

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

12 June 2017

To: MEMBERS OF THE STREET SCENE AND ENVIRONMENT SERVICES
ADVISORY BOARD

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Street Scene and Environment Services Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 20th June, 2017 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr M O Davis (Chairman)
Cllr D Keeley (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr O C Baldock
Cllr M A C Balfour
Cllr Mrs T Dean
Cllr S M Hammond
Cllr D Keers
Cllr D Markham

Cllr L J O'Toole
Cllr S C Perry
Cllr M R Rhodes
Cllr T B Shaw
Cllr Ms S V Spence
Cllr Miss G E Thomas
Cllr T C Walker

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD

Monday, 7th November, 2016

Present: Cllr M O Davis (Chairman), Cllr D Keeley (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr V M C Branson, Cllr Mrs S M Hall, Cllr S M Hammond, Cllr M R Rhodes and Cllr T B Shaw

Councillors O C Baldock, P F Bolt, N J Heslop, D Lettington, H S Rogers and R V Roud were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D J Cure, Mrs T Dean and L J O'Toole

PART 1 - PUBLIC

SSE 16/9 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct.

SSE 16/10 MINUTES

RESOLVED: That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 18 July 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

SSE 16/11 REVIEW OF FEES AND CHARGES

The joint report of the Director of Street Scene, Leisure and Technical Services, the Director of Planning, Housing and Environmental Health and the Director of Finance and Transformation set out proposed fees and charges for the provision of services in respect of food certificates, contaminated land monitoring, private water supplies, pest control, stray dog redemption fees, household bulky refuse and fridge/freezer collections, "missed" refuse collections and the Council's car parks from April 2017.

In bringing forward the proposals for 2017/18, it was noted that consideration had been given to a range of factors including the Council's overall financial position, trading patterns, the current rate of inflation, competing facilities and customer demand. Particular reference was made to the comprehensive review of car parking charges undertaken at the beginning of 2016 and the conclusion that no

further changes be made but the position be reviewed again in 12 months' time.

RECOMMENDED: That Cabinet approve the scale of charges for mandatory condemned food certificates, exported food certificates, contaminated land monitoring, sampling private water supplies, stray dog redemption fees, household bulky refuse and fridge/freezer collection, "missed" refuse collection and car parking charges with effect from 1 April 2017, as detailed in the report to the Advisory Board.

***Referred to Cabinet**

SSE 16/12 SATURDAY HOUSEHOLD BULKY AND WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) SERVICE REVIEW

The report of the Director of Street Scene, Leisure and Technical Services provided an update on the review of the Council's bulky refuse collection and WEEE recycling service undertaken in partnership with Veolia. Consideration was given to a number of recommendations for the continued provision of the services at no additional cost to the Council. A proposed new schedule was presented which would maintain an appropriate level of service in each of the areas currently served and provide sufficient funding for the WEEE service to be continued until the end of the refuse and street cleansing contract in February 2019.

RECOMMENDED: That

- (1) the revised schedule for the collection of bulky refuse and waste electrical and electronic equipment (WEEE) from locations across the Borough be approved;
- (2) the revised arrangements commence in February 2017 for a period of two years; and
- (3) the bulky refuse and WEEE service be reviewed further as part of the retender of the Council's Refuse and Street Cleansing Contract.

***Referred to Cabinet**

SSE 16/13 THE UNAUTHORISED DEPOSIT OF WASTE (FIXED PENALTIES) REGULATIONS 2016

Decision Notice D160082MEM

The report of the Director of Street Scene, Leisure and Technical Services gave details of the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which allowed fly tipping offences to be dealt with by means of a Fixed Penalty Notice (FPN) and aimed to

provide an efficient tool for tackling smaller scale and/or lower impact fly tipping incidents.

Details were given of the proposed penalty and the circumstances in which the FPN would be issued, together with a review of the current FPN process.

RECOMMENDED: That with immediate effect:

- (1) delegated authority be granted to the Director of Street Scene, Leisure and Technical Services under the Environmental Protection Act 1990, as amended by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016, to make appropriate arrangements for the issue of Fixed Penalty Notices for fly tips;
- (2) the penalty charge of £400 for unauthorised deposits of waste be supported with no early payment reduction and no appeal process;
- (3) the removal of early payment reductions for Duty of Care offences often associated with fly tipping be supported; and
- (4) the cessation of the appeal process for all offences where Fixed Penalty Notices are served be supported.

MATTERS SUBMITTED FOR INFORMATION

SSE 16/14 WASTE AND STREET SCENE SERVICES UPDATE

The report gave an update on a number of projects and initiatives within Waste and Street Scene services. Particular reference was made to the winning of the RSPCA Gold Award for Stray Dog Services for the fifth year running and it was agreed that a letter of appreciation be sent to the Dog Warden for her personal and professional commitment.

The Council's input to the Defra Project Group working on production of a National Litter Strategy was highlighted. The report also indicated progress on options for the relocation of a number of recycling sites and plans for rescheduling refuse and recycling collection rounds in some parts of the Borough.

SSE 16/15 CONTAMINATED LAND

Further to Decision No D160051MEM, the report provided a detailed overview of the way in which the Council's contaminated land function was delivered in line with both legislative requirements and statutory guidance. Attention was drawn to the Council's responsibilities under both the Contaminated Land Regime and the Planning Regime. Details of the series of sequential planning conditions adopted for dealing with

contaminated land were reproduced at Annex 2 to the report and the Scientific Officer dedicated to contaminated land issues (and shared with Gravesham Borough Council) was introduced to the Advisory Board. It was noted that the Council's approach had been verified as sound by counsel's opinion.

SSE 16/16 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.25 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE & ENVIRONMENT ADVISORY BOARD

20 June 2017

Report of the Director of Street Scene, Leisure and Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 WASTE SERVICES CONTRACT RETENDER

Summary

The current waste services contract for refuse, recycling & street cleansing is due to end in February 2019. This report outlines the proposed retendering process, opportunities for partnership working with other local authorities and the potential for service improvements, efficiencies and savings.

1.1 Background

- 1.1.1 Further to a report to this Board in November 2016, Members will be aware that the Council's Waste Services Contract is due to expire in February 2019 and officers are currently working with colleagues to explore a number of options for the future delivery of these services. The value of the existing contracts for refuse, recycling and street cleansing services is around £3.8m per annum and provides a service to over 52,000 households in the Borough.
- 1.1.2 Although these high profile services have always been carried out to a high standard and with very few complaints, it is acknowledged that retendering for a new contract does present an opportunity for further service enhancements. Enquiries and feedback from residents in recent years has indicated their wish for additional kerbside recycling collections, to include plastics and glass in particular.
- 1.1.3 It is also worth noting that when assessing and reporting on our waste collection arrangements to meet new Waste Regulations in 2015, a report to the Housing & Environmental Services Advisory Board in June 2015 recommended that the Council explore future opportunities to improve capture rates for recycling high quality materials (including paper, card, metals, glass and plastics).
- 1.1.4 An internal Officer Project Group has been set up involving colleagues across the organisation, including Waste & Street Scene, Health & Safety, Legal, Audit and Financial Services. The aim of this project group is to identify a way in which this authority can deliver service improvements, generate financial savings and

increase the authority's current rate of recycling. It is also essential that this is all achieved through a retender process that meets legislative requirements.

- 1.1.5 Through the Kent Resource Partnership (KRP) a group of Officers have also been exploring partnership opportunities across West Kent authorities to develop more consistent and cost effective waste service arrangements. Members may be aware that waste services in East and Mid Kent are currently delivered on a partnership basis between the local authorities in these areas.
- 1.1.6 Although there is an ever growing list of considerations and a significant amount of preparatory work involved in taking this project forward, progress has been good and work is now well underway.

1.2 West Kent Joint Waste Partners (WKJWP)

- 1.2.1 With the assistance of the KRP, Officers in West Kent have formed a project group to explore opportunities for partnership working, more consistency in waste collection systems, improvements to services and potential for savings and efficiencies.
- 1.2.2 This group initially included representatives from Tonbridge and Malling, Tunbridge Wells, Sevenoaks, Dartford, Gravesham and Kent County Council. However, following early discussions around working in partnership, consistency in service delivery and contract retendering, both Sevenoaks and Gravesham indicated their intention to continue with their own contract service arrangements. The remaining authorities have aligned their current waste collection contracts so that they all expire in 2019 and taking this project forward the West Kent Joint Waste Partners (WKJWP) was formed and now comprises:
- Tonbridge and Malling Borough Council (contract start 1 March 2019),
 - Tunbridge Wells Borough Council (contract start 1 April 2019)
 - Dartford Borough Council (contract start 1 July 2019), and
 - Kent County Council
- 1.2.3 Kent County Council, as Waste Disposal Authority will play a key role in any partnership arrangements. The WKJWP officer group is now meeting regularly and is already making progress in a number of key areas, and further details are reported below.

1.3 Proposed Collection Method

- 1.3.1 To assist with the work of the group, external waste consultants, Waste Consultancy Services, were engaged by the KRP to evaluate and benchmark current services across partner authorities. This work also included research into various collection systems for refuse and recycling services and explored a range

of options taking into account national and local guidance. For example, work was carried out in liaison with both the East and Mid Kent Waste Partnerships to look at their collection systems and take into account any lessons learnt. These partnerships had already gone through this process with joint contracts being let.

- 1.3.2 The work also looked at service and performance improvements in moving to a more consistent Nominal Optimal Method (NOM) of collection, as well as the potential savings and efficiencies from increased recycling and joint working. The key elements of the proposed new service would include:
- A weekly food waste collection (additional caddy)
 - An alternating fortnightly collection of mixed dry recyclables including plastics, metals, cartons, glass, paper and card (utilise existing green-lidded bin and green box)
 - An alternating fortnightly collection of residual waste that cannot be recycled (utilise existing black bin)
- 1.3.3 Members may also be aware that there has been and continues to be significant debate nationally regarding recycling services across the country. In an effort to drive greater consistency in household recycling in England, the Waste Resources Action Programme (WRAP) has produced a framework guidance document. It is worth noting that the method of collection proposed in sub-section 1.3.2 mirrors one of the three options highlighted in the WRAP guidance.
- 1.3.4 In addition, and in order to underpin the improvements to the overall collection service mentioned above, the NOM also includes the introduction of a separate fortnightly collection of garden waste. Residents would be able to “opt in” to this service if they wished to do so and a new bin would be provided. At present, councils already have the power to charge for the collection of certain types of waste, including garden waste. In line with the majority of councils in Kent and across the UK, the partnership is exploring ways of generating additional income and improving services. If agreed, a charge for the separate collection of garden waste would be introduced, which would help fund the enhancements to the waste and recycling services. Members may be interested to note that one of the partners, Dartford Borough Council, already provides a separate garden waste collection service at an annual cost of £38. The national average charge for garden waste collection is around £42 per property per annum. Whilst charging for garden waste is considered necessary for this authority to underpin the proposed service improvements and potential savings, this will of course be an individual decision for each partner local authority.
- 1.3.5 If the proposed new services are introduced it is estimated that savings of more than £3m **could** be generated collectively across the partnership authorities and that the average recycling performance **could** increase to around 50 per cent (the Council’s recycling performance is currently 42 per cent).

- 1.3.6 The key findings and proposals are summarised above and a full copy of the Briefing Paper that was produced by Waste Consultancy Services for the WKJWP is attached at **Annex 1**.
- 1.3.7 While the NOM represents the preferred method of collection, the partner authorities may take the opportunity to ask contractors for alternative model(s) that meet minimum standards of service to be set and agreed by partners.
- 1.3.8 Although the Briefing Paper specifically relates to refuse and recycling collection and disposal arrangements, it is important to note that the proposals for a joint waste services contract will also include street cleansing. Tonbridge and Malling Borough Council officers are taking the lead role within the partnership in preparing the specifications for these joint contracts. Work is currently underway and proposed standards & levels of service, contract duration and options will be brought back to a future meeting of this Board.

1.4 Memorandum of Understanding (MoU)

- 1.4.1 In order to make progress with joint working and take this project forward, it has been important to discuss and agree some guiding principles for the partnership. A Memorandum of Understanding (MoU) has been drafted and some of the key elements include:
- Reducing overall operating costs and/or increasing service performance through joint working
 - The principle that no authority is financially worse-off as a consequence of joint working
 - The process for project preparation, decision making and dispute resolution
 - The principle of disaggregating any joint savings fairly between Waste Collection & Waste Disposal Authorities (details of the financial mechanism will be included in an Inter Authority agreement)
- 1.4.2 A copy of the WKJWP Briefing Paper is also being included as an appendix to the MoU.
- 1.4.3 At this stage the MoU is not legally binding, but does provide a basis and “intent” for moving forward in partnership. A copy of the MoU is attached at **Annex 2** and this will form the basis of a more detailed and legally binding Inter Authority Agreement (IAA) that is currently being prepared.

1.5 Inter Authority Agreement (IAA)

- 1.5.1 Preparation of this document is underway and will build on the key principles of joint working featured in the MoU. The IAA will be necessary to enter into formal partnership arrangements and will be a legally binding contract. This will be a key

document and once prepared will be reported to this Board for formal approval later this year.

1.6 Joint Contract Procurement

- 1.6.1 In keeping with a shared approach, Dartford Borough Council has agreed to take a lead role in procurement. Dartford has a dedicated Procurement Team and this Council has already had experience of using their services for other contracts in recent years.
- 1.6.2 This contract is subject to EU tender regulations and it is recommended that an “Open Tender” procedure be used but with pre-procurement Contractor Engagement, to inform the service specification before the Contract Notice is issued. This provides a thorough and flexible contract retendering process, as it allows early engagement with the market prior to the Contract Notice being issued. In accordance with our own Contract Procedure Rules Members are required to approve the method of procurement.
- 1.6.3 A procurement sub group involving representatives from each authority has been formed and will be preparing key documents and a detailed procurement timetable to ensure that the overall project is delivered on time and in accordance with all legal requirements.

