted levels for early payment also contained in the table at 4.5**
- 2.3 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**

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

- 3.1 Fixed penalty notices can be issued when an individual appears to have failed to comply with their duty of care under section 34(2A) of the Environmental Protection Act 1990, e.g.
- where fly-tipped waste can be traced back to an individual who is found to have failed to take reasonable steps to ensure that they transferred the waste to an authorised person
  - where an unauthorised carrier is found to be carrying household waste that was directly transferred to them by the occupier of a domestic property
  - where an individual is found to have transferred their household waste to an unauthorised person at a site that does not have a permit or exemption

An individual should be given an opportunity to demonstrate that they took reasonable steps to determine the person that took their waste was authorised to do so. If fly-tipped waste is traced to an individual and they are unable to identify who took their waste, or the carrier they identify is unauthorised, then it is reasonable to believe their duty of care was not met.

- 3.2 Enforcement should focus on those who, as a result of not meeting their duty of care, enable their waste to be fly-tipped or otherwise inappropriately disposed of.
- 3.3 The principles of the Regulators Code apply to the enforcement of the household waste duty of care. Under the Legislative and Regulatory Reform Act 2006, the Council has a duty to carry out regulatory activities in a way which is transparent, accountable, proportionate and consistent, and for them to be targeted only at cases in which action is needed. In no circumstances should enforcement be used as a means to generate income.
- 3.4 FPNs should not be given where prosecution through the courts is more appropriate, for example the deliberate transfer of waste to an unauthorised person in the knowledge that it would be fly-tipped, or where someone is a persistent offender with a record of not paying fixed penalties for environmental offences.

- 3.5 We should also consider whether the evidence provided by an individual investigated for breach of the household waste duty of care enables investigation or prosecution of the fly-tipper.
- 3.6 Recommendation 2.3 is to delegate power to authorise officers to issue fixed penalty notices where they are not already authorised and have undertaken the appropriate training.

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

- 4.1 Local authorities have the discretion to set penalties within the limits set out in legislation:

Default penalty	Minimum full penalty	Maximum full penalty	Minimum discounted penalty
£200	£150	£400	£120

- 4.2 For fly tipping offences, the Council has already set the levels at the maximum £400 with no early payment discount.
- 4.3 It is recommended that Members consider whether to apply the same level of penalties already set for fly-tipping and whether to allow a discount for early payment.
- 4.4 The recommended level of penalty is therefore **£400, with no discount for early payment.**
- 4.5 As the FPN offers an option to discharge liability for the offence, an alleged offender may choose not to accept or pay a fixed penalty. They may also provide evidence at any time that they did not commit the offence.
- 4.6 Where an individual does not pay an FPN we are expected to take the case to prosecution. As such, detailed evidence gathering will be carried out at the start of the investigation before an FPN is given to ensure prosecution can take place if needed. Failure to follow up an unpaid FPN with prosecution for the original offence will discredit the use of fixed penalties and the duty of care itself.
- 4.7 The Council will follow the guidance issued by the Government in the policy paper ‘Guidance for local authorities on household waste duty of care fixed penalty notices’ when dealing with cases.

**5. Reasons for Recommendation**

- 5.1 The penalty is recommended at the maximum level in order to reflect the Council's intention to ensure that enforcement action is effective; these penalties are offered as an alternative to prosecution and should therefore reflect the serious nature of the offence.

## **6. Consultation**

- 6.1 The Government has already carried out a full public consultation over the proposed level of penalties and has produced the values set out in the table at 4.1.

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

### **7.1 Environment and Housing Management**

Encourage residents to work with us to take responsibility for the environment, and improve the cleanliness of our streets

### **7.2 Community and Health**

Provide advice, support, guidance and enforcement

## **8. Implications**

### **Financial Implications**

**Name & Title: Jacqueline Vanmellaerts Interim Chief Finance Officer**

**Tel & Email: 01277 312829**

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- 8.1 Income received through Fixed Penalty Notices are accounted for in the relevant service area and will offset resources required to mitigate the offenses. Annual budget setting processes will apply when reviewing this charge.

### **Legal Implications**

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

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- 8.2 A fixed penalty notice may be given when an individual fails to comply with the duty of care under section 34 (2A) Environmental Protection Act 1990. Under the Legislative and Regulatory Reform Act 2006 local authorities have a duty to carry out regulatory duties in a way which is transparent, accountable, proportionate and consistent and take action



only in cases where it is needed. The section therefore must be read on this basis.

