

TONBRIDGE AND MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

Wednesday, 13th July, 2011

Present: Cllr M O Davis (Chairman), Cllr Mrs P Bates, Cllr C Brown, Cllr S M King, Cllr Mrs A S Oakley, Cllr Miss J L Sergison, Cllr C P Smith and Cllr D J Trice.
Councillors Ms Atkinson, Cure, Mrs Murray, Rhodes, Rogers and Worrall were also present pursuant to Council Procedure Rule No. 15.21.

Apologies for absence were received from Councillors Balcombe, Mrs Kemp and Miss Moloney (Vice-Chairman).

PART 1 - PUBLIC

**LEM
11/033 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**LEM
11/034 MINUTES**

RESOLVED: That the notes of the meeting of the Local Environmental Management Advisory Board held on 31 May 2011 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

**LEM
11/035 LITTER ENFORCEMENT - OFFENCES BY YOUNG PERSONS**

Decision Notice D110099MEM

The joint report of the Director of Health and Housing and the Cabinet Member for Environmental Services considered the need for special procedures in respect of the issuing of Fixed Penalty Notices on young offenders who committed littering offences and gave details of national guidance, confirmed the Borough Council's existing approach and set out a policy for the future.

General issues raised in the national guidance and the process for dealing with a young person seen carrying out an offence were summarised in the report.

Members were advised that currently the number of Fixed Penalty Notices served on young people was low, with approximately 5 - 10 issued in the last 12 months, and there would be no significant financial impact to the proposal.

In addition, the Advisory Board considered it acceptable to include the 'failure to clear up dog fouling' offence as part of the special procedures in respect of issuing Fixed Penalty Notices on young offenders.

RECOMMENDED: That the approach detailed in the report relating to the use of Fixed Penalty Notices when a young person fails to clear up dog fouling and commits littering offences be endorsed.

**LEM
11/036**

AIR QUALITY ACTION PLAN

Decision Notice D110100MEM

The Director of Health and Housing presented the Air Quality Action Plan 2011 for Members' consideration. It was noted that the Plan evaluated the opportunities for improving the local air quality and would be reviewed regularly and an annual update produced.

The Air Quality Action Plan identified measures which worked towards achievement of the air quality objectives and these were detailed in Annex 3 of the report. Attention was drawn to the aspirational nature of the action plan and it was explained that the measures identified had no fixed deadline for implementation as the Borough Council had no ability to enforce improvements. In addition, it was noted that where funding had been identified it was the responsibility of third party agencies, such as the Highways Agency and Kent County Council, to attract Government funding for any improvements to the highway network. It was envisaged that, in the future, local stakeholders and communities would be invited to be involved in the process through consultation and active engagement.

Particular reference was made to the recent media interest in air quality monitoring and the inaccurate reporting regarding the pedestrianisation of Tonbridge town centre. It was emphasised that there was no proposal at present for the Borough Council to consider.

The issues surrounding and the causes of poor air quality were discussed and Members recognised that the high volumes of traffic had a significant impact and until these were addressed there would be little or no improvement. The creation of a low emissions zone in the borough, reviewing school travel plans, encouraging the motor and fuel industries to improve the range of vehicles and petrol available to drivers and improving traffic flows by addressing parking problems and improving junctions were raised as part of the discussion.

Members expressed concern regarding the ineffectiveness of the Local Air Quality Management System, in particular the lack of a statutory mechanism to achieve air quality improvements in areas identified as a result of monitoring. The Advisory Board was reminded that this issue had been referred to the Overview and Scrutiny Committee to identify if a better way of working existed and to encourage effective communication with other agencies.

RECOMMENDED: That the Air Quality Action Plan and the measures identified for further investigation and potential action be noted and endorsed.

**LEM
11/037**

STREET SCENE ACTION PLAN 2011-12

Decision Notice D110101MEM

Consideration was given to an Action Plan for 2011/12 to improve the street scene in the borough, which was set out in the joint report of the Director of Health and Housing and the Cabinet Member for Environmental Services.

Members commented that the reduction of the grass cutting, weed control and other ground maintenance services provided by Kent Highway Services was already impacting negatively on the street scene throughout the borough and expressed concern at the lack of care. The difficulty surrounding funding for both the Borough and County Councils was acknowledged and opportunities to secure third party funding or to pool efforts to address issues collectively would be vigorously pursued.

Members were pleased to note the £50 - 75k of investment and improvement works during the current financial year.

RECOMMENDED: That the Street Scene Action Plan for 2011/12, set out in Annex 1 to the report, be endorsed.

**LEM
11/038**

DOG WARDEN SERVICES

Decision Notice D110102MEM

The joint report of the Director of Health and Housing and the Cabinet Member for Environmental Services considered an option to extend, for one year, the dog warden services contract with Animal Wardens Limited.

