

HOUSEHOLD RECYCLING AND WASTE SERVICE

Item CE 23/5 referred from Communities and Environment Scrutiny Select Committee of 8 February 2023

The report of the Director of Street Scene, Leisure and Technical Services and Cabinet Member for Technical and Waste Services outlined opportunities to maintain and improve service provision in relation to the Council's Waste Services Collection Contract, which was provided in partnership with Tunbridge Wells Borough Council, that would be reported to Cabinet on the 14 February 2023. The report advised on a proposed extension to previously agreed support for a further 5 month period in relation to the recent and ongoing impacts of HGV market conditions and support for a proposed Phase 2 of re-rounding. Members were invited to review the content of the report in advance of the Cabinet meeting and make any recommendations or observations to Cabinet.

The Committee asked that the contractor be encouraged to be open and transparent about their financial arrangements and any potential implications for the Borough Council.

RECOMMENDED: That

- (1) Council gives authority to the Director of Street Scene, Leisure and Technical Services to extend, for the period November 2022 to March 2023, the provision of limited financial assistance to Urbaser Ltd and Urbaser SA in respect of the contract originally procured and that the value of this (£77,000) be reflected in the Revised Estimates for 2022/23 and funded from the Budget Stabilisation Reserve;
- (2) Council approves a one-off contribution to Urbaser Ltd of up to £150,000 towards the costs of terminating a number of existing collection vehicle leases to facilitate the provision of a new fleet of collection vehicles in 2023/24 and that the value of this be reflected in the Estimates for 2023/24 and be funded from the Budget Stabilisation Reserve;
- (3) Council gives authority to the Director of Street Scene, Leisure and Technical Services in consultation with Director of Finance and Transformation and Director of Central Services to complete all necessary negotiations, legal processes and legal documentation to enter into an agreement with Urbaser Ltd to allow for the transfer of the new vehicle lease(s) to the Council in conjunction with Tunbridge Wells Borough Council or to the organisation(s) contracted to provide the two councils' household waste collection service on the expiry of the current joint recycling and waste collection and street cleansing contract;

- (4) Council gives authority to the Director of Street Scene, Leisure and Technical Services in consultation with the Director of Finance and Transformation and the Director of Central Services to complete all necessary negotiations, legal processes and legal documentation and enter into an agreement with Tunbridge Wells Borough Council to share the liability for the new vehicle fleet from the end of the current joint recycling and waste collection and street cleansing contract; and
- (5) Council notes that a Voluntary Ex-Ante Transparency Notice will be published containing details of the proposed changes set out in recommendation 1, 2 and 3 to cover the items highlighted above.

***Referred to Cabinet**

PUBLIC SPACE PROTECTION ORDERS – CONSULTATION FEEDBACK

Item CE 23/7 referred from Communities and Environment Scrutiny Select Committee of 8 February 2023

The report of the Director of Central Services and Deputy Chief Executive provided feedback on the responses received on the Public Space Protection Order (PSPO) consultation and agree on the terms of the PSPO.

RECOMMENDED: That



- (1) the proposed Public Space Protection Order, as presented at Annex 5, be approved.

***Referred to Cabinet**

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The Tonbridge & Malling Borough Council Public Spaces Protection Order [2023]

Pursuant to powers granted to the Council under s.59 of the Anti-social Behaviour, Crime and Policing Act 2014, Tonbridge and Malling Borough Council has made the following Order:

From [date] it is an offence for a person without reasonable excuse:

- (a) To do anything that the person is prohibited from doing in this Order, or
- (b) To fail to comply with any requirement to which the person is subject under this Order

A person guilty of an offence in relation to this Order is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000 as at 28th June 2022).

The Council or a Police Constable may issue a fixed penalty notice to any person he or she has reason to believe has committed an offence in relation to this Order. A fixed penalty notice offers the opportunity to discharge liability for conviction upon payment of a fine of £100.