1.7 Project Timetable

- 1.7.1 There is a significant amount of work involved in delivering this overall project, and key elements and tasks have been identified and lead officers assigned from the partner authorities. In many instances this will involve sub groups carrying out the initial work before being brought back to the West Kent Joint Waste Partners Group to be finalised. The financial sub-group is being led by this Council’s Financial Services Manager.
- 1.7.2 Key documents and key decisions have been highlighted and individual authorities will be expected to seek the necessary Member approval at appropriate times in order to meet the deadlines set within the overall timetable. Although there may be minor adjustments made to the timetable, the overall deadlines are not expected to change. For information, a copy of the project timetable is attached at **Annex 3** and key milestones are detailed below:
- Issue Tender OJEU Advert - December 2017
 - Contract Award – July 2018
 - TMBC Contract Start – March 2019

1.8 Social Value

- 1.8.1 Consideration has been given to the Public Services (Social Value) Act 2012 that will apply to this contract. The Act requires the Council to consider how the

procurement process and documentation can assist in providing social, economic and environmental benefits. The Open Tender Procedure will allow proper consideration of this and Officers will take this into account when preparing more detailed contract specification and evaluation criteria. The social, economic and environmental benefits offered can only be scored as part of the evaluation criteria for the tender if they are sufficiently linked to the subject matter of the contract.

- 1.8.2 Officers have considered this and believe that environmental and sustainability issues are sufficiently linked to the subject matter of the contract to be part of the evaluation criteria. It is therefore proposed that contractors submitting tenders be requested to submit details of how they would be able to provide a sustainable and environmentally friendly bid over and above those matters in the technical specification.

1.9 Legal Implications

- 1.9.1 The Council has a legal duty to provide waste and street cleansing services. Due to the contractual and partnership aspects of this project regular and timely legal services guidance is essential in taking this forward. The Procurement will be carried out in accordance with all current legislation, including the Public Contract Regulations 2015.
- 1.9.2 A number of legal considerations have been highlighted and are captured on the project timetable and are being led by Tunbridge Wells Borough Council. This includes specific involvement with the Inter Authority Agreement, the Conditions of Contract and the procurement process. Our own Legal Services Officers are represented at TMBC's Officer Project Group and are also included in the WKJWP legal services sub group.

1.10 Financial and Value for Money Considerations

- 1.10.1 The current refuse, recycling and street cleansing services has a contract value of around £3.8m per annum. The overall collection, disposal and street cleansing costs across the partner authority areas are in excess of £20m per annum. With such large sums involved, there are clearly opportunities for savings and efficiencies as well as service improvements.
- 1.10.2 It is estimated that joint working and a more consistent approach to collection and disposal of waste and recycling could realise savings over £3m per annum across the three authority areas. A large part of the potential savings will come from reduced disposal costs and additional income generation. Although the detail of how any savings will be shared between authorities is still being discussed, there is an overriding principle and an acknowledgement that this needs to be fair and equitable. The financial mechanism for sharing savings will be included in the Inter Authority Agreement (IAA).
- 1.10.3 Due to changes in legislation and guidance since the last contract was let (in particular around health & safety and traffic management requirements); it is felt

that the current street cleansing specification is likely to incur a cost increase. This aspect is also being looked at as part of the retendering exercise and any opportunities for joint efficiencies are being explored.

- 1.10.4 There is an expectation that the Waste Services Contract will make a significant contribution towards the contract savings target contained within the Savings and Transformation Strategy.
- 1.10.5 It is felt that additional income generation will be a key part of being able to offer improved collection services, maintain high street cleansing standards and realise an overall saving for this council. Charging for garden waste collection on an “opt in” basis will be a key factor. Further details will be reported to future meetings of this Board.
- 1.10.6 The KRP has supported this project with budget provision for waste consultancy work and the procurement process.

1.11 Risk Assessment

- 1.11.1 The Council has a duty to provide waste and street cleansing services within the borough. The value, the type of work and the high profile nature of the service give rise to a number of potential risks (financial, health & safety and reputational risks). In addition, there are further potential risks associated with delivering a joint contract in partnership with other authorities.
- 1.11.2 The WKJWP have recognised the need to assess risks and have already drafted a risk management register for the overall delivery of the project. It is envisaged that the key elements will be regularly monitored and reviewed to ensure that the project stays on track.
- 1.11.3 In addition, our Internal Audit (who are also represented in the TMBC Officer Project Group) has highlighted the Waste Services Contract Retender as a key area for focus. This is listed in the Council’s Corporate Risk Register and a scoping brief of the key areas for audit involvement is currently being prepared.

1.12 Equality Impact Assessment

- 1.12.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.
- 1.12.2 There are a number of individual specification and service elements associated with a contract of this size. Although it is not envisaged that any particular group will be disadvantaged by this contract, the need to carry out a detailed Equality

Impact Assessment has been noted by the WKJWP and will be included within the formal contract documents.

1.13 Conclusion

1.13.1 The proposals outlined in this report clearly meet the stated aims of service improvement, financial savings and increased rates of recycling. The introduction of the kerbside collection of glass, plastics and weekly food collection would represent a major benefit to householders in the Borough, and meet an expressed demand for this service. Whilst the precise level of savings to this authority are yet to be determined, it is anticipated that these will make a positive contribution to the Council's Savings & Transformation Strategy. This authority's recycling rate has plateaued over recent years and the proposed way forward would provide a real opportunity to improve performance.

1.14 Recommendations

1.14.1 It is **RECOMMENDED** to Cabinet that:

1.14.2 The Nominal Optimal Method (NOM) of collection, including the separate fortnightly collection of garden waste as outlined in section 1.3 is **APPROVED** as the preferred option for retender of the Waste Services Contract to be reflected in the drafting of the Service specification.

1.14.3 The principle of introducing a charge for the separate collection of garden waste on an "opt in" basis is **APPROVED**, with further details being reported to a future meeting of this Board.

1.14.4 The Memorandum of Understanding attached at Annex 2 is **ENDORSED** and it is **NOTED** that this forms the basis of a more detailed Inter Authority Agreement (IAA), to be approved at this Board later this year.

1.14.5 The proposed "Open Tender Procedure" with pre-procurement contractor engagement is **APPROVED**.

1.14.6 It is **NOTED** that further details on proposed standards and levels of service for inclusion within the Contract Specification are reported to a future meeting of this Board for approval.

The Director of Street Scene, Leisure and Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Dennis Gardner

Nil

Robert Styles

Director of Street Scene, Leisure and Technical Services

Annexes:

- 1. WKJWP Briefing Paper**
- 2. Memorandum of Understanding (MoU)**
- 3. Project Timetable**

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Introduction

In recent years there has been a growing trend for Councils to work together in order to improve efficiency and meet ever increasing financial savings targets. As one of the largest areas of spend, this applies particularly to household recycling and waste services. There is also growing pressure for greater simplicity and consistency in the way waste collection services are provided. Last September WRAP published its long awaited 'Waste Collection Consistency Framework for English Councils', recommending three collection options:

- a multi-stream recycling collection, with paper, glass and card and plastics, metals and cartons collected in three separate containers;
- a two-stream option, which includes collection of plastics, metals, cartons and glass in one container and a separate container for paper and card; and
- a fully commingled service including plastics, metals, cartons, glass and card.

The core set of recyclable materials recommended for collection includes plastic bottles and pots, tubs and trays, metal cans, aerosol containers and foil, glass bottles and jars, paper, card, drinks cartons and food waste.

West Kent Joint Waste Partnership

With existing collection contracts in Dartford, Tonbridge & Malling and Tunbridge Wells all now terminating in 2019 there is an opportunity for the three borough councils and Kent County Council to consider how they might best deliver their recycling and waste services in the future. Not included in this paper, but the three borough councils are also considering joint procurement arrangements for street cleansing.

Table 1: Authorities, Waste Collection Contractors and Contract End Dates:

Council	Contractor	Contract End Date
Dartford Borough Council	Amey LG	30/06/2019
Tonbridge and Malling Borough Council	Veolia Environmental Services	28/02/2019
Tunbridge Wells Borough Council	BIFFA Environmental	30/03/2019

This briefing paper details:

- Current Recycling and Waste Service Cost and Performance;
- Draft Recycling and Waste Service Proposal;
- Changes in Household Containers;
- Draft Recycling and Waste Service Cost and Performance;
- Investment Costs;
- Partnership and Procurement Timeline and
- Next Steps

Current Waste Service Cost and Performance

Summary facts across the combined authority areas (2015/16 data):

- Service provided to c. 144,500 households;
- Collecting 133,000 tonnes of household recycling and waste p.a.;
- Gross collection costs of £6.6m, netting down to £5.2m p.a. after income;
- A processing and disposal costs of £12.6m p.a.;
- Combined cost for collection and disposal of £17.8m p.a.;
- Average recycling performance of 38.3% (ranging from 24.3% in Dartford to 45% in Tunbridge Wells); and
- Average cost per household £123.36.

Table 2: Current Collection frequencies, containers and performance:

Current Collection Methodologies			
Service	Dartford	TMBC	Tunbridge Wells
Residual	Weekly Green Wheeled 240l Bin/Black Sacks	Fortnightly Black Wheeled 240l Bin/Black Sack	Fortnightly Green Wheeled 240l Bin/Black Sacks
Recycling Wheeled Bin	Fortnightly Grey Bin - Paper/Card/Cans/Plastic Bottles		Fortnightly Green Box - Paper and Card
Recycling Box	Fortnightly Black Box - Glass	Fortnightly Green Box - Paper and Cans	Fortnightly Green Box - Plastic and Cans
Garden Waste/Food Waste	Fortnightly Brown Bins Charged GW £38p.a. + £40 bin	Fortnightly Green lidded Bin - GW/FW/Cardboard	Fortnightly Brown Bin/Hessian Sack - GW/FW
Recycling Performance	24.3%	40.0%	45.0%

Note: DBC Food Waste included in residual.

Table 3: Current Waste Service Cost and Performance:

Current Costs, Tonnage and Performance	
Description:	Sub Total
<i>No of Households</i>	144,481
Baseline Gross Collection Cost with adjustments	£6,622,827
Baseline Collection Income (incl. Recycling Credits)	-£1,452,193
Net Baseline Collection Cost	£5,170,634
<i>Net Collection Cost per Household</i>	£35.79
Waste Disposal Cost (incl. Recycling Credits)	£12,653,214
Net Baseline Collection and Disposal	£17,823,848
<i>Net Collection and Disposal Cost per Household</i>	£123.36
Tonnage of Household Waste	132,692
Performance:	
% Dry Recycling	17.4%
Composting (%)	21.0%
% Recycled/Composted	38.3%
Residual household waste per household (kg)	523
Total Household waste per household (kg)	930

Note Re Table 3: Recycling Credits are shown in both WCA income and WDA disposal costs.

With disposal amounting to over 70% of the total cost of waste management, the three districts have been working closely with KCC, the KRP and its consultants WCL to identify the most cost effective waste management solution (based on cost & performance) across collection and disposal services for the Kent taxpayer. This has also taken into account lessons learnt from the East Kent & Mid Kent Partnerships.

Draft Recycling and Waste Service Proposals

After much discussion amongst Officers and with external waste consultancy support the most effective solution, the Nominal Optimal Model (NOM) identified is recommended as follows:

- Weekly Food Waste Collection;
- Fortnightly Collection of Residual Waste collection;
- Alternate Fortnightly Collection of Mixed Dry Recyclate (plastics, metals, cartons and glass) in a wheeled bin and a separate container for paper and card; and

This approach conforms to Option 2 of the WRAP Consistency Framework and mirrors the current arrangements in East Kent and, with the exception of segregating the paper/card from other recycling, to Mid Kent.

- In addition, the separate fortnightly collection of garden waste (as an “opt in” charged service).

It is important to highlight that not all households will be suitable to receive this service model and where necessary *weekly* residual waste collections will continue.

Residual waste composition analysis undertaken in the three districts highlights that a significant volume of food waste and target recyclates are not currently being collected for recycling.

This option has been selected on the grounds that:

- provision of a *weekly* food waste service is recommended to build public participation and set out of food waste;
- the segregation of paper enables the partnership to recover value from the largest recyclate stream and protect its quality from possible glass contamination;
- comingling the remaining recyclate is simpler for the public and encourages greater participation;
- charging for garden waste frees up council resources and expenditure from a non-statutory service to provide better waste services for all householders and/or finance other council spending priority areas. The decision to introduce a charge is one for each individual Council to make.

Note re: Garden Waste Charging: The introduction of charged garden waste is a consistent theme across many Councils; with surveys quoting 42% of councils operating subscription services. Tonbridge & Malling and Tunbridge Wells jointly spend nearly £1.2m p.a. on existing comingled garden/ food/ cardboard collections. The modelling assumes a low garden waste charge of £30 p.a. and participation drop off rates between 50% and 60%. Surveys indicate the average charge to be £41.34 and drop off rates of 15% to 30% from free to charged service provision.

Changes in Household Containers

Table 2 above clearly demonstrates the variety in materials collected and containers used currently. However, these can be re-used in a consistent manner to minimise additional costs and get the most out of Councils’ existing container investment. The new service proposals utilise existing bins and boxes wherever possible. New internal and external food waste caddies will however have to be provided to all participating households. Existing residual wheeled bins will be retained and used for residual waste collection, existing recycling boxes will be used for paper/cardboard containment and existing garden waste bins in Tunbridge Wells and Tonbridge & Malling will be rebranded for use as mixed dry recycling wheeled bins. Subscribers to a new charged garden waste service will be supplied with a new garden waste wheeled bin and costs recovered within the new garden waste service charges.