RECOMMENDED: That the extension of the Borough Council's dog warden services contract with Animal Wardens Limited for a further year to February 2013 be approved.

MATTERS SUBMITTED FOR INFORMATION

**LEM
11/039**

WASTE AND STREET SCENE SERVICES UPDATE

Members received the report of the Director of Health and Housing which provided an update on service issues relating to the Waste and Street Scene Service.

Particular reference was made to the intention of organising further Member visits to waste disposal and recycling plants. Dates would be advised in due course.

The Cabinet Member for Environmental Services referred to his recent attendance at the Kent Waste Partnership's Joint Waste Management Committee and advised that this was now chaired by Tunbridge Wells Borough Council. This created a better emphasis for West Kent issues and was to be welcomed.

**LEM
11/040**

NATIONAL WASTE POLICY REVIEW

The report of the Director of Health and Housing provided an overview of the government's recently published National Waste Policy Review.

Initial consideration of the review's findings revealed the Government had recommended a pragmatic approach to a range of waste service issues, a reduction in the bureaucratic burden on local authorities and gave positive support for the need to develop anaerobic waste technology and other waste-to-energy technology.

Members were pleased to note that the well-publicised opposition to alternate weekly refuse/recycling collection services had been significantly diluted. The emphasis was firmly placed on the need to collect food waste weekly, which the Borough Council did via the services offered.

Members were advised that the Borough Council had received an invitation to become a 'Love Where You Live' ambassador, which was a campaign aimed at changing the behaviour of people who littered. The Borough Council's Management Team, Leader and the Cabinet Member for Environmental Services were supportive of accepting this invitation as there was significant prestige for the Borough Council in being associated with the national initiative.

**LEM
11/041**

EXTERNAL CONSULTATIONS

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

**LEM
11/042**

SERVICE OF STATUTORY NOTICES

Members were advised of the statutory notices served since the last meeting of the Advisory Board.

MATTERS FOR CONSIDERATION IN PRIVATE

**LEM
11/043**

EXCLUSION OF PRESS AND PUBLIC

No items were considered in private.

The meeting ended at 2100 hours

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

Decision No: D110099MEM

Date: 13th July 2011

Decision(s) and Reason(s)

Litter Enforcement - Offences by Young Persons

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

The report considered the need for special procedures in respect of the issuing of Fixed Penalty Notices on young offenders who committed littering offences and gave details of national guidance, confirmed the Borough Council's existing approach and set out a policy for the future.

Following consideration by the Local Environmental Management Advisory Board, the Cabinet Member for Environmental Services resolved that the approach detailed in the report relating to the use of Fixed Penalty Notices when a young person fails to clear up dog fouling and commits littering offences be endorsed.

Reasons: As set out in the report submitted to the Local Environmental Management Advisory Board of 13 July 2011.

Signed Cabinet Member for H Rogers
Environmental Services:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 15 July 2011

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: D110100MEM

Date: 13th July 2011

Decision(s) and Reason(s)

Air Quality Action Plan

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

(Annex 1)

(Annex 2)

(Annex 3)

The Air Quality Action Plan 2011 was presented for consideration. It was noted that the Plan evaluated the opportunities for improving the local air quality and would be reviewed regularly and an annual update produced.

Members expressed concern regarding the ineffectiveness of the Local Air Quality Management system, in particular the lack of a statutory mechanism to achieve air quality improvements in areas identified as a result of monitoring.

Following consideration by the Local Environmental Management Advisory Board, the Cabinet Member for Environmental Services resolved that the Air Quality Action Plan and the measures identified for further investigation and potential action be noted and endorsed.

Reasons: As set out in the report submitted to the Local Environmental Management Advisory Board of 13 July 2011.

Signed Cabinet Member for H Rogers
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: D110101MEM

Date: 13th July 2011

Decision(s) and Reason(s)

Street Scene Action Plan 2011-12

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

(Annex 1)

(Appendix 1)

(Appendix 2)

**An Action Plan for 2011/12 to improve the street scene in the
borough was presented for consideration.**

Following consideration by the Local Environmental Management
Advisory Board, the Cabinet Member for Environmental Services
resolved that the Street Scene Action Plan for 2011/12, set out in Annex
1 to the report, be endorsed.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 13 July 2011.

Signed Cabinet Member for H Rogers
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: D110102MEM

Date: 13th July 2011

Decision(s) and Reason(s)

Dog Warden Services

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

**The report considered an option to extend, for one year, 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 Borough Council's dog warden
services contract with Animal Wardens Limited for a further year to
February 2013 be approved.

Reasons: As set out in the report submitted to the Local Environmental
Management Advisory Board of 13 July 2011.

Signed Cabinet Member for H Rogers
Environmental Services:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

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