

TONBRIDGE AND MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

Tuesday, 25th May, 2010

Present: Cllr M O Davis (Chairman), Cllr F R D Chartres (Vice-Chairman), Cllr Mrs S J Boakes, Cllr C Brown, Cllr R W Dalton, Cllr D W P Evans, Cllr Mrs S L Luck and Cllr M R Rhodes.

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

Apologies for absence were received from Councillors C Brown, Clements, Mrs Kemp, D Smith and B Stone.

PART 1 - PUBLIC

**LEM
10/021 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**LEM
10/022 MINUTES**

RESOLVED: That the notes of the meeting of the Local Environmental Management Advisory Board held on 1 March 2010 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

**LEM
10/023 WASTE AND STREET SCENE SERVICES - CONTRACTOR
PERFORMANCE 2009-10**

Decision Notice D100056MEM

The joint report of the Director of Health and Housing and the Cabinet Member for Environmental Services considered performance over the range of the Waste and Street Scene Services' functions and contracts during 2009/10.

Members noted the decrease in recycling materials collected, which was considered to be as a consequence of the economic issues facing the country.

The Board was encouraged to see that the number of fly-tips had reduced from last year and the number of enforcement actions against fly-tipping and littering had increased significantly.

Members were pleased to note the significant improvement in

performance by Veolia which had seen reductions in missed collections and the number of repeat incidents and customer complaints. A senior management representative would be invited to attend a future meeting of the Advisory Board to give an overview of their experience on this contract and their perspective on what the future might hold. This invitation was welcomed by Members as it would be invaluable to receive Veolia's expert opinion on waste collection and disposal.

It was noted that ongoing surveys had shown that customers rated the pest control service as either excellent or good.

The Chairman, on behalf of the Advisory Board, expressed gratitude at the quality of service provided and thanked the Team for their hard work, commitment and contribution in achieving such excellent results.

The Cabinet Member for Environmental Services took the opportunity of praising the out of hour's staff for an efficient, quick and effective resolution to an issue over a recent weekend. He personally thanked the Chief Environmental Health Officer, Jane Heeley, for her contribution.

RECOMMENDED: That

- (1) the 2009/10 performance information relating to contracts client managed by the Waste and Street Scene Services team be noted; and
- (2) a senior management representative of Veolia Environmental Services be invited to address a future meeting of the Advisory Board.

**LEM
10/024**

**KENT WASTE PARTNERSHIP - SERVICE IMPROVEMENT PLAN
2010-2011**

Decision Notice D100057MEM

The Director of Health and Housing sought approval of a Service Improvement Plan to take forward joint working arrangements within the Kent Waste Partnership. The partnership's key purpose was to deliver the Kent Joint Municipal Waste Strategy, published in 2007, and which was presently being 'refreshed'. The strategy set out how household waste would be managed in Kent.

A draft Service Improvement Plan for 2010/11, set out at Annex 2 of the report, had been prepared setting out the main areas of partnership working. Members were advised that whilst the Borough Council were keen to work in partnership with all the Kent Partners, it was not felt appropriate to have in place a formal Inter Authority Agreement with Kent County Council as experience had shown that some previous key arrangements had been disregarded by that partner. Therefore, the Service Improvement Plan with the Kent Waste Partnership did not commit the Borough Council to such arrangements being in place.

RECOMMENDED: That the Draft Kent Waste Partnership Service Improvement Plan for 2010/11, as set out at Annex 2 of the report, be adopted.

**LEM
10/025**

DOG WARDEN SERVICES

Decision Notice D100058MEM

Members considered the joint report of the Director of Health and Housing and the Cabinet Member for Environmental Services which requested an extension to the Dog Warden Services Contract with Animal Wardens Ltd.

Members were advised that the performance of Animal Wardens Ltd over the past few years had been good. The quality and dedication of the existing Dog Warden, Lorraine Baseden, was recognised in particular.

It was explained that two other contracts were due to be re-tendered over the next two years, which provided an opportunity to align the end dates of all the contracts resulting in significant potential savings in respect of the associated procurement process. An opportunity to combine provision of two or more of the services with a single contractor could also be considered.

RECOMMENDED: That the extension of the Council's Dog Warden Services Contract with Animal Wardens Limited be approved for a further year up to 31 March 2012.

**LEM
10/026**

DEFRA CONSULTATION ON DANGEROUS DOGS

Decision Notice D100059MEM

The joint report of the Director of Health and Housing and the Cabinet Member for Environmental Services described the Borough Council's proposed response to the current Department for the Environment, Food and Rural Affairs consultation relating to dangerous dogs.

Members were pleased to note that the Borough Council had recently negotiated a joint working arrangement with Tonbridge Police which, it was believed, would improve the efficiency and outcome of dangerous dog investigations.

RECOMMENDED: That the response to the Dangerous Dogs Consultation, set out at Annex 1 to the report, be approved.