**9. Background Papers**

- 9.1 Policy paper – Guidance for local authorities on household waste duty of care fixed penalty notices  
Department for Environment Food & Rural Affairs

**10. Appendices to this report**

- None

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**20 March 2019**

## **Environment and Enforcement Committee**

### **Improving the Councils Waste & Recycling Service**

**Report of:** *Greg Campbell*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 This report considers how the Council can amend its waste collection service to deliver both environmental improvements alongside revenue efficiencies.
- 1.2 It examines the waste service and recommends a method by which this service can be turned from a cost burden to a cost benefit.
- 1.3 The report considers changing the way residents currently present recycled waste, seeking to split the presentation of the mixed dry recycling (MDR) stream to deliver financial and non-financial benefits.

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

- 2.1 **To agree to a direction of travel for recycling, by separating mixed dry recyclables.**
- 2.2 **Delegate authority to the Director of Operations, in Consultation with the Chair, Vice Chair of Environment and Enforcement Committee, the Leader and the Leaders of the two opposition groups to agree the final scheme, which will be presented to Committee.**
- 2.3 **To implement the scheme during September/October 2019**

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

- 3.1 The Council is under constant pressure to generate income, reduce costs and create new lines of revenue. This report considers a review of the waste collection service and specifically the recycling collection. Waste

collection is a statutory service and a pillar of what local government provides. It is important that it is delivered well and delivered effectively to the residents.

- 3.2 Further, there is a social responsibility that directs councils to provide services that consider the environment not only now but for the future.
- 3.3 The Council has not made any significant changes to its waste service since the introduction of food waste caddies in 2011, and certainly none recently that have affected residents. Any change is therefore subject to careful scrutiny.
- 3.4 This report before Members considers how the Council can change its approach to recyclables collected and increase their value and quality.
- 3.5 In December 2018 the government released a strategy 'Our Waste, Our Resources: A Strategy for England' which will impact on all local authorities. The Council will have to align itself with the requirements of this strategy, and in so doing consider how we collect and dispose of waste.
- 3.6 The main overarching objectives of the Strategy 'Our Waste, Our Resources: A Strategy for England' are:
  - To maximise the value of resource use; and
  - To minimise waste and its impact on the environment.

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

- 4.1 Currently residents place paper, cardboard, plastics and cans within the orange recycling sacks. The collected sacks are then delivered to a Material Recycling Facility (MRF) for treatment, where it is sorted and recyclables are then sent onto processors. The delivery of the sacks to the MRF currently attracts a significant gate fee.
- 4.2 The strategy will seek to ensure comprehensive and frequent collection services (including separate food waste collections) and to identify a core set of materials to be collected. This Council needs to meet the new challenges and therefore is undertaking an exercise to consider changing the current collection methodology.
- 4.3 A number of options, along with no change, were considered with the assistance of consultants. The preferred option is separating the mixed

dry recyclables (collected in the orange sack) into two distinct waste streams. This will deliver financial and non-financial benefits.

- 4.4 The separation of waste is not a new concept and one that Brentwood residents are familiar with as they already perform this task with mixed glass, food, residual (black sacks) and combined recycling (Orange Sacks).
- 4.5 By residents separating their dry recycling the material becomes a saleable product, generating a revenue stream: for example, good quality paper could attract a revenue of £25/tonne, as opposed to being charged a gate fee of c.a. £30/tonne, which would be a positive variance of £55/tonne. Prices are market led, however, this example demonstrates what could be achieved.
- 4.6 The Council are already at the vagaries of the market and at present this is reflected in the gate fee we are charged. The material collected, with the new alignment of services, will still be subject to the fluctuations of the market; however, as this material attracts a revenue stream, the Council will remain in a far better position than if it continued to run the combined recycling to the MRF.
- 4.7 In order to make this switch, the Council would require residents to separate the recyclables, already placed in the orange sack, into two discrete waste streams: namely: 'paper & card' and 'plastics & cans'.
- 4.8 Therefore, the collection services for general household waste (black sacks), food waste, garden waste and mixed glass collections would remain the same; with the two new streams (replacing the current single stream) being collected on alternating weeks.
- 4.9 The receptacles required for the new service will cost circa £210k and could be funded by the earmarked reserve for the improvement of waste management. The final costs for the scheme will be reported at the next committee and will be subject by final approval at Policy, Project and Resources Committee.
- 4.10 The timing of the introduction of these changes will be important. Experts in the Waste Service agree that the introduction of a major change to waste rounds is best done during a time that avoids the least disruption and ensures the best take up.
- 4.11 Therefore, it is recommended that the recycling improvements are implemented during September / October 2019. Thus, minimising