Measures affecting the whole of the Borough of Tonbridge and Malling

The following measures apply to all areas to which the general public has access within Tonbridge and Malling:

a. Dog Fouling

No person is permitted to leave dog faeces deposited by any dog under their control or ownership in any public place, save in a designated dog faeces bin or general waste bin. Owners and dog-walkers must clean up after dogs under their control, care or ownership.

b. Exclusion of Dogs from Children's Play Areas

No person in control, care or ownership of a dog may allow (whether wilfully or otherwise) those dogs to enter or remain upon any Children's Play Area.

c. Dogs on Leads by Direction

When required by an authorised officer of the Council, any person in control of dogs must place those dogs on a lead.

d. Maximum Numbers of Dogs Under a Person's Control

No person is permitted to have under their individual control more than 6 dogs in a public place.

e. Alcohol Control

No person may drink alcohol in a public place if requested to stop by an authorised officer of the Council or Police Constable.

f. Public Urination/ Defecation

No person may urinate or defecate in any public place, except in a public lavatory.

g. Use of Drones

No person may operate a drone from any open space owned by the Borough Council without first obtaining authorisation from the Borough Council.

For the purposes of this measure, “drone” means any remote-controlled pilotless aircraft or Unmanned Aerial Vehicle.

h. Vehicles on public open spaces

No person may park a vehicle on any public open space within the borough, save in a designated vehicle parking space. For the purposes of this provision, ‘public open space’ shall mean any land laid out as a public garden or used for the purposes of public recreation.

i. Nuisance associated with car/motorcycle meetings

No person may participate in car cruising activity as a passenger or driver of a vehicle within the area designated in this Order

No person may congregate in an area to spectate cruising activity undertaken by vehicles in the area designated in this Order.

For the purposes of this measure, “car cruising activity” means, as a driver or passenger of a vehicle: driving in convoy; performing stunts; sounding horns repeatedly; revving engines; wheel spins; playing music (in a manner which creates annoyance to the public); using foul or abusive language; causing obstruction on a public highway, whether moving or stationary; or engaging in any other activity that a reasonable person would consider to be a “car cruising activity”

2. Area- Specific Measures

In addition to the Borough-wide measures, the following measures apply within the boundaries of these designated areas:

a. Leybourne Lakes Country Park

i. No unauthorised Barbecues

No person may use any barbecue, open fire or other method of cooking or heating food within the Country Park unless specifically authorised in writing by the Council

ii. No unauthorised swimming, bathing or boating

No person may swim, bathe or operate any boat or craft in any lake within the Country Park unless specifically authorised in writing by the Council

iii. Dogs on Leads at all times in designated areas

Dogs must be kept on leads at all times within the areas shown on the plan below. Broadly, these areas are the car parks and the access road for the Watersports facility.

iv. No unauthorised camping

Dogs on Leads area

KEY CONSERVATION AREA

SAND POND

REED POND

THE OCEAN

A228

M20 (Junction 4)

PCA

LUNSFORD LANE

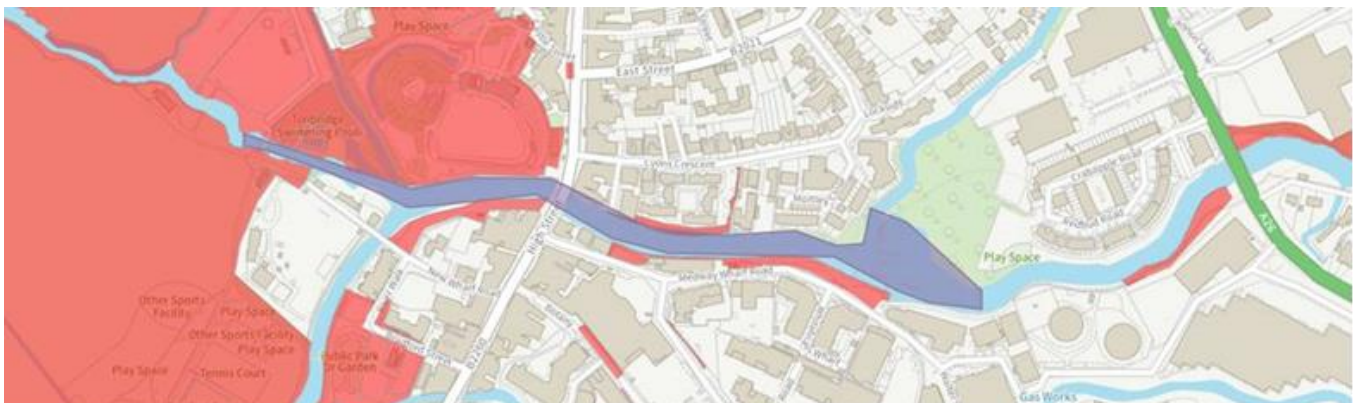
CP

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d. Haysden Country Park

i. **No unauthorised Barbecues**

No person may use any barbecue, open fire or other method of cooking or heating food within the Country Park unless specifically authorised in writing by the Council