Draft Waste Service Cost and Performance

The modelling that has been undertaken can only provide a guide on the likely extent of participation in the new service. Annex A and Annex B provide a low and medium view of forecast service cost and performance and some of the assumptions associated with each view. The table below details expected costs, savings and recycling performance.

Table 4 Overall Collection and Disposal Savings and Performance

Description	Low	Medium
Existing Waste Service Cost	£17,823,848	£17,823,848
New Waste Service Cost	£14,875,181	£13,480,019
Overall Collection and Disposal Savings	£2,948,666	£4,343,829
Average Recycling Performance	41.7%	49.7%

The savings are broadly derived 1/3rd from collection and 2/3rds processing and disposal, the former includes £1m to £1.25m income from garden waste charging and the latter £1m to £1.25m benefit derived from segregating paper and card. This reflects the potential for variation in garden waste take up and paper and card values.

Whilst the medium view virtually delivers England’s 2020, 50% Recycling Target the Low View falls c. 8 percentage points short. It is worth noting that the same collection methodology can deliver substantially in excess of 50% but performance is mixed. On-going communications support and robust policies and procedures to address side waste, contamination and poor participation are required to deliver sustained, good performance.

Investment Costs

In order to facilitate the change in service:

- The existing collection fleet will need to be replaced. This is to be funded by the new contractor and has been accounted for in the modelled costing above and at Annex A and B;

- Households will require new internal/external food waste caddies estimated at a cost of £800k. This upfront capital cost has not been included in the above modelling; and
- a new food waste transfer facility will be needed for the Tunbridge Wells collection fleet, estimated as a cost of £500k. This is a separate and additional cost required to deliver disposal cost savings.

The combined £1.3m funding related to the containers and transfer facility requirement could be directly funded by the Councils from the anticipated savings or included within the new contract requirement. KCC has identified serious capital funding constraints which need to be taken into consideration by all partners.

Assuming these investment costs are written down over 10 years and a capital charge of 3%, is applied then future savings would be reduced by c£150k p.a. to fund the investment. This would reduce the model savings detailed above to c. £2.8m and £4.2m respectively.

Partnership and Procurement Timeline

To derive Best Value from joint working and get service providers input into the most cost effective collection/processing methods it is proposed that the partners commence an Open Tender, with pre-procurement contractor engagement process [note: procurement process advice updated by WKWPG in June 2017] This is anticipated to require approximately 9 months in addition to a minimum 6 month mobilisation period necessary for the supply of a new recycling and refuse collection fleet. With Tonbridge & Malling's existing contract terminating 28th February 2019 publication of an OJEU Procurement Notice would be required by late 2017. In advance of that the partners need to conclude an Inter Authority Agreement detailing partnership principles, funding arrangements, benefit disaggregation and joint working arrangements. This work is being coordinated by the West Kent Waste Partners Group (WKWPG).

Next Steps

Given the potential savings opportunity and improvements in service performance outlined Council Officers and Members are asked to agree to the project progressing to the next stage. This will see the development of the Inter Authority Agreement which will be brought back for Member agreement in late 2017 prior to commencing a procurement process. There are key areas remaining for discussion not least issues regarding the timetable, agreement of baseline view, savings disaggregation and performance incentivisation, treatment of existing recycling credits, source and payback of investments funding, approach to procurement.

Annex A: Savings and Recycling Performance – Low View

The low view table below assumes:

- 7% of Household Waste Stream is captured Food waste;
- Average Dry Recycling performance is 23.7%;
- Only 40% of existing Garden waste customers take up new service;
- Only 50% of GW captured; and
- GW charge of £30 per bin generates new Income from Garden Waste Services £1m.

Model New Service Costs, Tonnage and Performance	
	Sub Total
Description:	
<i>No of Households</i>	<i>144,481</i>
New Gross Collection Cost with adjustments	£6,538,192
New Collection Income (incl. Recycling Credits)	-£2,425,336
New Net Collection Cost	£4,112,856
<i>Net Collection Cost per Household</i>	<i>£28.47</i>
Waste Disposal Cost (incl. Recycling Credits)	£10,762,325
Net New Collection and Disposal	£14,875,181
Diff to Baseline	-£2,948,666
<i>Net Collection and Disposal Cost per Household</i>	<i>£102.96</i>
Tonnage of Household Waste	129,730
Performance:	
% Dry Recycling	23.7%
Composting (%)	18.0%
% Recycled/Composted	41.7%
Change in Recycling/Compost %	3.4%
Residual household waste per household (kg)	479
Total Household waste per household (kg)	898

Note Re above Table: Recycling Credits are shown in both WCA income and WDA disposal costs.

Annex B: Savings and Recycling Performance – Medium View:

- 10% of Household Waste Stream is captured Food waste;
- Average Dry Recycling performance is 28.6%;
- 50% of existing Garden waste customers take up new service;
- 60% of Garden Waste captured; and
- New Income from Garden Waste Services £1.34m.

Model New Service Costs, Tonnage and Performance	
Description:	Sub Total
<i>No of Households</i>	144,481
New Gross Collection Cost with adjustments	£6,538,192
New Collection Income (incl. Recycling Credits)	-£2,693,782
New Net Collection Cost	£3,844,410
<i>Net Collection Cost per Household</i>	£26.61
Waste Disposal Cost (incl. Recycling Credits)	£9,635,609
Net New Collection and Disposal	£13,480,019
Diff to Baseline	-£4,343,829
<i>Net Collection and Disposal Cost per Household</i>	£93.30
Tonnage of Household Waste	129,389
Performance:	
% Dry Recycling	28.6%
Composting (%)	21.1%
% Recycled/Composted	49.7%
Change in Recycling/Compost %	11.4%
Residual household waste per household (kg)	405
Total Household waste per household (kg)	896

Note Re above Table: Recycling Credits are shown in both WCA income and WDA disposal costs.

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West Kent Waste Partners Group (WKWPG)

Memorandum of Understanding (MoU)



Document Name:	WKWPG MoU Final v1
Author:	David Beaver (KCC)
Date:	May-17

Memorandum of Understanding (MoU)

for the West Kent Joint Waste Partnership (WKJWP)**Document Version Control**

In signing this MoU Partners confirm that they have read and contributed to the draft iterations leading to this final document.

Document Name:	Distributed by:	Date
WKWPG - DRAFT MoU - v1	Paldeep Bhatti	03-Jan-17
WKWPG - DRAFT MoU - v2	Dave Thomas	03-Mar-17
WKWPG - DRAFT MoU - v3	David Beaver	22-Mar-17
WKWPG - DRAFT MoU - v4	David Beaver	05-Apr-17
WKWPG - DRAFT MoU - v5	David Beaver	24-Apr-17
WKWPG - DRAFT MoU - v6	David Beaver	02-May-17
WKWPG - Final MoU - v1	Sandra Eates on behalf of David Beaver	10-May-17

1. Purpose of this Memorandum of Understanding

The purpose of this MoU is:-

- a. To set out in simple, non-legalistic, terms the way that the Partners (see definition) to the MoU will work together towards the objectives of procuring a waste management contract for the collection of recyclable and residual waste materials, processing of recyclable materials, and the provision of street cleansing services and associated arrangements.
- b. To establish overarching principles for taking joint working forward to deliver the agreed work streams.

2. Objectives of Joint Working

The objectives of Joint working are:-

- a. To reduce overall operating costs and/or increase service performance for each of the three collection authorities and one disposal authority party to this MoU.
- b. To ensure that in achieving 2a above that no authority is worse-off as a consequence of joint working.

3. Definitions & Interpretation

Term	Definition
Alternative View	Each Council's developed view which enables either cost comparison against existing service, or for an individual Council to award a separate contract.
Containerisation Funding	Capital Funding required by the WKD's to fund changes in containerisation necessary to introduce the NOM.
DBC	Dartford Borough Council
Performance Payment	This funding will replace recycling credit funding and any other pre-existing KCC funding streams and be termed as a West Kent District Award. The amount will be the equivalent to the value of recycling credits paid in the last full year prior to the relevant council entering into the WKJWP Service Contract plus all other pre-existing KCC funding streams. The amount payable will be based upon actual recycling performance, therefore offering a continual incentive to the WKDs. The Performance Payment will be defined by a schedule of cost or payment components. Performance
Households	Household numbers are as defined for Waste Dataflow.
KCC	Kent County Council
Host Authority	DBC for at least the first phase of the procurement process, and then to be subject to further discussion and agreement.
Inter Authority Agreement	A legally binding agreement between WCAs and WDA which details performance based payment mechanisms in recognition of enhanced cost efficiency. This may be one joint document or individuals aligned to each WCA.
Kerbside Collections	Either mixed waste or individual or mixed recyclables presented in wheeled bins or other containers by residents for collection by a contractor
Lead Officer	The officer responsible for the delivery of waste management services in each Council.
Members	The Councillors from each authority with an interest in the project.
MoU	Memorandum of Understanding
NOM	Nominal Optimal Model – refers to the use of split bodied vehicles for kerbside collection of dry recycle, weekly food waste and alternate weekly collection of residual waste. This is further referenced in Appendix 4 which details an operating model developed by Waste Consulting Limited.
Partners	DBC, TMBC, TWBC & KCC
Partnership	The Partners working together in an evolving relationship which will be reflected in a Partnership Agreement.
Procurement Group	Sub Group of Steering Group with specific responsibility for progressing the procurement of the West Kent Joint Waste Contract. Reports back to Steering Group.


Project Purpose	The production and tendering of a joint waste collection contract for refuse, recycling and street cleansing
Project View	The joint view of the Project benefits used to contrast against Alternative View (see definition above).
Reporting Structure	Joint working arrangements explained in Appendix I
TMBC	Tonbridge & Malling Borough Council
TWBC	Tunbridge Wells Borough Council
WKDs	West Kent Districts (DBC, TMBC & TWBC)
WKJAG	West Kent Joint Arbitration Group
WKJWP	West Kent Joint Waste Partnership
WKWPG	West Kent Waste Partners Group (DBC, TMBC, TWBC & KCC) – formed from Lead Officers from Partners with responsibility for progressing the West Kent Joint Waste Project.
WCA	Waste Collection Authority
WDA	Waste Disposal Authority

4. Status of MoU & the Partnership

- a. This MoU is an operational not contractual document, however it is acknowledged by the Partners that the following areas will need to be agreed and entered into as legally binding documents as soon as practicable hereafter. The areas to be embodied in the legally binding agreement are outlined at **Appendix II** to this MoU.
- b. The Partners have (by signing this MoU) agreed to use all reasonable endeavours to achieve the objectives of the overarching principles of this MoU.
- c. The Partnership is not a legal entity. Accordingly, it cannot employ staff or enter into contracts in its own right. In those respects it will have to act through an agent – normally one of the Partners acting as a Host Authority. DBC will lead for the purposes of procurement.
- d. The Partners will from time to time consider and if appropriate grant delegated powers within the group to their lead and other officers to facilitate the working of the Partnership.
- e. The Partners will refer relevant matters where agreement cannot be found initially to the WKJAC.

5. Key Overarching Principles

- a. The Partners recognise that the co-ordination of action in procuring waste collection, recycle processing and street cleansing arrangements will be more effective than individual action by a single authority.
- b. The Partners recognise the guiding principles of the Best Practicable Environmental Option (BPEO) and the European Community (EC) hierarchy of waste management:-

Waste Reduction	<div style="text-align: center;"> <p>Most Desirable</p>  <p>Least Desirable</p> </div>
Reuse	
Recycling & Composting	
Energy Recovery with Heat/Power	
Landfill with Energy	
Landfill	

- c. The Partners will work together to deliver the objectives of the Joint Municipal Waste Management Strategy for Kent.
- d. The Partners commit themselves to the most economically advantageous and closest co-ordination possible of waste collection and disposal arrangements in West Kent, within the law and that is reasonably practicable and supported by acceptable business case.
- e. TEEP will be fully considered when formulating any proposed collection methodology. This is further defined in **Appendix IV**, the operating model developed by Waste Consulting Limited which is approved by the WKWPG.
- f. The WKDs will participate in an optimum, most economically advantageous procurement solution to deliver the NOM. Procurement solutions to commence in 2019 for DBC, TMBC and TWBC. Also tendering options for existing/current service level to assess against the NOM to be established through an Open Tender, with pre-procurement contractor engagement process.
- g. KCC will participate in this process and include the procurement of all the necessary arrangements, post collection, to provide capacity, for the handling, and processing of waste. KCC, in undertaking this obligation, will however have to take into account whether current infrastructure is capable to deliver the NOM such as North Farm and Pepperhill Transfer Stations. In addition its key suppliers such as Viridor MRF and Allington Energy from Waste contract. Any additional costs will be included within the schedule of cost or payment components in accordance with the principles defined Benefits Disaggregation Principles detailed in **Appendix III**.
- h. The Partners will adopt the optimum most economically advantageous options as a result of the procurement process to include unified contract management arrangements and cross boundary collection efficiencies.
- i. The Partners will consider and define, post-implementation contract management options prior to the tendering exercise in order to provide potential tenderers with an indication of likely on-going administration requirements.

- j. Each Authority will take contract responsibility for its own decision making to deliver The Project.