disruption by avoiding the Christmas and Easter holiday seasons which would potentially impact adversely on participation.

- 4.12 In order to develop a successful delivery programme, communications will play an important part. Communications will publicise, inform and educate residents and businesses on the revised waste collection scheme and the benefits as to why we have made these changes.
- 4.13 Communications will require a two-month lead time with a well devised plan. The cost of this plan and its implementation will need to be worked up as part of the project and again would be funded from the waste grant.
- 4.14 It is envisaged that delivery of this project will take six months and a planned implementation date will be set for September/October 2019. Attached at Appendix A is a high-level implementation plan. Therefore it is important we get agreement to begin to work up this project now bringing a final report back for agreement to the next committee in order that implementation can begin in September/October.
- 4.15 Regrettably, this scheme at present cannot be rolled out to those with multi-occupancy dwellings (flats) due to the risks associated with communal bin areas where contaminated waste is an issue: i.e. items placed in the wrong bins. However, Officers will consider options as to how this issue can be tackled and the problem overcome. This again will be reported back to the next committee.

## **5. Reasons for Recommendation**

- 5.1 The benefits and non-benefits include 'inter alia':
- Potential increase in revenue and a reduction in costs to be quantified.
  - Improvement in the quality of recycling collected.
  - Minimal change in the service provided to residents.
  - Manageable budgetary pressures.
- 5.2 Members are requested to agree to the recommendations as they will enable the evolution of the Council's Waste Management Service to meet current and future challenges.

## **6. Consultation**

- 6.1 Consultation with waste specialist – Street Care Support Limited. They have undertaken a waste collection service review and continue to work with the Council.

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

- 7.1 The Council will continue to ensure the provision of efficient and effective services.
- 7.2 The eventual implementation of this change of service will enable the Council to continue to work towards minimising waste by collecting waste effectively and increasing recycling rates.

## **8. Implications**

### **Financial Implications**

**Name & Title: Phoebe Barnes, Interim Financial Controller**

**Tel & Email : 01277 312839, phoebe.barnes@brentwood.gov.uk**

- 8.1 Prices per tonne are market led and carry a degree of risk due to fluctuations. This can impact the Council's finances favourably and adversely and are therefore closely monitored through the Council's Budget Monitoring process.
- 8.2 The receptacles required for this strategy could be funded from the Waste Strategy Earmarked Reserve. This reserve has an estimated balance of £522k for 2019-20, as reported as part of the Medium-Term Financial Plan. However, the preferred option for funding will be reported alongside the final proposed scheme, this will be subject to budget approval at Policy, Projects and Resources Committee.
- 8.3 The proposed recycling strategy potentially could generate savings to the General Fund, however these are dependant on the proposed final scheme being agreed. Therefore, the potential revenue savings will be quantified and reported to the next committee alongside the final scheme.

## **Legal Implications**

**Name & Title:**

**Tel & Email**

- 8.4 The Government's latest guidance on waste recycling," Our Waste, Our Resources : Strategy For England" has two overarching objectives: 1. To maximise the value of resource use and 2. To minimise waste and its impact on the environment. The proposed action recommended in this report sits squarely within these objectives.

