

TONBRIDGE AND MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

Monday, 19th January, 2009

Present: Cllr C Brown (Chairman), Cllr Ms S V Spence (Vice-Chairman), Cllr Mrs S J Boakes, Cllr F R D Chartres, Cllr J R H Clements, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs C A F Grant, Cllr B J Luker and Cllr M R Rhodes.

Councillors Mrs Anderson, Ms Atkinson, Baldock, Bolt, Ms Branson, Court, Heslop, Thornewell and Worrall were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Lancaster, MacDonald and Stone.

PART 1 - PUBLIC

**LEM
09/001 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**LEM
09/002 MINUTES**

RESOLVED: That the notes of the meeting of the Local Environmental Management Advisory Board held on 27 October 2008 be approved as a correct record and signed by the Chairman.

**LEM
09/003 KENT ENVIRONMENTAL ENFORCEMENT TEAM
PRESENTATION BY MICK IVES**

The Board received a presentation by Mick Ives, Environmental Crime Manager of the Clean Kent Environmental Enforcement Team, who outlined the work of the Team within the context of the national and local positions on combating fly-tipping. He emphasised the importance of partnership working and commended the protocol operating in Tonbridge and Malling. Mr Ives responded to questions from Members who expressed frustration at the level of fines imposed by Magistrates Courts on those convicted of fly-tipping offences. The Chairman then thanked Mr Ives for his informative presentation.

MATTERS FOR RECOMMENDATION TO THE CABINET

**LEM
09/004**

LITTER ENFORCEMENT

Decision Notice D090015MEM

The joint report of the Director of Health and Housing and Cabinet Member for Environmental Services provided an update on enforcement action taken against litter offenders and recommended a zero tolerance approach to offenders in the future.

RECOMMENDED: That the more formal approach to the service of fixed penalty notices for littering and dog fouling offences explained in the report be adopted.

**LEM
09/005**

DEALING WITH GRAFFITI

Decision Notice D090016MEM

The joint report of the Director of Health and Housing and Cabinet Member for Environmental Services provided details of a draft agreement negotiated with Virgin Media Limited in respect of removal of graffiti from their property.

RECOMMENDED: That approval be given to the partnership arrangement with Virgin Media Limited as detailed in the report.

**LEM
09/006**

REVIEW OF ARRANGEMENTS FOR COLLECTION OF CARDBOARD AT RECYCLING BRING SITES

The joint report of the Director of Health and Housing and Cabinet Member for Environmental Services gave details of proposed changes to the collection arrangements for cardboard from the Council's 'bring' sites. The Board was updated on recent developments in the market which would be reviewed further with the contractor and a mechanism suggested for reacting to changing circumstances.

RECOMMENDED: That

(1) the report on cardboard collections at recycling 'bring' sites be noted; and

(2) authority be delegated to the Director of Health and Housing, in consultation with the Cabinet Member for Environmental Services and the Chairman and Vice-Chairman of the Advisory Board, to withdraw the cardboard collection service should:

(a) collection costs rise significantly and/or

(b) cardboard be unable to be outlet to an approved processor for recycling.

***Referred to Cabinet**

**LEM
09/007**

PEST CONTROL SERVICE - EXTENSION OF CONTRACT

This item was withdrawn and deferred until the next meeting of the Advisory Board.

**LEM
09/008**

CHRISTMAS AND BANK HOLIDAY REFUSE AND RECYCLING SERVICES

Decision Notice D090017MEM

The joint report of the Director of Health and Housing and Cabinet Member for Environmental Services gave an update on the programme of services provided over the Christmas and New Year period and sought approval to continue the same format for services in the future.

RECOMMENDED: That approval be given for the continuation without interruption of the Green Waste service over Christmas and New Year holidays in future years wherever operationally possible to do so.

**LEM
09/009**

KENT WASTE PARTNERSHIP - TONBRIDGE AND MALLING SERVICE PLAN

Decision Notice D090018MEM

Consideration was given to the joint report of the Director of Health and Housing and Cabinet Member for Environmental Services which gave details of the Service Plan for Tonbridge and Malling established under the Kent Waste Partnership.

RECOMMENDED: That the Kent Waste Partnership: Tonbridge and Malling Service Plan, as set out in Annex 1 to the report, be adopted subject to:

- (1) amendment of reference to 'portfolio holders' agreement' in section (1) to reflect the partnership arrangement;
- (2) substitution of 'memorandum of understanding' for 'legal agreement' throughout the document; and
- (3) inclusion of an explicit clause time-limiting the arrangement and requiring its periodic renewal.

**LEM
09/010**

REVIEW OF ENVIRONMENTAL HEALTH SERVICES FEES AND CHARGES

The Advisory Board considered the joint report of the Director of Health and Housing, Director of Finance and Cabinet Member for Environmental Services which proposed fees and charges for the provision of services in respect of food certificates, stray dog redemption fees, household bulky refuse collection, rats and mice together with the proposed introduction of a charge for Environmental

Information Requests.