6. West Kent Waste Partners Group

- a. The Partners are Dartford Borough Council, Kent County Council, Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council. For the avoidance of doubt, whilst geographically within West Kent, both Gravesham Borough Council and Sevenoaks District Council are not Partners to this joint working.
- b. The Partners shall be supported by the WKWPG consisting of a minimum of one Lead Officer responsible for waste from each of the Partners.
- c. For the avoidance of doubt membership of the Steering Group should remain as constant as possible but may vary at the discretion of each Partner as appropriate to the topic or issue being considered and may include additional members as appropriate to the topic or issues being considered.
- d. Officers of each Partner shall be required to and be responsible for reporting decisions to their own Council and implementing Partner decisions (once adopted by all Partners) and the WKWPG shall monitor the implementation of those decisions. Each Partner will be aware and considerate of how the timing of their reporting may affect the other Partners.
- e. The WKWPG may agree to the setting up of other Officer sub/working groups to discuss and take forward any particular issues with emphasise on joint working. Such working groups will be accountable to the Partners through the Steering Group.
- f. The Steering Group shall, by applying pooled resources, employ (through the Host Authority) a Project Manager and/or use of Consultants, to advance the aims of the objectives of the Partnership. The work programme for the Project Manager and/or use of Consultants will be determined by the Partnership and monitored by the WKWPG.
- g. The WKD's will agree that a Lead Officer will be form part of the IAA that will take responsibility for the high level leadership of the waste management services of behalf of each Council.

7. Scrutiny Arrangements

- a. Partners will be encouraged to conduct scrutiny through their individual scrutiny arrangements.

8. Specific Principles

- a. The WKDs will take all reasonable steps to achieve delivery of collection arrangements by a single contractor from 2019. This is envisaged to be achieved by a single contract arrangement building on the principles and lessons learnt from the East Kent and Mid Kent Projects.

Annex 2

- b. All reasonable steps will be used to include as part of the contracted services, processing capacity to achieve a more unified collection and processing contractual arrangement across the WKDs. The preferred option for WKDs is via one single contractor.
- c. KCC will take reasonable considerations for these commitments; to make Performance payments to the WKDs which will be based upon actual performance in accordance with the NOM. This agreement will be entered into as part of the agreement of the WKDs to collect according to the NOM, and to see a single contractor outcome. Performance Payments to the WKDs will be made in accordance with the introduction of the delivery of performance achieved through the delivery of NOM.
- d. Individual Council's developed view may also include for an Alternate View of Kerbside Collections for tender. Consideration will be given by individual WKDs for the purposes of benchmarking or the basis of a separate contract award for the Project.
- e. KCC will also agree to make Performance Payments required to deliver the NOM that reward actual levels performance defined within each business case which will enable WKDs to benefit from sustainable and improved levels of performance, these will be defined in the relevant IAA.
- f. Anticipated disposal savings will be determined through open book accounting and using base performance data of 2017/18, by contrasting disposal costs delivered through the implementation of the project, including the costs of any changes needed to infrastructure, against base case disposal costs which represent the forecast disposal costs that KCC would have incurred if the Project had not been implemented. This base case will form part of the legal agreement to which all parties will commit, payments to WCAs which reward enhanced performance will be dealt with through the development of an IAA.
- g. Anticipate collection savings will be determined through open book accounting and through the competitive dialogue process as tenderers define the benefits to be delivered:-
 - i. Through joint working with WKDs;
 - ii. Through joint working across the Partners; and
 - iii. Through co-location of depot, transfer and processing facilities.
- h. The principles of benefit disaggregation are detailed at **Appendix III** to this MoU, these will be finalised through detailed IAAs.
- i. This will provide the WKDs and KCC with a clear financial incentive to agree and deliver the efficiencies and improvements which will lead to these future savings. These mechanisms are to be enshrined within the Partnership Agreement referred to above and will be defined with the IAA.
- j. Disaggregation benefit to be assessed annually and not subject to adjustments from previous years.

9. Confidentiality & Publicity

- a. The Partners will be guided by a presumption of openness and transparency in all matters relating to the Project except to the extent that any information is or relates to:-
 - i. Confidential data in the ownership of a third party or
 - ii. Information which either is or may be treated as exempt within the meaning of Schedule 12A to the Local Government Act (as amended).
- b. If a Partner (the “Receiving Partner”) receives a request under the Freedom of Information Act 2000 (“FOIA”) it shall be for the Receiving Party to decide if such information should, as a matter of law, be disclosed and having acted reasonably and decided that it is legally obliged to disclose, it shall be entitled to so disclose.
- c. The Receiving Partner shall use its reasonable endeavours to consult with those Partners that may be affected by such disclosure prior to deciding whether to disclose information pursuant to the FOIA but it shall not be obliged to so consult where to do so would put it in breach of this Act.
- d. No Partner shall make any press announcements or publicise the Partnership arrangements in any way, except with written consent of the other Partners, such consent not to be unreasonably withheld or delayed.
- e. A Partner will refer all enquiries and communications from the press and other media to the other Partners’ Lead Officers and all parties’ Lead Officers shall work together in order to sign-off any press announcements, publicity or responses to media enquiries. All information provided to the media and publicity concerning the activities under this MOU and those of either party in connection with this MOU must be approved in writing by each party in advance.
- f. A Partner will not be responsible for costs relating to publicity, awareness, marketing campaigns or other such media unless that party has agreed in writing to such an expense prior to such marketing being undertaken.
- g. Each Partner will be aware and considerate of how the timing of their reporting and publicity may affect the other Partners.

10. Dispute Resolution

In the event of a dispute under this MoU which cannot be resolved by the Partners, the matter concerned will be referred to the WKJAG. If any Partners disagree with the decision of WKJAG, the matter will then be referred to an independent adjudicator chosen by the Partners for arbitration and whose decision will be binding on all Partners

11. Duration

The arrangement set out in this MoU will remain in operation until the Partnership is disbanded or the Partnership Inter Authority Agreement (IAA) is entered into whichever is sooner. Arrangements may, however, be varied by written agreement of all of the Partners.

12. Partners Agreement

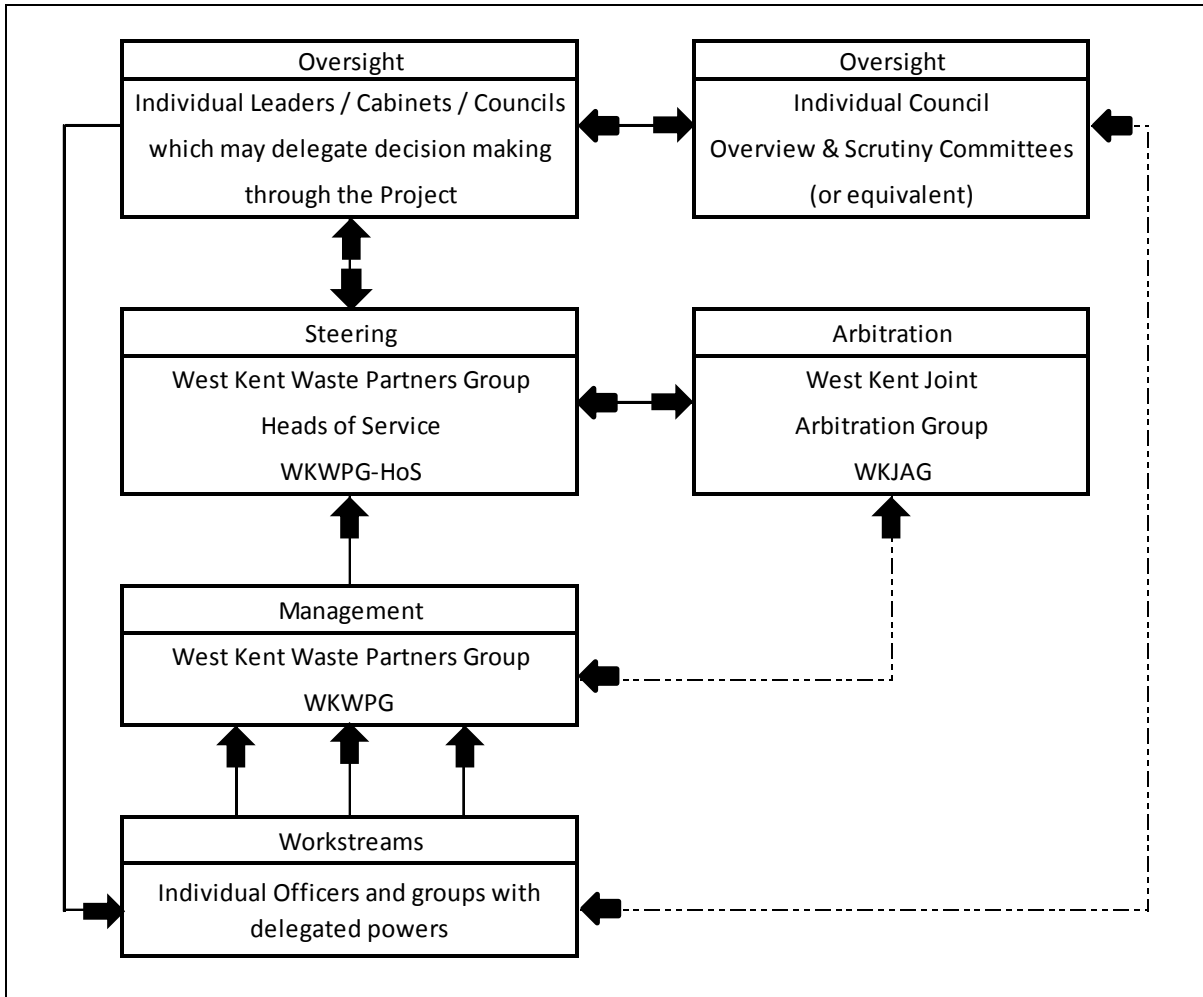
This MoU is agreed by the following:-

PARTNER	SIGNED	DATED
Dartford BC		
Tonbridge & Malling BC		
Tunbridge Wells BC		
Kent County Council		

Appendices

- APPENDIX I Reporting Structure
- APPENDIX II Legal Commitments
- APPENDIX III Benefit Disaggregation Principles
- APPENDIX IV NOM Costings & Performance Model

**Reporting Structure for
West Kent Waste Partners Group (WKWPG)**



LEGAL COMMITMENTS

In order for the Project procurement to progress through to the Final Tender Specification stage (which will require a degree of certainty in terms of the waste collection and disposal methodology) it will be necessary for the Partners to make certain binding commitments between themselves as soon as possible:

- 1 WKDs will need to commit to the NOM collection methodology as refined and informed by the Competitive Dialogue Process in order to deliver materials in a single cost efficient manner;
- 2 WKDs will need to commit to deliver their specified recycling waste streams to the transfer points and facilities specified by KCC in accordance with agreed contractual conditions from 2019;
- 3 KCC will need to fund Performance Payments to the WKDs in accordance with actual performance delivered by the WKDs compliance with the NOM collecting methodology, these will not be based upon modelled data; these will be developed through an IAA.
- 4 KCC will need to identify the processing capacity and or facilities for the materials collected by the WKDs specifically whether this impacts upon the NOM collecting methodology in accordance with agreed contractual conditions; and
- 5 All parties agree to be bound by the disaggregation principles set out in **Appendix III** of the MoU, but these will be fully detailed and finalised within specific Inter Authority Agreements.

Benefit Disaggregation Principles

Partners agree to pool future avoided disposal savings and savings derived specifically from joint working across Waste Collection Authorities and Waste Collection/Disposal Authorities relating to the NOM in respect of their refuse and recycling services.

Benefits to be disaggregated will be detailed within the respective Inter Authority Agreements:

- Remaining Benefit to be disaggregated between KCC and the WKDs in accordance with the following:
 - 50% KCC
 - 50% WKDs
- The benefit derived to the WKDs to be disaggregated in proportion to the number of Households, or performance achieved within each district area (subject to the agreement of an equalisation mechanism) such that, over time, greater equity in KCC funding per household is commensurate across all WKD administrative areas. This will be defined with the IAA.

Nominal Optimal Model (NOM) Costings & Performance Model

The contents and analysis within this paper have been provided by Waste Consulting LLP – industry experts advising the WKWPG and engaged through Dartford Borough Council. Dennis Gardner has streamlined this final iteration to reflect joint agreed opinions expressed during the monthly WKWPG meeting held 28th April 2017.