**LEM
10/027**

ENVIRONMENTAL PROTECTION TEAM PERFORMANCE 2009-10

Decision Notice D100060MEM

The Director of Health and Housing described the operational activities of the Borough Council in relation to its statutory function of environmental protection and pollution control for the year 1 April 2009

to 31 March 2010. Information on all aspects of the team's work including response to service requests and planning consultations, contaminated land enquiries, pollution prevention and control assessments and environmental monitoring were detailed. Proposed service improvements for 2010/11 were also outlined.

The Chief Environmental Health Officer was pleased to report that 99% of requests for service were responded to within 5 days.

Members were advised that the Environmental Protection Team continued to undertake their statutory responsibilities in respect of monitoring the air quality within the borough. It was emphasised that the Borough Council had no ability to resolve air quality problems or address longer term improvements. Members discussed the difficult situation that the Borough Council was placed in, as many residents believed Tonbridge and Malling was the responsible authority. It was agreed that the Department for the Environment, Food and Rural Affairs be advised of the Borough Council's belief that the current system was ineffective and monitoring should be the responsibility of agencies which had the power to address issues.

Members expressed their gratitude for the Teams hard work and commitment and were pleased to note the excellent results presented.

RECOMMENDED: That

- (1) the performance information relating to activities associated with the environmental protection function in 2009/10 be noted;
- (2) the actions and service improvements for 2010/11 detailed in paragraph 1.11.1 of the report be endorsed; and
- (3) the Department for the Environment, Food and Rural Affairs be advised of the Borough Council's belief that the current system of monitoring air quality was ineffective and that the function should be the responsibility of agencies which had the power to address longer term improvements.

**LEM
10/028**

FOOD AND SAFETY TEAM PERFORMANCE 2009-10

Decision Notice D100061MEM

The joint report of the Director of Health and Housing and the Cabinet Member for Environmental Services described the operational activities of the Borough Council in relation to its statutory function of food safety and health and safety for the year 2009/10.

Members were advised that a range of options were available to deal with premises that presented a risk to customers and that the Food and Safety Team would always work with the business in the first instance by providing advice, assistance and education.

The Cabinet Member for the Environment welcomed the report as it

highlighted the excellent work undertaken by the Team, who deserved credit and recognition for their hard work.

RECOMMENDED: That

- (1) the performance information relating to activities associated with the food and safety function in 2009/10 be noted; and
- (2) the service improvements for 2010/11 as detailed in paragraph 1.11.1 of the report be endorsed.

**LEM
10/029**

CHANGES TO INFECTIOUS DISEASE LEGISLATION

Decision Notice D100062MEM

Members received the joint report of the Director of Health and Housing and the Cabinet Member for Environmental Services, which outlined the recent changes to the powers of local authorities and the Health Protection Agency in relation to the notification and actions to protect public health in connection with infectious diseases.

RECOMMENDED: That

- (1) the requirements of the new regulations be noted;
- (2) the amendments to the functions of the Proper Officer and any other medical officer authorised by him to act on his behalf, as set out in Annex 1 of the report, be approved; and
- (3) the review of the administrative arrangements for infectious diseases and cases of contamination be endorsed.

MATTERS SUBMITTED FOR INFORMATION

**LEM
10/030**

WASTE SERVICES UPDATE

The Board received an update on various waste management issues including the cardboard collection service and new green waste contamination 'no plastics' bin stickers.

**LEM
10/031**

CLEAN BOROUGH CAMPAIGN UPDATE

The Director of Health and Housing provided details of enforcement, educational and community initiatives undertaken in 2009/10.

The Head of Waste and Street Scene Services emphasised the importance of the work being undertaken. It was noted that a combination of working with the community, enforcement and effective cleansing was considered to be the most sustainable way of improving the quality of the environment in the borough.

**LEM
10/032**

ANNUAL ENVIRONMENTAL MONITORING REPORT 2009-10

Members considered the report of the Director of Health and Housing which summarised the results of the environmental monitoring programme during 2009, carried out by the Environmental Protection Team.

The annual report on routine monitoring activities provided detailed information on all aspects of local environmental quality and set the picture in the context of relevant national and international standards.

**LEM
10/033**

NOISE ACTION PLANS

The Director of Health and Housing provided an update on the recent Department of the Environment, Food and Rural Affairs consultation about Noise Action Plans and the implication for residents in the borough, affected by noise from major roads. The aim of Noise Action Plans was for road, rail and aircraft agencies or operators to reduce the impact on those exposed to environmental noise by considering measures to improve the management of noise from those modes of transport.

**LEM
10/034**

EXTERNAL CONSULTATIONS

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

MATTERS FOR CONSIDERATION IN PRIVATE

**LEM
10/035**

EXCLUSION OF PRESS AND PUBLIC

The Chairman moved it was second 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
10/036**

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

The joint report of the Director of Health and Housing and the Legal Services Partnership Manager provided an update on the legal action being taken by the Health and Safety Executive in respect of a fatal accident.