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

- 8.5 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

## **Report Author Contact Details:**

**Name:** Greg Campbell

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## Appendix 1

High Level Project Plan to introduce one further recycling Stream

<b>Item</b>	<b>Description</b>	<b>Start</b>	<b>Complete</b>
1	Committee Agreement	March 2019	March 2019
2	Review Processes and identify/confirm changes	March 2019	May 2019
2	Initiate Procurement Exercises	May 2019	August 2019
3	Develop Communications Plan	May 2019	June 2019
5	Committee Approval to Proceed	June 2019	July 2019
4	Implement Communications Plan	July 2019	Oct 2019
7	New Rounds start	Sept 2019	Oct 2019

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20<sup>th</sup> March 2019

## Environment and Enforcement Committee

### Countywide Bus Shelter Project

**Report of:** *Greg Campbell Director of Operations*

**Wards Affected:** *All*

**This report is:** *Public*

#### 1. Executive Summary

- 1.1 Brentwood Borough Council have received an approach from Essex County Council to seek to amalgamate all bus shelters across Essex under one authority (ECC).
- 1.2 This it is envisaged will enable better returns from advertising contracts to be realised. This revenue would in turn be spent on improving and replacing bus shelters for residents across the County as part of a programme of works.
- 1.3 The request at present is for Brentwood Borough Council to agree in principle to the project. The actual detailed arrangements of how this relationship would work have not been fully discussed nor agreed.
- 1.4 The project includes bus shelters owned by Brentwood Borough Council and those provided by Clear Channel in the Borough of Brentwood but not those owned by Parish Council's.

#### 2. Recommendation(s)

- 2.1 **To agree in principle to work with ECC on this project to amalgamate bus shelters under one County ownership, with the aim of reducing costs and improving the sites in general by adding them into a maintenance and replacement plan.**
- 2.2 **That the project will need to consider the bus shelters owned by Parish Councils.**
- 2.3 **That progress and any recommendation for a final decision be brought back to the Environmental and Enforcement Committee for consideration.**

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

- 3.1 The Council has been approached by Essex County Council to consider whether Brentwood would work with ECC and other Essex Councils to create a single bus shelter owner. This would then create a single contract for maintenance, replacement and supply, to be paid for by the ECC contract for Advertising at these sites.
- 3.2 It appears that this would eventually require an asset transfer or acquisition of our bus shelters within the borough. So far, this approach does not include those under the authority of Parish Councils.
- 3.3 The approach is summarised in a prospectus produced by ECC which is attached at Appendix 1. The main focus of the prospectus is:
- All identified bus shelters across the county will be acquired/transferred to ECC ownership and control.
  - ECC would manage and maintain these shelters. In so doing would generate revenue from advertising.
  - The funds raised from advertising would be ring fenced and used to pay for improvements, replacements and repairs of bus shelters across Essex.
- 3.4 Brentwood presently have 34 bus shelters excluding those in the three high streets and within the parishes.
- 3.5 Brentwood do not have a repairs, maintenance or replacement schedule nor budget for these shelters and replacement of one bus shelter in the wooden style would be in the region of £11,500.
- 3.6 ECC believe a joined-up approach would provide increased negotiation power when seeking sponsorship / advertising for over 2000 shelters in the County.

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

- 4.1 The request from ECC is to agree in principal that this Council is open to discuss this opportunity with ECC to acquire our bus shelters and take on the improvement, replacement and repairs of these shelters; and that Brentwood Council have a full part of the on-going workshop and negotiations.

- 4.2 The Committee is therefore requested at this stage, to agree in principle, subject to any final decision coming back to this Committee, for agreement to take part in this project.
- 4.3 At present, the Council generates no income from the bus shelters we own including those run by Clear Channel on our behalf. Investigations to establish from Clear Channel the size of revenue that they generate are being undertaken.
- 4.4 It appears the suggestion from ECC is that they would undertake an acquisition transfer taking on all responsibility of all the shelters they have identified in the borough and eventually those that are part of the Clear Channel contract.
- 4.5 The detailed working arrangements and governance still need to be addressed, and at this stage commitment in principle is only sought until the draft terms and the governance arrangements are presented.
- 4.6 Further, the discussions will need to answer some fundamental questions before a final decision could be made. These include:
- What advertising revenue would Brentwood Council miss out on if it decides to sell the bus shelters?
  - What is the maintenance and replacement programme, and how much would it cost the Council if it were to undertake this work itself?
  - What are the governance arrangements to understand how Brentwood will still have a voice and exert some influence over any decisions made on bus shelters in our borough in the future?
  - What is ECC's thoughts/intentions on those bus shelters owned by the parish council's?

## **5. Reasons for Recommendation**

- 5.1 It is recommended that the council agree in principle to work with ECC to develop the project subject to contract and agreement by members. To confirm to ECC our approval to work with them but not commit.
- 5.2 In order that any final decision will be made by Members of the Environment and Enforcement Committee at a future date.