RECOMMENDED: That the scale of charges for condemned food certificates, exported food certificates, stray dog redemption fees, environmental monitoring, household bulky refuse collection and rats and mice be approved with effect from 1 April 2009 as detailed in the report.

***Referred to Cabinet**

**LEM
09/011**

ENVIRONMENTAL CHAMPIONS

Decision Notice D090019MEM

The report of the Director of Health and Housing provided details of a proposed scheme to recognise the efforts of "Environmental Champions" to improve the local environment.

RECOMMENDED: That approval be given to the proposed scheme to reward Environmental Champions and nominations be forwarded accordingly.

MATTERS SUBMITTED FOR INFORMATION

**LEM
09/012**

RECYCLING AND WASTE MINIMISATION UPDATES

The Advisory Board was updated on financial issues, research projects and other matters relating to waste minimisation and recycling. Reference was made to the site visit to the Blaise Farm in-vessel composting facility on 17 January and it was noted that a further visit would be arranged for those who had been unable to attend.

**LEM
09/013**

RE-SCHEDULING OF REFUSE AND RECYCLING COLLECTION ROUNDS

Members received a report on progress towards the proposed re-scheduling of the kerbside refuse and recycling services.

**LEM
09/014**

STREET SCENE ACTION PLAN

Members received a summary of progress towards the range of initiatives comprising the Street Scene Action Plan 2008/09.

**LEM
09/015**

REMOVAL OF ABANDONED VEHICLES - UPDATE

The report provided information on the removal of abandoned vehicles for the financial year to date, responsibility for the function having transferred to the Waste and Street Scene Services Team in April 2008.

**LEM
09/016** **CLEAN KENT AND CLEAN BOROUGH CAMPAIGN - UPDATE**

Details were given of educational and community initiatives undertaken and planned as part of the Clean Borough Campaign together with work included within the Clean Kent Campaign.

**LEM
09/017** **SMOKEFREE HOMES AWARD**

The report gave details of work being undertaken by the Borough Council in partnership with other local organisations to deliver the new Smokefree Homes Award to all households in Tonbridge and Malling. The aim of the project was to increase the awareness of the impact of second-hand (passive) smoke on children's health and to encourage families to have smoking restrictions in their home.

**LEM
09/018** **OUT-OF-HOURS ARRANGEMENTS - ANNUAL MONITORING REPORT**

The Board received a summary of the standby service provided by the Council's Environmental Health and Housing Services during 2008.

**LEM
09/019** **ENVIRONMENTAL MONITORING REPORT 2007**

As requested by Members, the Director of Health and Housing presented a report providing additional information to supplement the annual environmental monitoring report of 2007.

Concern was expressed about the County Council's response to the suggestions made by Members of the Board to address air quality problems along the A20. It was noted that County officers would be reminded to report on such matters to the Joint Transportation Board.

**LEM
09/020** **REACH FOR THE STARS FOOD SAFETY SEMINAR**

The report provided information on the recent seminar for food businesses organised by the Food and Safety Team. It was noted that the purpose of the day was to provide specific support to each business to assist them improve their star rating at the next inspection.

**LEM
09/021** **FLEXIBLE WARRANTING - COMMON APPROACH TO KENT ENTERPRISE PROJECT**

Members received a report on the first Kent wide flexible warranting initiative in which the Council's Food and Safety Team had been involved. It was noted that the Common Approach to Kent Enterprise (CAKE) project had involved officers from local authorities and the Health and Safety Executive making a series of unannounced visits to work places on industrial estates targeting a number of workplace risks.

**LEM
09/022**

SCORES ON THE DOORS

The Board was advised of the decision of the Food Standards Agency, following consultation, to approve a national "Scores on the Doors" scheme equivalent to the five star scheme already being operated by the Council. An outline was given of the Agency's proposals for implementation of the scheme together with the proposed withdrawal of the Clean Food Award from 1 April 2009 to avoid confusion and allow officers to focus on businesses with below minimum legal standards.

**LEM
09/023**

EXTERNAL CONSULTATIONS

Members noted the consultation documents responded to since the last meeting of the Advisory Board on 27 October 2008.

MATTERS FOR CONSIDERATION IN PRIVATE

**LEM
09/024**

EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

MATTERS FOR RECOMMENDATION TO THE CABINET

**LEM
09/025**

CHANGES TO THE PAPER RECYCLING AGREEMENT WITH AYLESFORD NEWSPRINT LTD (Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs of any particular person)

Decision Notice D090020MEM

The joint report of the Director of Health and Housing and Cabinet Member for Environmental Services gave details of financial options in respect of the out-letting of paper collected as part of the Council's kerbside green box recycling scheme.

RECOMMENDED: That approval be given to the extension of the agreement between Aylesford Newsprint Limited and Tonbridge and Malling Borough Council until 28 February 2019 on the basis set out in the report.