WCL NOM Briefing 2
May 2017.docx

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	REF	Overdue	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	01-Dec-17	2018												2019									
											15-Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19			
PROJECT MANAGEMENT & OVERSIGHT																																
Public Consultation and Communication																																
Identify Comms Resources	1	28																														
Comms Teams across Partners to be established	2																															
Comms Strategy to be agreed	3																															
PR Dates TBA	4																															
Committee Dates																																
KCC	5																															
Dartford	6																															
Tonbridge and Malling	7			20			5		6																							
Tunbridge Wells	8	13				7	4 / 26										(mid)	(end)	wk1	C												
Deadline - All Partners to have acquired MoU approval to commit to IAA and commence procurement	9	(Easter)			Proc & MoU (mid)				IAA (mid)																							
Key Specification & Conditions of Contract items approval	10								(mid)																							
NOM MODELLING / ANALYSIS																																
Finalise NOM & WKJWP Briefing Paper	11	28																														
Include WKJWP Briefing Paper in MoU	12		2																													
FINANCE [PW]																																
Finance to review NOM Costings	13																															
Agree Financial Disaggregation principles	14																															
Draft Payment Mechanism proposals for discussion	15																															
Draft wording for payment mechanism to be included in IAA	16																															
Agree Payment Mechanism & Finalise IAA	17																															
MoU / IAA & Critical Friends [DB]																																
Officers to Agree final version of Working MoU	18																															
Officers to draft & agree IAA draft	19																															
Officers to evaluate Critical Friends Lessons Learned for incorporation into IAA (s)	20																															
LEGAL [SS]																																
Legal Officers review & agree draft IAA	21																															
Final Version IAA agreed for inclusion within Partner Decision Reports	22																															
Legal Officers to agree Draft Conditions of Contract	23																															
Legal Officers to agree Procurement Method & Timetable	24																															
Legal Team to attend Procurement Dialogue [dates TBA]	25																															
Draft Information to Tenderers Pack	26																															
CONDITIONS OF CONTRACT [SS]																																
Discovery - Collation of As-Is info per Partner	27																															
Reconciliation - To identify points of compromise and/ or points of difference	28																															
Conditions of Contract - Finalise & Agree	29																															
SPECIFICATION DEFINITION [DG]																																
Discovery - Collation of As-Is info per Partner	30																															
Prepare/draft Service Options Matrix	31																															
IT - Scope Councils interface reqm'ts with Contractor for callcentre/perf mgt	32																															
IT - Agree Contract Specification for IT Communications	33																															
Reconciliation - To identify Specification points of compromise and/ or points of difference	34																															

	REF	Overdue	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	01-Dec-17	2018												2019							
											15-Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	
Moderation - Policy moderation - aiming to provide a single set	35																													
Draft Contract Key Performance info & default system	36																													
Prep & Finalise (as late as possible) specification schedules and key appendices	37																													
Draft & Finalise Refuse Collection and Street Cleansing Specification	38																													
Presentation - Internal sanity-check of audit trail from As-Is model to Joint Spec	39																													
Presentation - Joint Spec for Procurement purposes	40																													
Officers to agree Joint Specification	41																													
PROCUREMENT																														
Agree Procurement Method & Timetable	42																													
Identify Partner peculiarities re Procurement procedures	43																													
Populate Project SCHEDULE with milestone activities	44																													
PROCUREMENT WORKSTEPS / TIMELINE OUTSTANDING																														
Contract Award	46																2	?												
Contract Award Standstill (stat req - 10 days)	47																16	?												
Contract Mobilisation / Implementation (min 6 mths)	48																													
Contract START Dates																														
Service Commences - Tonbridge and Malling	49																													
Service Commences - Tunbridge Wells	50																													
Service Commences - Dartford	51																													
2019+ Governance / On-going Contract Mgmt																														
Discuss/Agree post-contract operating model (Client Structure - Management & Monitoring)	52																													
Draft and Agree Lead Authority (or Administering Body) and define responsibilities - incl in IAA	53																													
Discuss and Agree Performance Criteria and Mechansim (Client Monitoring)	54																													
Discuss and Agree Key Performance Indicators (link to Specification ref 36)	55																													

KEY	
■	Concern - Risk Item
■	Overdue - But plans in place
■	Agreed Timeline
■	FIXED targets
■	Fixed LENGTH constraints
■	Outstanding Queries
5	Key dates added where relevant
■	Alternate line shading for ease of review

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

20 June 2017

Report of the Director of Planning Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 ENVIRONMENTAL HEALTH PERFORMANCE 2016/17.

Summary

This report summarises the operational activities of the Council in relation to its statutory Environmental Health functions undertaken by the Environmental Protection Team and Food and Safety Team for 2016/17.

1.1 Background

1.1.1 The Environmental Health function is primarily concerned with protecting the public from the harm they may encounter in the wider environment, food, workplaces and with improving health. Environmental Health Officers act as advisers, educators and regulators and carry out site visits and give assistance to individual householders and businesses and to managers and workers. In certain circumstances, they take enforcement action to ensure compliance with legislation designed to protect the health of the public.

1.1.2 Two Teams work in this area:

- Food and Safety Team (FST) – responsible for the food premises inspection and food sampling programmes, health and safety in our local workplaces providing advice and guidance to employers and responding to requests for service relating to these areas; and
- Environmental Protection Team (EPT) – responsible for requests for service relating to alleged nuisances, responding to planning and licensing applications, contaminated land enquiries, proactive landfill gas and water quality monitoring and meeting the statutory requirements of the environmental permitting, local air quality management and private water supply regimes.

1.2 Food and Safety Team

1.2.1 A significant part of the work of the team is the food premises inspection programme, which includes full or partial inspections of high and medium risk food businesses and questionnaires to low-risk business. A total of 443 full or partial

inspections and 254 information gathering interventions were carried out which includes questionnaires sent to low risk premises. In addition 107 re-visits to food premises were undertaken to ensure legal contraventions had been remedied. All but three programmed interventions to high-risk food premises, that were due in 2016/17, were completed. The reasons that the businesses could not be inspected were outside the team's control and included seasonal and temporary business closures. Specific details of food safety interventions are shown in **[Annex 1]**.

- 1.2.2 The Council's results show that at the end of 2016/17, 94 per cent of our food businesses are broadly compliant and have achieved a rating of three or better in the National Food Hygiene Ratings Scheme. Full details are presented in **[Annex 2]**.
- 1.2.3 Food sampling is important to help ensure the safety of food. The Food and Safety team participated in national sampling surveys which examined the safety of sauces from restaurants and takeaways and swabbing of catering premises. In addition, samples were taken as a result of food poisoning allegations or complaints of poor hygiene and routine surveillance of a variety of food businesses. In 2016/17, officers took 119 samples and sent them for microbiological examination. Twenty six unsatisfactory results and three borderline (acceptable) were investigated and advice given to businesses to resolve problems. Re-samples were taken where required. Further details can be found in **[Annex 3]**.
- 1.2.4 During 2016/17, a total of 247 reports of food poisoning were made and investigated when food businesses were implicated. Campylobacter cases continue to be the largest number of reported cases of food poisoning in the borough, with 169 cases, ten less than last year. The incidence of salmonella was just 13 in comparison. The team provides advice to people suffering from food poisoning or food related disease and, where necessary, further investigations and sampling are undertaken with businesses that may be implicated.
- 1.2.5 Officers continue to deliver food safety and hygiene training as part of the West Kent Local Authority Training Partnership, operated in conjunction with other West Kent local authorities. In 2016/17, officers delivered four Level 2 food hygiene courses at Tonbridge and Malling as part of the partnership arrangement, training 54 food handlers. In addition, one Level 3 course was offered for those supervising and managing food safety with seven delegates attending.
- 1.2.6 Thirty three visits were made as a result of accidents at work or complaints about workplaces, mostly relating to workplace transport and slips and trips.
- 1.2.7 The team delivered 90 visits to businesses in the Larkfield and Aylesford area as part of Estates Excellence. The Estates Excellence project provided advice, support and free health and safety training for small businesses.

- 1.2.8 The Food and Safety team received 144 service requests in 2016/17, an increase of twenty from 2015/16. These included complaints about food, food premises and the hygiene of food handlers, as well as workplace health and safety complaints. All these complaints were fully investigated and relevant action taken. All but seven service requests were responded to within the five day target.
- 1.2.9 **Formal Enforcement Action** – Although our aim is to provide advice and guidance to business operators in the majority of cases, in order to protect public health, it is sometimes necessary to take formal action against businesses. In 2016/17, 11 food hygiene improvement notices were served to secure compliance for offences such as lack of food hygiene training and inadequate food safety management systems. Four health and safety prohibition notices were also served on other businesses.
- 1.2.10 One catering business accepted a simple caution for a pest infestation.

1.3 Environmental Protection Team

- 1.3.1 During the twelve months from 1 April 2016 to 31 March 2017, 509 requests for service were received to which the team responded to 98 per cent within five working days. Of that total, 69 concerned the odour from Drytec, which demonstrates a significant decrease from the previous years (739 in 14/15, and 140 in 15/16). Other issues that generated significant requests for service included noise both from domestic and licensed premises, barking dogs, bonfires, various types of accumulations and fly tipping on private land. Specific details of the types of requests received are shown in **[Annex 4]**.
- 1.3.2 On receipt of a complaint, letters are sent to the complainant (with diary sheets enclosed) and to the person alleged to be causing the nuisance, advising them that a complaint had been received and requesting them that if the allegation is correct to resolve the situation. In the majority of cases, no further communication is received by officers from either party, indicating that the initial letter to the person alleged to be source of the problem resolves the issue with no further involvement from officers.
- 1.3.3 On some occasions it is necessary for the team to instigate formal action to protect public health. This is usually because the enforcement options, as set out in the Enforcement Policy, have been exhausted. A summary of Notices served in this year is provided in **[Annex 5]**.
- 1.3.4 The EPT are formally consulted by their colleagues in the Planning Service on applications received and on which the EPT make recommendation for the inclusion of conditions or “informatives” if planning permission is granted. These recommendations are intended to pre-empt and address areas of environmental concern prior to development starting and ensure that appropriate mitigation measures and/or remediation measures are addressed and implemented within the proposal to protect the quality of life for the future occupants of the

development and neighbouring properties. During the year the team responded to 677 planning and discharge of condition applications.

- 1.3.5 Under the provisions of the Licensing Act 2003, Environmental Health is a statutory consultee in respect of applications for Premises Licences and Temporary Events Notices (TENS). The team are additionally consulted on applications for Events on Open Spaces, where an event is to be held on Council owned land and includes music and/or a public address system. During the year the team responded to 28 Premises Licence applications, 343 TENS applications and 26 applications for Events on Open Spaces.
- 1.3.6 Certain specified processes are required to obtain a 'permit to operate', under the provisions of the Environmental Permitting Regulations, which control emissions to land, air and water. Responsibility for enforcement of the regime is divided between the Environment Agency and Local Authorities. There are 44 permitted processes within the Borough for which we are responsible covering processes which include road stone coating, dry cleaners, paint spraying and concrete batching. The standard of compliance with the permits and any conditions attached remains high.
- 1.3.7 On 6 April 2016, Small Waste Oil Burners (SWOBs) became regarded as Small Waste Incineration Plants under the Industrial Emissions Directive (IED). The impact of this change was that SWOBs became regulated under the Environmental Permitting Regulations as an A2 process and not a Part B process as had previously been the case. This meant that the control of their emissions became subject to stricter conditions for operating, monitoring and reporting. As anticipated those operators using SWOBs in the Borough have switched to burning non-waste fuels in their burners or to an alternative method of heating, rather than be subjected to the more stringent conditions.
- 1.3.8 The Council has an important role in protecting the public from hazards associated with contaminated land. There are three principal aspects to this role:
- identification and prioritisation of known areas of contaminated land within the Borough;
 - ensuring that, through the planning process, areas of potentially contaminated land are identified, investigated and remediated during the development process; and
 - responding to specific enquiries from potential property purchasers who have had concerns raised about potential contaminated land on their prospective property.
- 1.3.9 As well as providing input into planning permission consultations, in 2016/17 the EPT provided 26 reports in relation to specific contaminated land enquiries, the majority from prospective property purchasers.

- 1.3.10 There are a number of private water supplies in the Borough and to safeguard the health of people consuming water from these supplies the team is required to risk assess and sample these supplies. Most occur in residential properties, although there are commercial premises that maintain a private water supply.
- 1.3.11 The Local Air Quality Management (LAQM) regime requires the Council to periodically review and assess the air quality within its area. To fulfil these duties officers in the EPT monitor the air quality across the Borough using diffusion tubes and a continuous analyser located in Tonbridge High Street. The results of this monitoring are reported annually to the Department for the Environment, Food and Rural Affairs (DEFRA). They identify areas of poor air quality and may result in the declaration of Air Quality Management Areas.
- 1.3.12 In May 2016 additional diffusion tubes were installed at 1 Whatcote Cottages, and Holly Cottage Maidstone Road, Platt, in response to concerns about the amount of lorries entering/exiting Platt Industrial Estate, with the resulting effects on air quality. With one year's monitoring now complete the annual average Nitrogen Dioxide level for the sites is 19.5 and 23.4 $\mu\text{g m}^{-3}$ respectively, both well below the limit of 40. Consideration is now being given to moving the tubes to another location where air quality is of concern.
- 1.3.13 Members may also be aware that the Government was recently forced to publish its draft UK Air Quality Plan for tackling nitrogen dioxide. This document is at the time of writing out for consultation, with the final plan due for publication on the 31st July. The Consultation period ends on 15 June, however a draft of the Councils reply to this consultation can be seen in **[Annex 6]**.
- A further update on this subject will be provided to the board when we know the implications of the final version of the UK Air Quality Plan.
- 1.3.14 Members will note that the number of complaints received about odours in Tonbridge has significantly reduced again in the last year. Liaison Group meetings with Council officers, residents and Drytec managers continue to be held at least twice a year, and in 2016 the group was able to tour the Drytec facility to view the comprehensive internal improvements that had recently been made to the premises. Officers continue to feel that the new management regime at Drytec is offering a positive approach to achieving their aim of being a good neighbour, and is continuing a programme of renewal of plant and equipment including the imminent replacement of ducting on the roof better suited to withstand high winds, damage to which we understand has been the source of the majority of recent complaints.
- 1.3.15 Officers also continue to run Liaison Group meetings in respect of complaints from Blossom Bank residents about noise from the two Southern Salads depots (Cannon Bridge and Deacon). In October/November 2016 The Council employed an acoustic consultant to monitor noise levels from generators and vehicle chillers and identify ways in which those noises could be mitigated. The subsequent

report identified that whilst generator noise was audible the vehicle mounted chillers were the dominant noise source when in operation. Earlier this year Southern Salads took steps to replace their generators with quieter models. Despite this step noise continues to be a concern for some residents, principally from the Vehicle mounted chillers and the Liaison Group is now looking towards other potential mitigation measures in liaison with the acoustics consultant.

- 1.3.16 Officers will be carrying out further monitoring in complainants' properties to assess whether the changes outlined above have made any discernible difference to that witnessed previously. The Advisory Board will be provided with further updates as the situation develops.

1.4 Proposed Service Improvements

- 1.4.1 The Food and Safety Team intend to make the following service improvements in 2017/18:

- Deliver a gas safety campaign in catering businesses, which is a national priority for 2017/18.

- 1.4.2 The Environmental Protection Team proposes the following service improvements in 2017/18:

- Review and implement changes to our approach to air quality management in line with the soon to be published UK Air Quality Plan for tackling nitrogen dioxide.
- Review and update team procedures to reflect new guidance and best practice..