- 5.3 This enables Brentwood to be at the heart of any decisions being considered for Brentwood bus shelters.
- 5.4 This enables the Council to pull away from any final decision should it believe it is an unfavourable contract.

## **6. Consultation**

- 6.1 None.

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

- 7.1 To ensure the provision of efficient and effective services to our residents.

## **8. Implications**

### **Financial Implications**

#### **Name & Title:**

#### **Tel & Email**

- 8.1 No direct financial implications arising from this report. Various financial implications need to be worked through as part of this proposal and will be reported back for final consideration.

### **Legal Implications**

#### **Name & Title:**

#### **Tel & Email**

The recommendations set out within this report are lawful and within the Council's powers and duties. The Council has the power to provide and maintain bus shelters under s4, Local Government (Miscellaneous Provisions) Act 1953, and may make arrangements for bus shelters to be provided by another organisation. Under s101 of the Local Government Act 1972 the Council may arrange for the discharge of any of its functions by another authority.

All agreements, including the acquisition of any bus shelters, should be in a form approved by Legal Services.

**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

**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 - Countywide Bus Shelter Project Prospectus.

**Report Author Contact Details:**

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# Appendix A

## Countywide Bus Shelter Project

### Prospectus

#### Mission statement

*Our mission is to make Essex a great place to live and work by bringing together and delivering a sustainable and quality bus infrastructure network across Essex that provides consistency of experience for users, is commercially focussed and future proofed.*

#### Vision

In partnership with District, Borough and City councils, our vision is to scope and implement a long-term Essex-wide contract, led by a single supplier, which incorporates all maintenance, replacement and supply of shelters and the generation of advertising income.

This vision would support delivery of our mission statement and contribute to wider strategic aims to create a better quality environment and to increase bus patronage, to the benefit of all our residents.

#### Current situation

Bus shelter provision across Essex is patchy, involves mixed ownership and any maintenance tends to be reactive only.

