

TONBRIDGE AND MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

Tuesday, 24th November, 2009

Present: Cllr C Brown (Chairman), Cllr M O Davis (Vice-Chairman), Cllr Mrs S J Boakes, Cllr J R H Clements, Cllr R W Dalton, Cllr D W P Evans, Cllr Mrs F A Kemp, Cllr Ms S V Spence and Cllr B D Stone.

Councillors Aikman, Mrs Anderson, Coffin, Cure and Worrall were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs Luck, Rhodes and D Smith and also from Councillor Baldock (Cabinet Member for Environmental Services).

PART 1 - PUBLIC

**LEM
09/076 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**LEM
09/077 MINUTES**

RESOLVED: That the notes of the meeting of the Local Environmental Management Advisory Board held on 15 July 2009 be approved as a correct record and signed by the Chairman.

**LEM
09/078 PRESENTATION BY ALAN RILEY, LANDSCAPE MANAGER, KENT
HIGHWAY SERVICES ON "WORKING TOGETHER TO IMPROVE
STREET SCENE"**

The Board received a presentation from Alan Riley, Landscape Manager of Kent Highways on management of the "soft estate" including maintenance of trees on the highway, shrubs and other planting, verges and control of weeds. He outlined the process of asset data collection and explained the more pro-active approach being adopted towards community liaison.

In response to questions from Members, Mr Riley highlighted instances where it had been necessary to reach a compromise between safety and amenity and recognised the importance of liaison with district, parish and town councils. He also acknowledged that the recent improvement in service delivery in the borough was in part due to improved liaison with officers in the Waste and Street Scene Services team. The Chairman then thanked Mr Riley for his informative presentation.

MATTERS FOR RECOMMENDATION TO THE CABINET

LEM
09/079

REVIEW OF ENVIRONMENTAL HEALTH SERVICES FEES AND CHARGES

Consideration was given to 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 and contaminated land monitoring.

RECOMMENDED: That the scale of charges for condemned food certificates, exported food certificates, stray dog redemption fees, contaminated land monitoring, household bulky refuse collection and rats and mice be approved with effect from 1 April 2010 as detailed in the report.

***Referred to Cabinet**

LEM
09/080

THE "WASTE COLLECTION COMMITMENT"

Decision Notice D090164MEM

The joint report of the Director of Health and Housing and Cabinet Member for Environmental Services gave details of an invitation by the Local Government Association and the Waste Resource Action Programme to commit to a national scheme setting out principles for a consumer focused waste and recycling service. The Board noted that the Council already provided a high level of service and requested that this be reflected in any communication with residents.

RECOMMENDED: That

(1) approval be given to sign up to the "Waste Collection Commitment" as detailed in the report; and

(2) the Director of Health and Housing be requested to ensure that residents are advised of the Council's decision to sign up to the "Waste Collection Commitment" and, in so doing, to prepare publicity reflecting the quality and nature of the service actually provided by the Council.

LEM
09/081

IMPROVING RECYCLING PERFORMANCE USING PUBLIC ENGAGEMENT TEAMS

Decision Notice D090165MEM

The joint report of the Director of Health and Housing and Cabinet Member for Environmental Services considered the use of Public Engagement Teams to improve the quality and performance of the Council's recycling services. Details were given of successful projects undertaken in Trench Ward, Snodland and East Malling. The Director of Health and Housing updated the position on an application to the Kent Waste Partnership requesting funding for a further six wards to be

covered by Public Engagement Teams. Members noted with regret that the bid had been unsuccessful.

RECOMMENDED: That the use of Public Engagement Teams to increase participation in recycling services, as set out in the report, be noted and endorsed.

**LEM
09/082**

ANIMAL WELFARE ACT 2006

The report of the Director of Health and Housing gave details of a new animal welfare function for the Council which provided a range of enforcement powers aimed at protecting animals. The Board was advised that the Animal Welfare Act 2006 introduced a number of new offences in respect of animals and provided discretionary enforcement powers to district and county councils. It was anticipated that responsibility for enforcing the Act would be split between the county council and districts and details were given of changes necessary to the Council's Constitution including delegation of the function to the Director of Health and Housing.

Members expressed concern that the new legislation would raise public expectations while no additional funding had been allocated to local authorities by the Government to undertake the task. Officers were therefore invited to make representations to the appropriate Government department on this matter.

RECOMMENDED: That

(1) the new function and associated powers relating to the Animal Welfare Act 2006 be noted and the use of the discretionary powers as indicated in the report be endorsed;

(2) the Director of Health and Housing be requested to work with the Kent districts and Kent County Council to provide a Memorandum of Understanding in respect of the enforcement of the legislation;

(3) the Council be recommended to amend the Constitution to deal with the provisions of the Animal Welfare Act 2006; and

(4) representations be made to the appropriate Government department expressing concern at the lack of funding provision in respect of meeting public expectations for enforcement of the legislation.

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

**LEM
09/083**

PRIVATE DRAINAGE INVESTIGATIONS

The report outlined a revised procedure for dealing with obstructions and blockages in privately owned drains and sewers with the aim of optimising the recovery of expenditure by the Council through the prior service of Notices on the owners of affected properties.

**LEM
09/084** **KENT WASTE PARTNERSHIP - JOINT WASTE MANAGEMENT
COMMITTEE**

The Board received the minutes of the meeting of the Kent Waste Partnership's Joint Waste Management Committee held on 29 April 2009.