MATTERS SUBMITTED FOR INFORMATION

**LEM
09/026**

SERVICE OF STATUTORY NOTICES

(Reason: LGA 1972 Sch 12A Para 2 - Information likely to reveal information about an individual; Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs of any particular person)

Members were advised of the Statutory Notices served since the last meeting of the Advisory Board.

The meeting ended at 2132 hours

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Environmental Services**

Decision No: D090015MEM

Date: 19th January 2009

Decision(s) and Reason(s)

Litter Enforcement

**(Joint Report of Director of Health and Housing and Cabinet
Member for Environmental Services)**

**The report provided an update on enforcement action taken against
litter offenders and recommended a zero tolerance approach to
offenders in the future.**

Following consideration by the Local Environmental Management
Advisory Board, the Cabinet Member for Environmental Services
resolved that the more formal approach to the service of fixed penalty
notices for littering and dog fouling offences explained in the report be
adopted.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 19 January 2009.

Signed Cabinet Member for O Baldock
Environmental Services:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 23 January 2009

This decision will come into force and may then be implemented on the expiry of 5
working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Environmental Services**

Decision No: D090016MEM

Date: 19th January 2009

Decision(s) and Reason(s)

Dealing with Graffiti

**(Joint Report of Director of Health and Housing and Cabinet
Member for Environmental Services)**

**The report provided details of a draft agreement negotiated with
Virgin Media Limited in respect of removal of graffiti from their
property.**

Following consideration by the Local Environmental Management
Advisory Board, the Cabinet Member for Environmental Services
resolved that approval be given to the partnership arrangement with
Virgin Media Limited as detailed in the report.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 19 January 2009.

Signed Cabinet Member for O Baldock
Environmental Services:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

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TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Environmental Services**

Decision No: D090017MEM

Date: 19th January 2009

Decision(s) and Reason(s)

Christmas and Bank Holiday Refuse and Recycling Services

(Joint Report of Director of Health and Housing and Cabinet Member for Environmental Services)

The report gave an update on the programme of services provided over the Christmas and New Year period and sought approval to continue the same format for services in the future.

Following consideration by the Local Environmental Management Advisory Board, the Cabinet Member for Environmental Services resolved that approval be given for the continuation without interruption of the Green Waste service over Christmas and New Year holidays in future years wherever operationally possible so to do.

Reasons: As set out in the report submitted to the Local Environmental Management Advisory Board of 19 January 2009.

Signed Cabinet Member for O Baldock
Environmental Services:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 23 January 2009

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TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Environmental Services**

Decision No: D090018MEM

Date: 19th January 2009

Decision(s) and Reason(s)

Kent Waste Partnership - Tonbridge and Malling Service Plan

**(Joint Report of Director of Health and Housing and Cabinet
Member for Environmental Services)
(Annex 1)**

**The report gave details of the Service Plan for Tonbridge and
Malling established under the Kent Waste Partnership.**

Following consideration by the Local Environmental Management
Advisory Board, the Cabinet Member for Environmental Services
resolved that the Kent Waste Partnership: Tonbridge and Malling
Service Plan, as set out in Annex 1 to the report, be adopted subject to:

- 1) amendment of reference to 'portfolio holders' agreement' in
section (1) to reflect the partnership arrangement;
- 2) substitution of 'memorandum of understanding' for 'legal
agreement' throughout the document; and
- 3) inclusion of an explicit clause time-limiting the arrangement and
requiring its periodic renewal.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 19 January 2009 and to reflect more
clearly the partnership nature of the arrangement.

Signed Cabinet Member for O Baldock
Environmental Services:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 23 January 2009

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working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Environmental Services**

Decision No: D090019MEM

Date: 19th January 2009

Decision(s) and Reason(s)

Environmental Champions

(Report of Director of Health and Housing)

The report provided details of a proposed scheme to recognise the efforts of 'Environmental Champions' to improve the local environment.

Following consideration by the Local Environmental Management Advisory Board, the Cabinet Member for Environmental Services resolved that approval be given to the proposed scheme to reward Environmental Champions and nominations be forwarded accordingly.

Reasons: As set out in the report submitted to the Local Environmental Management Advisory Board of 19 January 2009.

Signed Cabinet Member for O Baldock
Environmental Services:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 23 January 2009

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TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Environmental Services**

Decision No: D090020MEM

Date: 19th January 2009

Decision(s) and Reason(s)

**Changes to the Paper Recycling Agreement with Aylesford
Newsprint Ltd
(Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs
of any particular person)**

**(Joint Report of Director of Health and Housing and Cabinet
Member for Environmental Services)**

**The report gave details of financial options in respect of the out-
letting of paper collected as part of the Council's kerbside green
box recycling scheme.**

Following consideration by the Local Environmental Management
Advisory Board, the Cabinet Member for Environmental Services
resolved that approval be given to the extension of the Agreement
between Aylesford Newsprint Limited and Tonbridge and Malling
Borough Council until 28 February 2019 on the basis set out in the
report.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 19 January 2009 (contains exempt
information).

Signed Cabinet Member for O Baldock
Environmental Services:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 23 January 2009

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working days after publication unless it is called in.