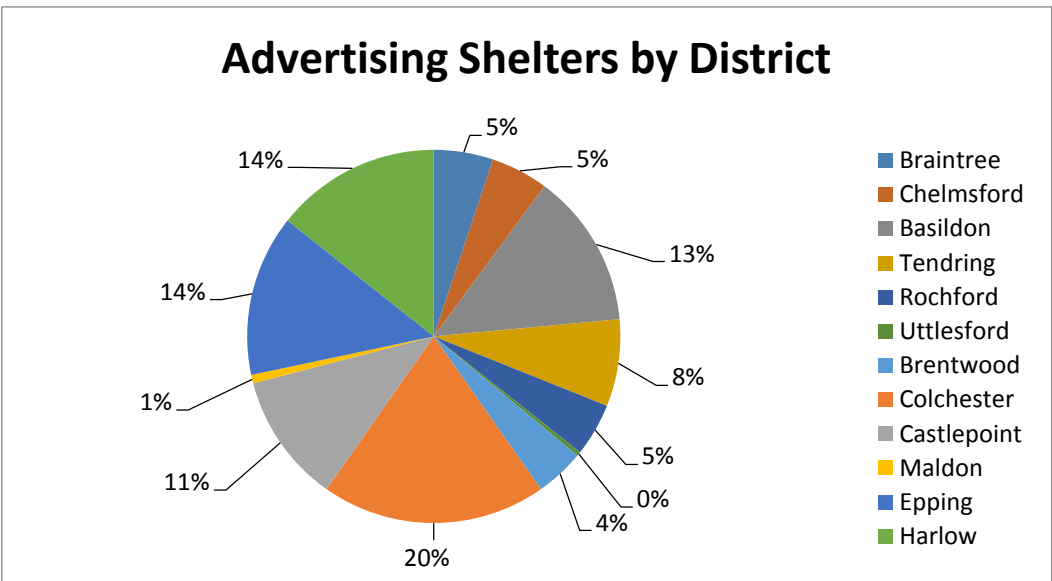
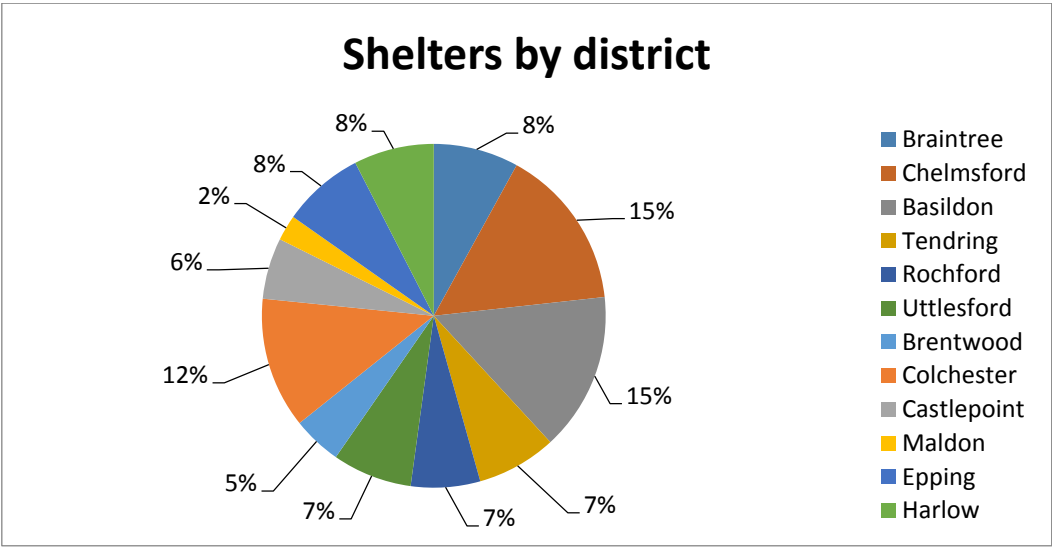
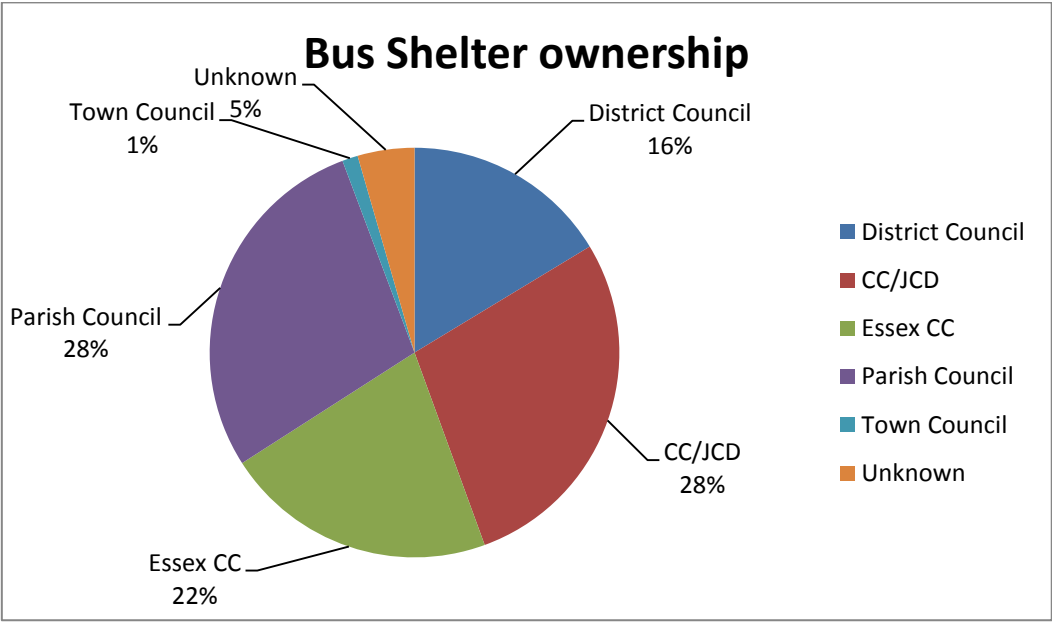
To our residents there is lack of clear accountability, in terms of who owns which shelter, leading to frustration and blurred lines on how to report issues.

In the most recent national Transport Focus survey, the results for Essex showed that we scored lower on every bus stop satisfaction indicator compared to other similar authorities' average figures.

