



## Minutes

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### Environment and Enforcement Committee Wednesday, 20th March, 2019

#### Attendance

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

#### Apologies

Cllr Morrisey

#### Substitute Present

#### Also Present

Cllr Mrs Pound

#### Officers Present

David Carter	- Environmental Health Manager
Mike Dun	- Trade Waste Officer
Darren Laver	- Operations Manager, Operational Services
Tracey Lilley	- Enforcement Manager
Zoe Borman	- Governance and Member Support Officer
Greg Campbell	- Director of Operations
Lorne Spicer	- Business Development and PR Manager

#### 391. Apologies for Absence

Apologies were received from Cllr Morrisey and there was no substitute.

#### 392. Minutes of the Previous Meeting

The Minutes of Environment and Enforcement Committee dated Wednesday 12<sup>th</sup> December recorded that Cllr Fulcher sent her apologies and was present

at the meeting. Cllr Fulcher had in fact sent apologies, and was, therefore, not present at the meeting.

Cllr Wiles took part in the debate but did not vote.

The Minutes were signed as a true record as amended.

### **393. Chair's Update**

Cllrs thanked all involved in the "Spruce up for Spring" initiative as this was very well received. Members raised concerns regarding parking on the grass verges around the borough and the powers officers had to combat this. Officers advised that they were very limited in what could be enforced and this was dependant on parking restrictions. Also, obstruction is a Police matter.

The Chair's report was discussed in full and noted by Members.

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

The Government had 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, had been issued.

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.

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.

This report set out the proposed level of fixed penalty notices and summarised the powers available to authorised officers to issue penalties.

Following a full discussion Cllr Parker **MOVED** and Cllr Bridge **SECONDED** the motion subject to the following amendment:

- 1. Members approve the new recommended maximum penalty levels set out at 4.4.**

2. **Members agree to delegate authority to the Chief Executive, Director of Operations, and in consultation with the Chair, 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.**

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

1. **Members approve the new recommended maximum penalty levels set out at 4.4 (i.e. The recommended level of penalty is therefore £400, with no discount for early payment.)**
2. **Members agree to delegate authority to the Chief Executive, Director of Operations, and in consultation with the Chair, 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**

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.

#### **395. Improving the Council's Waste & Recycling Service**

This report considers how the Council can amend its waste collection service to deliver both environmental improvements alongside revenue efficiencies.

It examines the waste service and recommends a method by which this service can be turned from a cost burden to a cost benefit.

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.

Following a full discussion Cllr Parker **MOVED** and Cllr Bridge **SECONDED** the motion subject to the following amendment:

1. **To agree to a direction of travel for recycling, by separating mixed dry recyclables.**
2. **Delegate authority to the Director of Operations, in Consultation with**

**the Chair, Vice Chair of Environment and Enforcement Committee, or other appropriate Committee, the Leader and the Leaders of the opposition groups to agree the final scheme, which will be presented to Committee.**

- 3. *It is intended to implement the scheme during September/October 2019.***

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

- 1. To agree to a direction of travel for recycling, by separating mixed dry recyclables.**
- 2. Delegate authority to the Director of Operations, in Consultation with the Chair, Vice Chair of Environment and Enforcement Committee, or other appropriate Committee, the Leader and the Leaders of the opposition groups to agree the final scheme, which will be presented to Committee.**
- 3. *It is intended to implement the scheme during September/October 2019.***

#### **Reasons for Recommendation**

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.

Members were requested to agree to the recommendations as they would enable the evolution of the Council’s Waste Management Service to meet current and future challenges.

#### **396. Countywide Bus Shelter Project**

Brentwood Borough Council have received an approach from Essex County Council to seek to amalgamate all bus shelters across Essex under one authority (ECC).

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.

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.

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.

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

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

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. **That the project will need to consider the bus shelters owned by Parish Councils.**
3. **That progress and any recommendation for a final decision be brought back to the Environmental and Enforcement Committee for consideration.**

#### **Reason for Recommendation**

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.

In order that any final decision will be made by Members of the Environment and Enforcement, or appropriate Committee, at a future date.

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

#### **397. Urgent Business**

There were no items of urgent business.

The meeting concluded at 21:00