1.5 Legal Implications

- 1.5.1 The Council has a statutory duty to undertake the full range of functions described in this report, with the exception of promotional and business support activity.

1.5 Financial and Value for Money Considerations

- 1.5.1 All service improvements will be undertaken within existing budgets.

1.6 Risk Assessment

- 1.6.1 Failure to properly manage and deliver the food safety functions could result in censure by the Food Standards Agency and breach of Section 18 of the Health and Safety at Work etc. Act 1974.

1.6.2 The failure of the EPT to meet its statutory obligations could result in formal complaints and potential criticism from DEFRA. It could also lead to a potential legal challenge.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

1.8.1 It is **RECOMMENDED** that the Cabinet **NOTE** the performance information relating to activities associated with the food and safety and environmental protection functions in 2016/17 and **ENDORSE** the service improvements for 2017/18 as detailed in paragraph 1.4.1 and 1.4.2 of the report.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers: Nil

contact: Crispin Kennard
Melanie Henbest
Jane Heeley

Steve Humphrey
Director of Planning, Housing and Environmental Health

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FOOD HYGIENE INTERVENTIONS

Premises risk rating and frequency	No. interventions carried out 2014/15	No. interventions carried out 2015/16*	No. interventions carried out 2016/17*
A – 6 months	1	1	8
B – 12 months	42	101	62
C – 18 months	173	337	252
D – 2 years	166	160	163
E – 3 years **	99	207	272
Total	481	806	757

* All interventions carried out , includes inspections, re-visits, sampling visits, advice and education, information and intelligence gathering. These figures were not reported previously.

** Includes low risk premises questionnaires

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SUMMARY OF NATIONAL FOOD HYGIENE SCHEME RATINGS

Rating	Number of businesses	%
Five (Very Good)	531	62
Four (Good)	220	25
Three (Generally Satisfactory)	78	9
Two (Improvement Required)	24	3
One (Major Improvement Required)	8	1
Zero (Urgent Improvement Required)	0	Negligible
Total	861	100

Data correct as of 22 May 2017.

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FOOD SAMPLING PROGRAMME

DATE	SAMPLING PROGRAMME	RESULTS
May 2016- November 2016	UK Co-ordinated Food Study- Study 58 Environmental swabbing in catering premises	31 samples taken 14 satisfactory 17 unsatisfactory
January –March 2017	UK Co-ordinated Food Study- Study 59 sauces from takeaways/restaurants	7 samples taken 7 satisfactory
April 2016-March 2017	TMBC Food complaints and food poisoning allegations	39 samples taken 36 satisfactory 3 unsatisfactory
April 2016-March 2017	TMBC Routine sampling programme including manufacturers and producers	42 samples taken 33 satisfactory 3 borderline (acceptable) 6 unsatisfactory
<p>Total number of samples: 119 Of which 90 were classified as satisfactory 3 were classified as borderline (acceptable) 26 were classified as unsatisfactory</p>		

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REQUESTS FOR SERVICE 2016/17

ANNEX 4

Service Request Category	Number of complaints 2014/15	Number of complaints 2015/6	Number of complaints 2016/7	Comments
Accumulations	50	49	47	Complaints regarding accumulations NOT associated with food premises and animals
Drainage	12	5	8	Blocked, leaking or overflowing private drains, private sewers and septic tanks
Noise	220	177	181	Sources include amplified music from domestic and licensed premises
Dogs	112	112	112	Barking dogs
Pollution	79	61	92	e.g. bonfires, odour, smoke, grit and dust and light
*Tonbridge Odour complaints	739	140	69	
TOTAL	1216	544	509	

*Refers to individual complaints received, rather than specific cases

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FORMAL ACTION 2016/17 - SERVICE OF STATUTORY NOTICES

Notice	Number served 2014/15	Number served 2015/16	Number served 2016/17	Example
Environmental Protection Act 1990 section 80	10 (including 5 in respect of odours from Drytec in respect of 5 locations)	11	6	Statutory nuisance e.g. noise, accumulations
Prevention of Damage by Pests Act 1949 section 4	0	0	0	Control of rats and mice
Public Health Act 1936 section 83 (As amended)	0	0	0	Filthy and Verminous Premises
Local Government (Miscellaneous Provisions) Act 1976 section 16	2	0	0	Requisition for Information
Local Government (Miscellaneous Provisions) Act 1982 section 29	0	0	0	Securing premises against unauthorised access
Control of Pollution Act 1974 sec 60	1	0	0	Control of Noise on construction sites
Control of Pollution Act 1974 section 61	1	0	1	Prior consent for construction works.
The Private Water Supply Regulations 2009 section 18	6 (in relation to 8 domestic premises)	3 (in relation to 1 supply)	0	Notification of failure to comply with the required standards for PWS and actions required to remedy the

				failures.
TOTAL	20	14	7	

Draft UK Air Quality Plan for tackling nitrogen dioxide, Questions for Consultation:

1. How satisfied are you that the proposed measures set out in this consultation will address the problem of nitrogen dioxide as quickly as possible?

The consultation indicates that it will be for Local Authorities to implement the measures that they see fit. This is unlikely to address the problem as quickly as possible, as each individual authority will have to decide which measures are worth implementing, and which are not, and then potentially make an application for funding which could be rejected.

It would be helpful if the government, along with its access to experts (COMEAP, AQEG etc), would determine which of the measures available should be implemented by ALL local authorities, rather than create a piecemeal approach across the Country.

For example, it would make sense that all older more polluting (not meeting the appropriate Euro standard) buses travelling through an AQMA be retrofitted or upgraded through a subsidy or scrappage scheme. Additionally, if a targeted scrappage scheme for taxis operating in urban centres is effective on one area, there is no reason that it would not be effective in another. Any AQMAs that have been specifically caused due to road layout should have a mandatory requirement that the layout is examined, and if a significant improvement can be made, then it must be made (within reason). Perhaps requiring an investigation and subsequent categorisation of all AQMAs would facilitate this.

This 'national' approach would give confidence to local authorities implementing these measures, and also remove a great deal of time spent making decisions. Additionally, this type of approach would alleviate the possibility of highly polluting vehicles simply being moved from one area to another. In fact, measures should be put in place to specifically prevent this from happening.

Of course, giving local authorities some flexibility will also be beneficial, as each district will have its own unique characteristics, and will understand where action should be focused.

A concern with the current proposal is a lack of understanding on how the Government will be monitoring the measures taken by each local authority. As it appears that each local authority is able to carry out whichever measures it chooses, there is scope for the wrong decisions, or worse still no decisions, to be made at a local level. On this basis, it is easy to imagine that the proposed measures will not address the problem of nitrogen dioxide as quickly as possible.

2. What do you consider to be the most appropriate way for local authorities in England to determine the arrangements for a Clean Air Zone, and the measures that should apply within it? What factors should local authorities consider when assessing impacts on businesses?

It should be for Government to provide guidance/legislation on the implementation of a Clean Air Zones and the measures that should apply within it. This would provide Local Authorities with some comfort in ensuring they have got it right and also demonstrate consistency of approach to arrangements across the Country.

3. How can Government best target any funding to support local communities to cut air pollution?

What options should the Government consider further, and what criteria should it use to assess them? Are there other measures which could be implemented at a local level, represent value for money, and that could have a direct and rapid impact on air quality?

Examples could include targeted investment in local infrastructure projects. How can Government best target any funding to mitigate the impact of certain measures to improve air quality, on local businesses, residents, and those travelling into towns and cities to work?

Examples could include targeted scrappage schemes, for both cars and vans, as well as support for retrofitting initiatives. How could mitigation schemes be designed in order to maximise value for money, target support where it is most needed, reduce complexity and minimise scope for fraud?

Perhaps the allocation of funding could be based on the following objective factors:

- Number of AQMA's within a district
- The number of people living within an exceedance-declared AQMA (consideration and weight should also be given to people living in areas with poor air quality, even if it is not bad enough to qualify as an AQMA)
- The feasibility of reducing the levels of NO₂, without shifting the problem to a new area.

Some AQMAs could potentially be solved with investment in infrastructure. For example, the Borough Green AQMA could be resolved (as could many) through the development of a bypass. Others, such as the M20 AQMA would be much harder to resolve, and as such would come lower down the priority list for funding.

4. How best can governments work with local communities to monitor local interventions and evaluate their impact? [committed to an evidence based approach, and will closely monitor the implementation of the plan and evaluate the progress on delivering its objective]

Evaluating the impact of local interventions to air quality can only be achieved effectively through monitoring, either through diffusion tubes or continuous analysers. A resident's questionnaire could also be useful in seeing progress (or lack of) from their perspective. Additional funding for enhanced monitoring in problem areas could be implemented.

- 5. Which vehicles should be prioritised for government-funded retrofit schemes? [we welcome views from stakeholders as to how a future scheme could support new technologies and innovative solutions for other vehicle types, and would welcome evidence from stakeholders on emerging technologies. We currently anticipate that this funding could support modifications to buses, coaches, HGVs, vans and black cabs.]**

Focusing primarily on AQMAs, the vehicles that are contributing most to NO₂ levels are those that should be prioritised for retrofit schemes. This is likely to be buses, coaches, HGVs, vans and black cabs.

- 6. What type of environmental and other information should be made available to help consumers choose which cars to buy?**

- Real world emissions
- Cost of charging / refuelling v.s. other options available
- Maximum distance achievable with one charge / tank
- Any restrictions and charges for using their vehicle
- Any likely future impacts of the purchase e.g. potential additional costs in future for polluting vehicles

- 7. How could the Government further support innovative technological solutions and localised measures to improve air quality?**

By offering funding for development and real world trials of new technology. To support localised measures, there also needs to be funding available.

- 8. Do you have any other comments on the draft UK Air Quality Plan for tackling nitrogen dioxide?**

No

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

20 June 2017

Report of the Director of Planning, Housing and Environmental Health Services

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 INTRODUCTION OF CHARGES FOR FOOD HYGIENE RATING SCHEME RE-INSPECTION REQUESTS ON A COST RECOVERY BASIS

Summary

This report proposes the introduction of charges for requested Food Hygiene Rating Scheme re-inspections/revisits.

1.1 Background

1.1.1 The Food Hygiene Rating Scheme (FHRS) was introduced nationally by the Food Standards Agency (FSA) in 2010. Most businesses preparing and selling food fall within the scope of the scheme. Following a food hygiene inspection businesses are awarded a food hygiene rating of between zero and five. One of the scheme's safeguards allows businesses who have made improvements and wish to improve their rating to request a re-rating inspection. The FSA have recently confirmed a change in policy, enabling local authorities to use existing powers within the Localism Act 2011, to introduce cost recovery for requested FHRS re-inspections.

1.1.2 This proposed change aligns the voluntary scheme in England with the statutory schemes in Northern Ireland and Wales, both of which charge for requested re-inspections/re-visits.

1.2 Current arrangements

1.2.1 Following an inspection, a business is advised of its hygiene rating in writing. The covering letter explains how the hygiene rating has been calculated and explains where a business can obtain more information if they wish to appeal, request a re-inspection and/or provide a 'right of reply'. Food hygiene ratings are published on the food hygiene ratings website once the appeal and notification period have elapsed <http://ratings.food.gov.uk/> .

1.2.2 If a business requests a re-inspection, they must explain what they have done to improve hygiene conditions to enable the local authority to determine if they will re-inspect. There is a maximum wait of 6 months before the re-inspection takes place, consisting of a three month 'standstill' period, following which the local authority is given a further three months to carry out the re-inspection. The re-

inspection is unannounced and the business is informed that their rating may go up, down or remain the same.

1.3 Changes if fees are charged

- 1.3.1 The appeal and right of reply safeguards continue to apply but the 'standstill' period no longer applies when a fee is charged. The requested re-inspection must therefore be carried out within 3 months of receipt of the request and fee. There is no limit on the number of requested re-inspections a business can make and the fee may be charged for each re-inspection. The local authority still has discretion as to whether or not to agree to a request.
- 1.3.2 Officers will continue to re-visit businesses to check compliance with food law. These re-visits are part of our statutory duties in-accordance with the Food Law Code of Practice and are not subject to charges and do not impact on the businesses hygiene rating.
- 1.3.3 Prior to any charges being introduced, our website will be updated and a press release issued to inform businesses. Letters informing businesses of their hygiene rating will also explain the new charges.

1.4 Legal Implications

- 1.4.1 The FSA's view is that the adoption and implementation of the FHRS falls within the general power of competence, conferred by Section 1 of The Localism Act 2011. TMBC's solicitor has confirmed this position. The FSA considers that providing a re-inspection upon request by a food business operator, in circumstances where there is no statutory requirement to provide that re-inspection falls within the general power, too.

1.5 Financial and Value for Money Considerations

- 1.5.1 The Welsh scheme charge £160 and Northern Ireland charge £150 for a re-inspection. This is on a cost recovery basis. Using guidance issued by HM Treasury we calculate our fee to be £160.00. This service is not subject to VAT charges.

1.6 Risk Assessment

- 1.6.1 Food business operators are now aware that a good food hygiene rating is beneficial to their business particularly because consumers are increasingly aware of the scheme.
- 1.6.2 Since the introduction of the food hygiene rating scheme the Food & Safety Team have received on average 15 re-visit requests per year; so whilst we aren't able to predict the numbers of requests for re-inspections under the new system, operating on a cost recovery basis means that any additional demands on resource are paid for by the business.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED** that the cabinet **APPROVE** the introduction of a charge of £160.00 for a FHRS re-inspection.

Background papers:

contact: Melanie Henbest

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

20 June 2017

Report of the Director of Planning Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 FOOD AND SAFETY SERVICE PLAN 2017-2020

Summary

The Council is required to produce a Food & Safety Service Plan by the Food Standards Agency. The revised draft of the Plan is reported for the Board's consideration and comment.