ii. **No unauthorised swimming, bathing or boating**

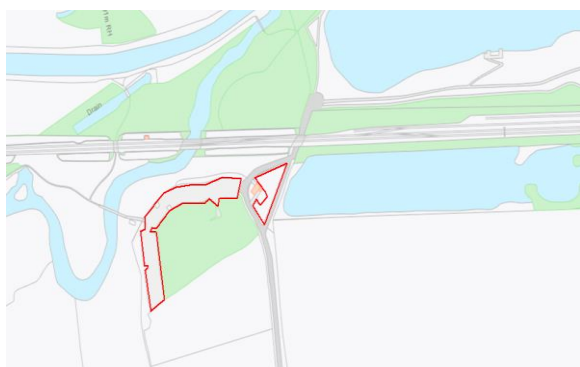
No person may swim, bathe or operate any boat or craft in any lake within the Country Park unless specifically authorised in writing by the Council

iii. **Dogs on Leads at all times in designated areas**

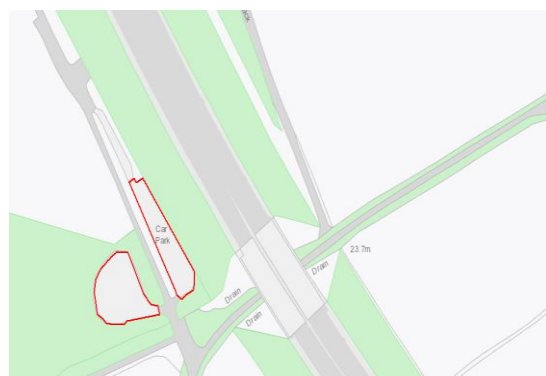
Dogs must be kept on leads at all times within the areas shown on the plans below. Broadly, these areas are the car parks and around the catering unit.

iv. **No unauthorised camping**

No person may camp in any place within the Country Park unless specifically authorised in writing by the Council.



Map above showing dogs on lead area within main car park and catering area within Haysden Country Park



Map above showing dogs on lead area within Lower Haysden Lane Car Park



Map above showing dogs on lead area within Audley Rise Car Park

e. Tonbridge Racecourse Sportsground and Tonbridge Castle

i. **No unauthorised Barbecues**

No person may use any barbecue, open fire or other method of cooking or heating food within these areas unless specifically authorised in writing by the Council

ii. **Dogs on Leads at all times in designated areas**

Dogs must be kept on leads at all times within the areas shown on the plan below. Broadly, these areas are the castle grounds.

iii. No unauthorised camping

No person may camp in any place within these areas unless specifically authorised in writing by the Council.



f. Tonbridge Farm Sports Ground

i. No unauthorised Barbecues

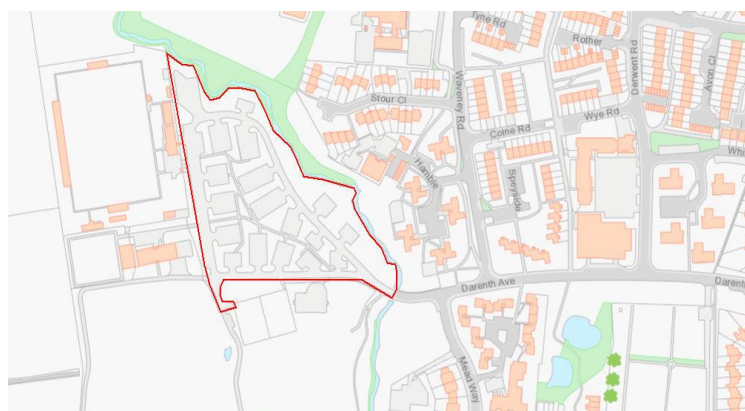
No person may use any barbecue, open fire or other method of cooking or heating food within these areas unless specifically authorised in writing by the Council

ii. Dogs on Leads at all times in designated areas

Dogs must be kept on leads at all times within the areas shown on the plan below. Broadly, this is the Sports Ground car park.

iii. No unauthorised camping

No person may camp in any place within these areas unless specifically authorised in writing by the Council.