**LEM
10/037**

**SERVICE OF STATUTORY NOTICES
(Reason: LGA 1972 - Sch 12A Paragraph 3 - Financial or business
affairs of any particular person)**

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

The meeting ended at 2110 hours

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

Decision No: D100056MEM

Date: 25th May 2010

Decision(s) and Reason(s)

Waste and Street Scene Services - Contractor Performance 2009-10

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

**The report considered performance over the range of the Waste
and Street Scene Services' functions and contracts during 2009/10.**

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

- 1) the 2009/10 performance information relating to contracts client
managed by the Waste and Street Scene Services team be noted; and
- 2) a senior management representative of Veolia Environmental
Services be invited to address a future meeting of the Advisory Board.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 25 May 2010.

Signed Cabinet Member for O Baldock
Environmental Services:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 28 May 2010

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: D100057MEM

Date: 25th May 2010

Decision(s) and Reason(s)

Kent Waste Partnership - Service Improvement Plan 2010-2011

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

(Annex 1)

(Annex 2)

**The report sought approval of a Service Improvement Plan to take
forward joint working arrangements within the Kent Waste
Partnership.**

Following consideration by the Local Environmental Management
Advisory Board, the Cabinet Member for Environmental Services
resolved that the Draft Kent Waste Partnership Service Improvement
Plan for 2010/11, as set out at Annex 2 of the report, be adopted.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 25 May 2010.

Signed Cabinet Member for O Baldock
Environmental Services:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

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RECORD OF DECISION

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

Decision No: D100058MEM

Date: 25th May 2010

Decision(s) and Reason(s)

Dog Warden Services

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

**The report considered a request to extend the Dog Warden
Services Contract with Animal Wardens Limited.**

Following consideration by the Local Environmental Management
Advisory Board, the Cabinet Member for Environmental Services
resolved that the extension of the Council's Dog Warden Services
Contract with Animal Wardens Limited be approved for a further year up
to 31 March 2012.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 25 May 2010.

Signed Cabinet Member for O Baldock
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RECORD OF DECISION

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

Decision No: D100059MEM

Date: 25th May 2010

Decision(s) and Reason(s)

DEFRA Consultation on Dangerous Dogs

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

**Consideration was given to a proposed response to the current
Department for the Environment, Food and Rural Affairs
consultation relating to dangerous dogs.**

Following consideration by the Local Environmental Management
Advisory Board, the Cabinet Member for Environmental Services
resolved that the response to the Dangerous Dogs Consultation set out
at Annex 1 to the report be approved.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 25 May 2010.

Signed Cabinet Member for O Baldock
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TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

Decision No: D100060MEM

Date: 25th May 2010

Decision(s) and Reason(s)

Environmental Protection Team Performance 2009-10

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

(Annex 1)

(Annex 2)

**The report described the operational activities of the Borough
Council in relation to its statutory function of environmental
protection and pollution control for the year 1 April 2009 to 31
March 2010.**

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

- 1) the performance information relating to activities associated with the environmental protection function in 2009/10 be noted;
- 2) the actions and service improvements for 2010/11 detailed in paragraph 1.11.1 of the report be endorsed; and
- 3) the Department for the Environment, Food and Rural Affairs be advised of the Borough Council's belief that the current system of monitoring air quality was ineffective and that the function should be the responsibility of agencies which had the power to address longer term improvements.

**Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 25 May 2010.**

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RECORD OF DECISION

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

Decision No: D100061MEM

Date: 25th May 2010

Decision(s) and Reason(s)

Food and Safety Team Performance 2009-10

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

(Annex 1)

(Annex 2)

(Annex 3)

(Annex 4)

**The report described the operational activities of the Borough
Council in relation to its statutory function of food safety and
health and safety for the year 2009/10.**

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

- 1) the performance information relating to activities associated with
the food and safety function in 2009/10 be noted; and
- 2) the service improvements for 2010/11 as detailed in paragraph
1.11.1 of the report be endorsed.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 25 May 2010.

Signed Cabinet Member for O Baldock
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RECORD OF DECISION

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

Decision No: D100062MEM

Date: 25th May 2010

Decision(s) and Reason(s)

Changes to Infectious Disease Legislation

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

**The report outlined the recent changes to the powers of local
authorities and the Health Protection Agency in relation to the
notification and actions to protect public health in connection with
infectious diseases.**

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

- 1) the requirements of the new regulations be noted;
- 2) the amendments to the functions of the Proper Officer and any
other medical officer authorised by him to act on his behalf, as set out in
Annex 1 of the report, be approved; and
- 3) the review of the administrative arrangements for infectious
diseases and cases of contamination be endorsed.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 25 May 2010.

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