1.1 Background

- 1.1.1 The Food Standards Agency (FSA) Framework Agreement requires local authorities to produce a Service Plan. It is against this Plan that local authorities are monitored and audited by the FSA. In addition, the Health and Safety at Work etc. Act 1974 section 18 guidance to local authorities is implicit in its requirement that a Plan is produced indicating how this function is organised, resourced and delivered.
- 1.1.2 This Plan covers what is required by the Council's Constitution and replaces what was formerly called the Food Law Enforcement Plan.
- 1.1.3 This Plan has been produced for a three year period, which reflects the timetable for the introduction of a new approach to food safety enforcement outlined in the Food Standards Agency's 'Regulating Our Future' Strategy. In the meantime our Plan will be reviewed annually.
- 1.1.4 The Plan reflects national priorities and standards and considers:
- service aims and objectives;
 - information on service delivery and work programmes;
 - quality assurance;
 - resource allocation; and
 - performance management information.

1.1.5 A full copy of the Plan has been included at **Annex 1**.

1.2 Legal Implications

1.2.1 The FSA requires the Council to produce a Food Safety Service Plan.

1.2.2 Under Part Four of the Council's Constitution, for this Plan to be adopted the Executive needs to refer the proposals to the Overview and Scrutiny Committee for consideration. The Overview and Scrutiny Committee will then, having considered any representations from local stakeholders, refer it back to Cabinet with any appropriate amendments. From Cabinet, the Plan will go to Council for adoption.

1.3 Financial and Value for Money Considerations

1.3.1 The resources to implement the Plan are covered within existing budgets.

1.4 Risk Assessment

1.4.1 Failure to produce a Service Plan could result in criticism from the FSA and the HSE and would feature in future audit reports on the Council's performance.

1.4.2 The Plan provides key evidence that there is proper governance, resourcing and organisation of the Council's Health and Safety function.

1.5 Equality Impact Assessment

1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users

1.6 Recommendations

1.6.1 Cabinet is **RECOMMENDED** to:

- 1) **NOTE** the revised Food and Safety Service Plan (2017 – 20); and
- 2) Seek the views of the Overview and Scrutiny Committee in accordance with the Budget and Policy Framework procedure rules set out in Part Four of the Council's Constitution.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Jane Heeley
Melanie Henbest



*Planning, Housing &
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Food & Safety Team Service Plan 2017 – 2020

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**Steve Humphrey
Director of Planning, Housing
& Environmental Health Services**

FOOD & SAFETY TEAM SERVICE PLAN 2017-20

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Appendix 4	Details of Budget Costs relating to Food Safety Function 2017/18
Appendix 5	Review of Food and Safety Team's Performance 2016/17

FOOD & SAFETY TEAM SERVICE PLAN 2017-2020

1. Introduction

- 1.1 This Service Plan sets out how the Council intends to provide an effective food and safety service that meets the requirements of the Food Standards Agency (FSA) Framework Agreement and Section 18 of the Health and Safety at Work etc Act 1974. It covers the functions carried out by authorised officers of the Food & Safety Team under the provisions of the Food Safety Act 1990, the Food Safety & Hygiene (England) Regulations 2013, EC Regulations and Health and Safety at Work etc Act 1974 and associated regulations.
- 1.2 This Service Plan describes how Tonbridge & Malling Council intends to achieve the aims of the FSA and Health and Safety Executive (HSE), within its statutory remit and in support of local needs.
- 1.3 This Service Plan is subject to Member approval and will run for a three year period. It will be reviewed annually. It includes information on the following:
- service aims and objectives;
 - background information about Tonbridge & Malling Borough Council;
 - information on service delivery;
 - resourcing the food and safety function;
 - performance targets and how they will be achieved;
 - quality assurance procedures; and
 - review

2. Service Aims and Objectives

2.1 Service Aims

2.1.1 The overall aim of the Council's Food & Safety Team is to ensure the health and wellbeing of residents, employees and visitors in Tonbridge and Malling. This is achieved by working with businesses and consumers to ensure safe food and a safe working environment.

2.1.2 The objectives of the Council are to:

- fulfil the statutory duty imposed on the Council as "The Food Authority" and as a regulator for health and safety to ensure the effective implementation of Government strategy on food and safety issues, having regard to the official Code of Practice issued by the FSA, National Local Authority Enforcement Code for Health and Safety at Work, Local Authority Circulars issued by the HSE and guidance issued by Local Government Regulation (LGR) and the Better Regulation Delivery Office (BRDO);
- protect the public by delivering a complementary programme of education and enforcement which endeavours to ensure that businesses are conversant with the law, understand the principles of hygiene and/or sensible health and safety management and are operated and maintained at a standard that complies with relevant legislation in accordance with the Service's Enforcement Policy;
- provide the resources, governance, performance management and reporting systems required to deliver an effective service and to comply with its statutory duties;
- operate systems to train, appoint, authorise, monitor, and maintain competent officers;

- work alone and in partnership with other local authorities, other regulators and stakeholders to make best use of available resources and to maximise their impact on local, regional and national priorities; and
- contribute to liaison, policy and governance arrangements at a local, regional and national level.

2.2 Food & Safety Function

2.2.1 The Council's food and safety function is placed in the Food & Safety Team of the Planning, Housing and Environmental Health Service. The Food & Safety Team's Performance Plan for 2017/18, **Appendix 1**, identifies the key standards and targets to be achieved and proposed improvement actions. The plan is reviewed annually and progress is monitored by the Service Management Team. Progress against the Performance Plan is reported to Members of the Street Scene and Environment Advisory Board regularly.

2.3 External Influences

2.3.1 The regulatory framework for food safety enforcement is generally governed by EC Directives transposed into UK law. The Food Law Code of Practice and Guidance were last issued in 2017 and 2015 respectively by the FSA. The FSA is embarking on an official review of food safety controls entitled 'Regulating Our Future' and will be publishing, in due course, a strategy setting out a new plan for local authority regulation and inspection, beginning in 2020.

2.3.2 The Health and Safety Executive and Local Authorities Enforcement Liaison Committee (HELA) produced a revised circular 'Setting Priorities and Targeting Interventions' LAC 67/2(rev 6). This document provides local authorities with guidance to target their

interventions on high risk areas and on dealing with serious breaches of health and safety regulation.

2.3.3 The “Local Authority Enforcement Monitoring System” (LAEMS) is an annual return of our food safety activity including numbers of interventions carried out, enforcement actions taken, food sampling and complaint numbers. Similarly the HSE collect data annually in the form of an LAE1 return, which reports on the number of interventions carried out, notices served and accidents investigated. This compares the Council’s performance against the 375 other Councils in England and Wales.

3. Background Information

3.1 Profile of Tonbridge & Malling Borough Council

3.1.1 Tonbridge & Malling stretches from Snodland and Wouldham in the north to Tonbridge in the south, from Walderslade and Aylesford in the east to Borough Green and Ightham in the west. The Borough covers an area of 92 square miles and has a population of **120,805**. The Borough is mainly of a rural nature with the major areas of population being found at Tonbridge and in the conurbation surrounding the A20 in the Malling area.

3.1.2 The main Council offices are situated centrally at the Gibson Building, Kings Hill, West Malling where Environmental Health & Housing Services are based. Service users may contact the office in one of the following ways:

- by telephone or in person between 08.30 and 17.00 hours Monday to Friday (telephone number 01732 876299);
- by email on foodandsafety@tmbc.gov.uk;
- by fax on 01732 841421;
- for out-of-hours emergencies, a telephone service is available for contact with a duty officer (telephone number 01732 844522).

3.2 Organisational Structure

3.2.1 Planning, Housing & Environmental Health Services have a wide range of duties and functions covering the spectrum of public health, planning, environmental and housing functions. Through the Council's constitution and delegated functions the team has delegated responsibility for food and safety enforcement. The Director of Planning, Housing & Environmental Health has the authority to authorise legal proceedings in consultation with the Chief Solicitor.

The day to day management of the Team is the responsibility of the Food & Safety Team Manager under the management of the Chief Environmental Health Officer.

3.2.2 The Team is responsible for a number of functions detailed in the Team's Performance Plan. These functions are:

- Food Safety;
- Workplace health & safety;
- the investigation and control of infectious disease.

3.2.3 Officers are required to work across all of the team's work areas at a level appropriate to their competence and qualifications. The structure of the Food & Safety Team is detailed in **Appendix 2** and brief information on the roles played by officers working in the Food & Safety Team is provided in the table at **Appendix 3**.

3.2.4 The Council operates an emergency out-of-hours service. Specialist staff are available via an informal cascade system should the need arise.

3.2.5 Kent Scientific Services, Health Protection services of Public Health England, and the Food, Water and Environmental Microbiology Laboratory Service of Public Health England support the work of the Food & Safety Team through the provision of analytical, microbiological services and infectious disease investigation.

3.3 Scope of the Food & Safety Service

The Team is responsible for undertaking the following work activities:

- programmed food hygiene inspection and revisits;
- health and safety interventions and re-visits;
- food sampling as required by the annual programme prepared by the Kent Environmental Health Managers Food Sampling Group and local needs;
- investigation of complaints;
- operation of the National Food Hygiene Rating Scheme;
- investigation of cases of food poisoning and any associated outbreak control;
- investigation of workplace accidents and cases of ill health, adverse insurance reports;
- responding to Food Standard Agency Food Alerts;
- provision of export food certificates;
- inspection of food;
- approval of certain food premises;
- registration and inspection of premises offering special treatments such as tattooing and piercing;
- facilitation of advisory and training services for businesses;
- developing educational campaigns;
- smokefree enforcement;
- animal establishment licensing inspections and
- licensing and planning consultations.

3.3.2 While engaged in the above activities the Team uses a variety of means to ensure that individuals and organisations meet their legal responsibilities including education,

negotiation, advice, guidance, warning letters, formal notices and prosecution. The Council believes in firm but fair regulation consistent with the Better Regulation Principles. Overall the Team seeks to work in collaboration with businesses while avoiding bureaucracy in the way it works. The Council is actively involved in the Kent and Medway Better Business for All Partnership, this is a multi-regulator and business Partnership, which promotes the principles of regulators supporting and advising businesses working towards compliance, while taking appropriate action against those who are deliberately seeking to do otherwise.

3.3.3 The Environmental Health & Housing Enforcement Policy adopts the Regulators Compliance Code's five principles of good regulation, namely transparency, accountability, proportionality, consistency and targeting. This means that a graduated approach to food safety enforcement is adopted in all but the most serious of cases. The Enforcement Policy is published on the Council's website.

3.3.4 The Service is committed to the promotion of equal opportunities in all of our activities in accordance with the Council's Equal Opportunities Policy. Every effort is made to ensure that we treat everyone equitably and fairly.

3.4. Demands on the Food Enforcement Service

3.4.1 As of 1 April 2017 a total of 1088 food premises are recorded on the Uniform database in Tonbridge and Malling. The number and type of food premises are detailed in the table below.

Number and type of food premises in the Borough

TYPE OF PREMISES	No.
Distributors/Transporters	37
Retailers	191
Manufacturers/Packers/Processors	23
Primary Producers	5
Importers/exporters	3
Restaurants and caterers	829
TOTAL	1088

3.4.2 Included in the above table are premises manufacturing or processing products of animal origin, these are approved premises under EC Regulations and include two egg packers; three dairy products producers, one meat products producer, four coldstores and two fishery premises.

3.4.3 All food premises are rated according to their level of risk, as defined by the FSA Code of Practice. The risk rating determines the frequency and nature of the interventions.

The table below provides a summary:

Risk Category	Intervention Type	Frequency
A and B (High risk)	Inspection/partial inspection or audit	A - 6 months B - 12 months
C not broadly compliant (High risk)	Inspection/partial inspection or audit	C - 18 months
C broadly compliant (Medium risk)	Alternate between inspections/partial inspections or audit and other official controls	C - 18 months

D (Low risk)	Alternate between official controls and non-official controls	D - 24 months
E (Low risk)	Alternate enforcement strategy	E - 36 months

Category E premises (low risk) are assessed either via an inspection or using self audit questionnaires. If a response is not received within 14 days then follow up action is made.

3.4.4 The Council has a statutory duty to enforce health and safety legislation in a range of premises including offices, shops, warehouses, caterers, residential care homes and leisure activities. Premises are targeted for inspection based on the national priorities and local intelligence.

4. Service Delivery

4.1 Delivery mechanisms

To deliver the service as identified in section 2 of this plan we have adopted a balance of techniques and approaches, which can be summarised by considering the four main elements of our “enforcement mix”:

- **Intervention driven** – to carry out official controls and/or interventions at all commercial food premises in the borough at a frequency and intervention type determined by their risk rating. To carry out appropriate corrective action, including where necessary a range of enforcement options, such as the service of notices, simple cautions or prosecutions in line with our Enforcement Policy.
- **Demand driven** – to respond to all complaints relating to food and food premises, workplace safety and investigate them thoroughly; investigate cases of food related illness, food alerts, reported accidents and cases of ill health, adverse insurance reports and any other relevant matters in response to requests from stakeholders and the public.

- **Intelligence driven** – to gather appropriate information and intelligence, to address any threats to the health of members of the public/employees and target resources to areas of highest risk and where they can be most effective.
- **Education driven** – to provide advice and education to businesses and consumers within the Borough, to promote voluntary compliance and assist business operators develop an understanding of their responsibilities. This is achieved by providing access to food hygiene training, delivering low cost seminars and providing advice and coaching during visits. It is believed that supporting legal compliance in this way is as important as detecting non-compliance.

4.2 Interventions

4.2.1 Interventions for food premises and/or health and safety premises are outlined below:

FOOD SAFETY

The intervention programme of food premises forms the core activity of the Food Safety function. The programme of interventions is based on the requirements of the Food Law Code of Practice. In addition to the programmed inspections, other visits may be made to food premises following complaints from the public or requests from businesses for information and guidance.