The bus shelter market is one that is dominated by two large suppliers – JC Decaux and Clear Channel. Across the country, they own the majority of large urban city and town contracts for the provision of advertising shelters. Within Essex, this is no different. This type of contract was typically let in the 1990's or early 2000's

Across the county, these contracts are often weighted in favour of JC Decaux or Clear Channel, with little or no benefit to the owning Council, yet millions of pounds are being made by the supplier.

On the next page, we have included a number of charts to illustrate the current view:



## Guiding principles to deliver the vision

We believe there is a significant opportunity to re-balance the picture, by bringing together the bus shelter estate to generate sufficient income to cover all costs and continually re-invest in the network for our residents.

In doing so, and to guide this project as it progresses, we propose a set of principles to follow:

- All income generated from the contract would be ring-fenced to invest and maintain the upkeep of the bus infrastructure network
- To provide a significantly enhanced bus stop experience for users which improves the visual quality of people's environment; under one overarching Essex-wide brand
- Digital by default – where it makes commercial sense to do so
- To rationalise our collective estate and reduce street clutter
- A rolling replacement and upgrade programme throughout the contract life; to a set and consistent standard (e.g. solar-power, Wifi, real-time passenger information screens etc.), with a view to increasing shelter provision Essex-wide
- At minimum be cost neutral (compared to the current collective position), but aspiring to deliver savings to existing budgets

We believe these are a sound set of principles on which to base our joint-working.

## Intended benefits

Taking a collaborative approach to this project, we intend to achieve the following benefits from this venture:

- Residents have a consistent and improved experience of using buses, starting with the bus stop
- Asset ownership is clarified for Council's and residents
- Income is generated from the Bus Shelter estate and real-time passenger information system to invest in the network and reduce or eliminate the costs currently encountered by us all (whether financial or opportunity costs)
- We can rationalise the estate and remove the varying, nonsensical scenarios where there are 3 – 5 pieces of infrastructure in the same location which are not integrated.

- A modernisation of the estate – bringing shelter provision into the 21<sup>st</sup> century with Wifi, solar-power lighting and digital screens
- Potential to expand Bus Shelter provision across the County into areas where we know residents currently have no protection from the elements

### Proposed Model

We propose that we all enter into a partnership agreement for this project, covering our responsibilities, shared objectives and the decision-making process throughout the life of the venture.

This would be between Essex County Council and all 12 District/Borough/City council's in Essex. Essex County Council would be the contract owner and lead on this aspect, including the procurement and contract management of it. For clarity, the list of partners would be:

- Basildon Council
- Braintree District Council
- Brentwood Borough Council
- Castlepoint Borough Council
- Chelmsford City Council
- Colchester Borough Council
- Epping Forest District Council
- Essex County Council
- Harlow Council
- Maldon District Council
- Rochford District Council
- Tendring District Council
- Uttlesford District Council

This model is one that currently exists for the real-time passenger information system, which is a partnership agreement between Essex County Council, Southend Borough Council and Thurrock Council; with Essex County Council as the contract owner.

### Contract options and preference

There are three potential options on how to deliver this contract, throughout which two consistent themes are present in all – namely; any contract must run for at least 10 years for viability and that the advertising element will be delivered externally.

The three options are:

1. **Minimum-Income-Guarantee (MIG)** > Contract awarded to the supplier who can guarantee us the most income annually from the estate ('As-is' style of contract from JC Decaux/Clear Channel).
2. **Hybrid Contract** > All the benefits of a partnership arrangement but with the security of a MIG. The MIG would be lower than Option 1, but would provide a platform to aspire to greater income targets by working together.
3. **Partnership** > All costs and income from the contract are shared between the Council and the supplier, on an open-book basis.

We feel that a new approach to this market is necessary, with some guarantee of income to avoid any partner being saddled with all of the costs. Therefore, our preference at this early stage is Option 2 – a Hybrid Contract.

### Summary

We firmly believe there is an opportunity not to be missed here and what a positive story it could be – with the County Council and all 12 District/Borough/City Council's working together to achieve a fantastic outcome for our residents.

In terms of next steps, from the initial project working group meeting, there are a number of actions for us all to complete.

The key outcome from this prospectus is to enable socialisation with key senior officers and members within your organisation and to subsequently achieve your buy-in to proceed with the project.

We ask that all Council's respond accordingly to us no later than the 25 January 2019 on this point.

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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.

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