g. Tonbridge Cemetery

i. Dogs on leads at all times

Dogs must be kept on leads at all times within Tonbridge Cemetery



h. Closed Churchyards at St Peter's and St Paul's Churches

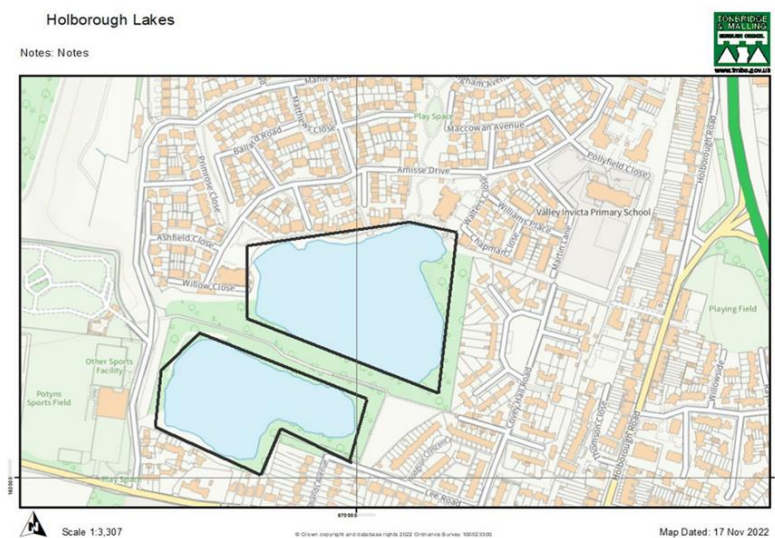
i. **Dogs on leads at all times**

Dogs must be kept on leads at all times within the Churchyards of St Peter's and St Paul's churches

i. Holborough Lakes, Snodland

(i) **No unauthorised swimming, bathing or boating**

No person may swim, bathe or operate any boat or craft in any lake within Holborough Lakes unless specifically authorised in writing



Executive Decisions Record - February 2023

Decision Number	Title	Cabinet Member	Date of Decision	Date Published	Call-in period ends	Called in	Scrutiny Committee Consideration	Referred back to Cabinet	Referred back to Council	Council referred to Cabinet	Date Decision Effective
D230007MEM	Amendment to portfolio of Cabinet Member for Environment and Climate	Leader	01/02/23	02/02/23	09/02/23						10/02/23
D230008MEM	Climate and Biodiversity Action	Environment and Climate Change	08/01/23	10/02/23	17/02/23						18/02/23
D230009MEM	Applications for Discretionary Rate Relief	Finance, Innovation and Property	08/02/23	09/02/23	16/09/23						17/02/23
D230010CAB	Response to DLUHC NPPF Consultation	Cabinet	14.02.23	16.02.23	23.02.23						24.02.23
D230011CAB	Public Space Protection Orders										
D230012CAB	Lease Renewal 1-5 Martin Square, Larkfield										
D230013CAB	Lease Renewal 17 Martin Square Larkfield										
Decision pending	Call in period	Key Decision	Private	Urgent							
	Subject to call in										

URG - outside of budget and policy framework

Executive Decisions Record - January 2023

Decision Number	Title	Cabinet Member	Date of Decision	Date Published	Call-in period ends	Called in	Scrutiny Committee Consideration	Referred back to Cabinet	Referred back to Council	Council referred to Cabinet	Date Decision Effective
D230001MEM	Easement Lease, St Bendicts Road,Snodland	Finance, Innovation and Property	3.01.23	3.01.23	10.01.23						11.01.23
D230002MEM	Housing Advisers Programme Grant Funding	Housing	03.01.23	5.01.23	N/A						5.01.23
D230003MEM	Debts for Write Off	Finance, Innovation and Property	09.01.23	10.01.23	17.01.23						18.01.23
D230004MEM	Regulation 18 Local Plan Consultation - Initial Outputs	Cabinet	10.01.23	12.01.23	19.01.23						20.01.23
D230005CAB	Pembury Road Properties										
D230006URG	Health and Safety of Trees - budget provision	Leader; Community Services and Chair of O&S	19.01.23	20.01.23	N/A						
Decision pending	Call in period	Key Decision	Private	Urgent							
	Subject to call in										

URG - outside of budget and policy framework