**LEM
09/085** **STUDY OF THE HEALTH EFFECTS OF FORTNIGHTLY RESIDUAL
WASTE COLLECTION SYSTEMS**

The report gave details of the results of research undertaken on the potential health problems associated with fortnightly residual waste collections. The Board was pleased to note that the research confirmed that there was little risk associated with fortnightly collections.

**LEM
09/086** **PLASTIC RECYCLING - UPDATE REPORT**

The report provided an update on the Council's approach to plastic recycling including performance information and the costs of providing existing services. The report, which had also been presented to the Community Development Advisory Board on 16 November 2009, reminded Members of the locations of the network of banks at the 'bring' sites for collection of plastic bottles and of the merits and disadvantages of providing a kerbside collection of plastics. It was noted that, given the uncertainties associated with the Council's overall financial position, it was not possible to consider additional revenue growth exceeding £200,000 per annum to introduce a kerbside recycling scheme for plastics. Members suggested that an appropriate explanation of the costs be included within 'Here and Now'.

**LEM
09/087** **WASTE AND STREET SCENE SERVICES - CHRISTMAS
ARRANGEMENTS 2009/10**

Details were given of arrangements for refuse, recycling, street cleansing and public convenience services over the forthcoming public holiday period 2009/10.

**LEM
09/088** **WASTE SERVICES UPDATE**

The Board received an update on various waste management issues including recycling performance and associated income in the first six months of 2009/10.

**LEM
09/089** **ENVIRONMENTAL CHAMPIONS**

The Director of Health and Housing reported on the most recent presentation by the Mayor of "Environmental Champions" awards on 24 September 2009.

**LEM
09/090**

CLEAN BOROUGH CAMPAIGN UPDATE

The report provided an update on the range of activities undertaken by the Clean Borough Team.

**LEM
09/091**

HEALTH AND SAFETY PROJECT WORK

The report outlined the joint working projects in which flexibly warranted health and safety officers from the Council's Food and Safety Team had been involved together with future opportunities for project based work.

**LEM
09/092**

"SAFER FOOD BETTER BUSINESS" UPDATE

The report gave an overview of the successful joint bid to the Food Standards Agency with Sevenoaks, Dartford and Tunbridge Wells Councils to provide assistance to food businesses in meeting legal requirements through the implementation of the "Safer Food Better Business" pack.

**LEM
09/093**

E.COLI O157 UPDATE

The Board was advised of the activities of the Food and Safety Team in response to the Food Standards Agency's recommendations following the Pennington inquiry into the Welsh outbreak of E.coli 0157 in 2005 and the recent outbreak linked to Godstone Farm, Surrey.

**LEM
09/094**

EXTERNAL CONSULTATIONS

Members noted the consultation documents responded to since the last meeting of the Advisory Board.

MATTERS FOR CONSIDERATION IN PRIVATE

**LEM
09/095**

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 SUBMITTED FOR INFORMATION

**LEM
09/096**

**HEALTH AND SAFETY - FATAL ACCIDENT ON A228, BOYLE WAY, EAST PECKHAM
(Reason: LGA 1972 Sch 12A Para 5 - Legal Advice)**

The joint report of the Director of Health and Housing and Chief Solicitor updated the Board on legal action following the accident.

**LEM
09/097**

**SERVICE OF STATUTORY NOTICES
(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 2105 hours

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Finance**

Decision No: D090164MEM

Date: 24th November 2009

Decision(s) and Reason(s)

The "Waste Collection Commitment"

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

Consideration was given to an invitation by the Local Government Association and the Waste Resource Action Programme to commit to a national scheme setting out principles for a consumer focused waste and recycling service. It was noted that the Council already provided a high level of service and this would be reflected in any communication with residents.

Following consideration by the Local Environmental Management Advisory Board, the Cabinet Member for Finance resolved that:

- 1) approval be given to sign up to the "Waste Collection Commitment" as detailed in the report; and
- 2) the Director of Health and Housing be requested to ensure that residents are advised of the Council's decision to sign up to the "Waste Collection Commitment" and, in so doing, to prepare publicity reflecting the quality and nature of the service actually provided by the Council.

Reasons: As set out in the report submitted to the Local Environmental Management Advisory Board of 24 November 2009.

Signed Cabinet Member for D Aikman
Finance:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 27 November 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.

In accordance with Paragraph 2, Annex 1 of the Executive Procedure Rules, the Leader nominated the Cabinet Member for Finance to take this decision in the absence of the Cabinet Member for Environmental Services.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Finance**

Decision No: D090165MEM

Date: 24th November 2009

Decision(s) and Reason(s)

Improving Recycling Performance Using Public Engagement Teams

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

The report considered the use of Public Engagement Teams to improve the quality and performance of the Council's recycling services. Details were given of successful projects undertaken in Trench Ward, Snodland and East Malling. It was noted with regret that an application to the Kent Waste Partnership requesting funding for a further six wards to be covered by Public Engagement Teams had been unsuccessful.

Following consideration by the Local Environmental Management Advisory Board, the Cabinet Member for Finance resolved that the use of Public Engagement Teams to increase participation in recycling services, as set out in the report, be noted and endorsed.

Reasons: As set out in the report submitted to the Local Environmental Management Advisory Board of 24 November 2009.

Signed Cabinet Member for D Aikman
Finance:

Signed Leader: M Worrall

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