The range of interventions includes:

- inspections;
- monitoring;
- surveillance;
- verification;
- audit; and
- sampling where the analysis/examination is to be carried out by an official laboratory, e.g. the PHE laboratory at Collindale.

Other interventions which are not official controls include advice, education, coaching and/or information and intelligence gathering.

4.2.2 The work activity in respect of food safety interventions over the last year and an estimate of the inspections required to be undertaken during 2017/18 are shown below:

Premises Risk Rating & Frequency	No of interventions completed 2016/17	No of interventions planned for 2017/18
A – 6 mths	8	2
B – 1 year	62	38
C – 18 mths	252	150
D – 2 years	163	170
E – 3 years	272	167
TOTAL	757	527

The number of completed interventions at the end of the year is higher than the number planned due to some establishments receiving more than one contact from the team.

4.2.3 Details of formal action taken by the Food & Safety Team are given below:

Type of formal action taken	2016/17
Improvement Notices	11
Simple Cautions	1
Prosecutions under Food Hygiene (England) Regulations 2006	0
Food seizure and condemnation	0

4.3 Complaints

4.3.1 Investigations by officers following a complaint about a food or safety issue is an important function of the Team's work. Authorised officers assess all complaints upon

receipt. In circumstances where a need has been identified, investigations will commence within 5 days to determine the cause of the complaint.

Officers' investigations identify whether an offence under relevant legislation has been committed and if there is a need for formal action. Consultation with the Primary Authority takes place when appropriate. Where appropriate, food complaints are referred to the originating authority – that is the local authority in whose area the food was manufactured - for further investigation.

4.3.2 One hundred and forty four service requests were received during 2016/17, relating to food hygiene, food complaints and workplace safety. All complaints were investigated and appropriate action taken.

4.4 Primary Authority Principle

4.4.1 Effective support for businesses on food safety matters depends on reliable and accessible advice from local authorities. Businesses trading across a number of local authority areas should be confident that advice is consistent. The Primary Authority scheme established under the provisions of the Government's Regulatory Delivery office aims to support national progress towards this outcome.

4.4.2 Businesses will be able to form a statutory partnership with a single local authority. The guidance and advice the Primary Authority provides must be taken into consideration by officers carrying out inspections and dealing with instances of non-compliance.

4.4.3 The requirements of the Primary Authority Scheme are that officers:

- consult the Primary Authority website for details of Primary Authority partnerships and inspection plans;

- follow guidance issued by Regulatory Delivery;
- adopt any inspections plans established between a Primary Authority and a business, and
- review requests for local partnerships as a case by case basis and adopt a Primary Authority status if directed to by Regulatory Delivery.

Whilst the Council is not currently involved in any Primary Authority Partnerships the Service would be minded to establish them should the opportunity arise.

4.5 Advice to Businesses and the Public

4.5.1 The Service is committed to ensuring that advice and support is available to all businesses in the Borough when requested. An important element of the work of the Team is to plan for providing this support, by:

- continuing the training partnership with West Kent Council's to provide the Chartered Institute of Environmental Health foundation food hygiene course. Offering food safety update forums for food businesses and food hygiene trainers;
- distributing of literature to businesses giving guidance on specific and topical subjects;
- responding to requests from businesses for site visits to solve problems;
- providing of advice and coaching to businesses during inspections; and
- making information available to the public via the Council's website.

4.6 Food Inspection and Sampling

4.6.1 Food sampling to ensure the safety of food is an important public health function. Each year a food sampling programme is produced which outlines the Council's sampling strategy and approach to specific local and national demands. Compliance

with all legislation and statutory Codes of Practice is ensured when undertaking sampling of food.

4.6.2 The Kent Food Sampling Group co-ordinate the county sampling programme. Each year a plan is developed by the Group incorporating priorities identified by LGR and the Food Standards Agency. Microbiological examinations are undertaken by the Health Protection Agency – Food, Water and Environmental laboratory at Collindale. In 2016/17 the Food & Safety Team took 119 food samples, 3 borderline and 26 unsatisfactory results were found. The appropriate feedback was given to businesses and follow up action taken.

4.6.3 During 2017/18 food sampling and microbiological activities will include the following activities:

- routine sampling of food and those forming part of national campaigns;
- sampling following receipt of a food complaint;
- routine sampling of manufacturers and processors;
- environmental swabbing of food premises;
- investigations undertaken following a food poisoning; and
- sampling following food hygiene inspections where problems were noted.

Formal samples are taken in line with the Food Law Code of Practice and current guidance issued by PHE, LGR or the Kent Food Sampling Sub Group.

Informal samples reflect the numbers of reactive samples taken as a result of complaints or where officers take samples from food businesses as part of routine surveillance activity.

4.7 Imported Foods

4.7.1 The Service is committed to ensuring that any illegally imported food found during a food inspection is sampled where necessary and dealt with properly. This will normally involve detention and seizure of foods.

4.8 Control and Investigation of Food Poisoning Outbreaks and Food Related Infectious Disease

4.8.1 Officers investigate food related infectious disease notifications in accordance with documented procedures. The primary objective of every investigation is to identify the cause of infection and prevent any further spread. Response times are based on a risk assessment approach and will vary from within 24 hours for high risk infections such as E.coli O157 to 48 hours for other medium to low risk infections. Officers will liaise with the Consultants in Communicable Disease Control (CCDC), which the Council has appointed as Proper Officers under the provisions of the Public Health (Control of Diseases) Act 1984 (as amended).. The CCDC's are employed by the Kent Public Health Agency. These arrangements enhance the linkage between organisations dealing with this aspect of infectious disease control.

Key policies in respect of food related infectious diseases are that:

- outbreaks will be responded to in accordance with the approved "Outbreak Control Plan" and in full liaison with CCDC who will lead the "Outbreak Control Team";
- serious infectious disease notifications e.g. VTEC or Clostridium botulinum, will be dealt with in consultation with the CCDC and Food Standards Agency; and
- other infectious disease investigations will be undertaken in consultation with the CCDC, and in accordance with Team Procedures.

4.8.2 The incidence of confirmed cases of food-borne disease in the Borough over the last year is detailed in the table below. Typically there are only one or two outbreaks a year involving small numbers of cases.

Incidence of food related infectious diseases 2016-2017

Communicable Disease	Number of reported cases
Salmonella	13
Campylobacter	169
Dysentery	4
Hepatitis	3
E.coli - O157	9
Cryptosporidium	14
Giardia lamblia	23
Totals	235

4.9 Food Alerts

4.9.1 Food alerts are issued by the FSA, they relate to national food scares or information about food being withdrawn from supply or sale and being recalled by the manufacturer or retailer. The majority of food alerts are for information only (FAFI)

4.9.2 Food alerts for action are not significant in number but have the potential to impact on programmed work, because they relate to serious public health risks requiring rapid follow-up by officers to prevent affected food from entering the food chain. Food Alert Policy details how the Food and Safety Team will respond to food alerts of all categories.

4.10 Liaison with other Organisations

4.10.1 It is the Council's policy to involve stakeholders in the supply and review of its food hygiene services. The Team works increasingly in partnership to deliver services, examples of which are given below:

- participation in the Kent Environmental Health Managers/Chartered Institute of Environmental Health's (CIEH) Food Technical Group. This Group acts as a county-wide liaison group for all food safety issues and includes representatives from Public Health England , Food Standards Agency and Trading Standards as well as representation from all Kent local authorities;
- Kent Food Technical Group;
- Kent Food Sampling Group;
- Kent Health and Safety Technical Group which includes HSE and Kent Fire and Rescue Service representation;
- Partnership with West Kent local authorities to deliver food hygiene and health and safety training courses;
- liaison with the Public Health England and Kent Scientific Services in connection with food sampling; and
- liaison with internal colleagues particularly licensing and leisure services, working with them to ensure the safety of events on council land and other privately owned sites.

4.11 Promotion

4.11.1 The Food & Safety Team continues to adopt a proactive, educational approach through a number of promotional initiatives, which include:

- participation in the Food Safety Week awareness campaign;

- National Food Hygiene Rating Scheme;
- continuing support for businesses in implementing the Safer Food Better Business Pack during inspections;

HEALTH & SAFETY

4.12 Health & Safety Interventions

4.12.1 The work activity in respect of health and safety interventions over the last year is shown below:

<u>Type of intervention</u>	No. of interventions carried out 2016/17
Proactive inspections	3
Non-inspection interventions	201
Visits to investigate accidents	6
Visits following complaints	27
Total	246

4.12.2 Resources in 2017/18 will concentrate on investigating complaints and accidents and in line with national priorities carrying out a gas safety in catering premises campaign.

4.12.3 Details of formal action taken by the Food and Safety Team in 2016/2017 in relation to the health and safety function are given in the table below. The majority of interventions will result in written information being left or sent to the business identifying contraventions of the safety law and detailing best practice.

Type of formal action taken	2016/2017
Improvement Notices	0
Prohibition Notices	4
Formal Cautions	0
Prosecutions	0

4.13 **Accident Investigations**

4.13.1 All accident or injury notifications are evaluated in accordance with LAC 22/13 Incident Selection Criteria Guidance. Where appropriate, investigations are carried out in accordance with the Service Enforcement Policy and the Food and Safety Team's Accident Investigation Procedure, focussing on priority areas. In 2016/2017 108 accidents were reported.

4.14. **Complaints about the Service**

4.14.1 The Council has a corporate policy on the investigation of complaints about its staff and the services which it provides. Further details on the Council's complaints procedure can be found on the website.

5. Resources

5.1 Financial Allocation

5.1.1 The Council's budget for 2017/18 identifies a budget heading dealing specifically with costs relating to the Food & Safety function **Appendix 4**. The separation of costs associated with Food & Safety functions allows managers to monitor spending and income trends in this area.

5.2 Staffing Allocation

5.2.1 The structure of the Food & Safety Team is shown in **Appendix 2**. Detailed below in **Table 1** are details of staff working on food and safety enforcement and related matters expressed in Full Time Equivalents (FTEs).

Table 1

Role	FTE 2016/17	FTE 2016/17 Spent on food safety work	FTE 2016/17 Spent on health and safety work
Chief EHO -responsible for the management of the Environmental Health Service	0.3	0.2	0.1
Team Manager – responsible for the day to day management of the food safety function and monitoring performance.	0.8	0.6	0.2
Environmental Health Officers – responsible for interventions, enforcement in all food premises and other related activities.	1.4	1.1	0.3
Food & Safety Officer – responsible for interventions and enforcement in medium and low risk food premises and other related activities.	1.4	1.3	0.1
Corporate health and safety officer	0.6	0	0.6
Admin Support – functional support to the Team.	1.5	1.0	0.5
Total FTE	6.0	4.2	1.8
FTE spent by officers on food & safety work	3.6	3.0	0.6

5.3 Estimation of Staff Resources Required for 2017/18

5.3.1 The following estimation of resources allocated to specific work activities has been based on time recording results, experience, projected inspection figures for 2017/18 and the Team performance Plan for the year. All calculations assume 1FTE = 220 working days. Estimates include revisits and travelling.

Food Hygiene & H&S Interventions	2.0 FTE
Complaints and service requests	0.2 FTE
Formal action	0.1 FTE
Advice and enquiries	0.2 FTE
Sampling	0.2 FTE
Infectious Disease	0.1 FTE
Food Safety Incidents/Hazard Warnings	0.05 FTE
Health Promotion/Campaigns	0.05 FTE
Delivering Training	0.1 FTE
Primary Authority	0.05 FTE
Officer Training	0.1 FTE
Team management	0.5 FTE
Total	3.6 FTE

5.4 Staff Development Plan

5.4.1 The Council has achieved Investors in People status and places significant importance on the development and training of its staff to meet its business needs. During annual appraisals, training and development needs are identified for all employees. Priority is given to the need to ensure continuing professional competence in technical and

professional areas of work. The Service will ensure that officers receive regular training to maintain and improve their competency. During 2017/18 all officers involved in food interventions will receive a minimum of 20 hours continuing professional development as required by the FSA Code of Practice.

5.4.2 The Food & Safety Team has a programme of in-house staff training sessions delivered as necessary to the team. In addition monthly Team Briefings disseminate information to ensure team awareness of issues relating to enforcement, progress with team targets and customer related issues e.g. results of monthly monitoring and a short technical briefing is usually delivered at these briefings.

5.4.3 The Kent Environmental Health Managers Food Group provides useful low-cost training in association with LGR and the Food Standards Agency.

5.4.4 Enforcement officers are encouraged to join a relevant professional body, the fees of which are reimbursed by the Council.

6. Quality Assessment

6.1 The Food & Safety Team has reviewed its Quality Assurance system covering its enforcement activities in Food & Safety. The Quality Assurance system defines what work the team will undertake, how the work will be done and the nature and timing of management monitoring. The documented system covers critical areas of work and has regard to LGR and FSA guidance and Statutory Codes of Practice and Section 18 of the Health and Safety at Work etc. Act 1974.

6.2 The specific areas covered by the quality assurance system are:

- food inspections;
- health and safety inspections and re-visits;
- accident investigations;
- institution of formal enforcement action;
- food poisoning investigations;
- food sampling;
- food hazard warnings/incidents;
- food complaints; and
- administration of the National Food Hygiene Rating Scheme.

6.3 The Food & Safety Team Manager is responsible for maintaining the quality assurance system and monitoring compliance with procedures. This role aims to ensure that uniformity of approach to enforcement work is adopted in the team. The Chief Environmental Health Officer and the Food & Safety Team Manager have monthly meetings to review systems and team performance, the results of which are fed into monthly team briefings.

6.4 Performance monitoring is supported by the use of the Services computer software system “Uniform”. This database contains details of all commercial premises and records actions taken during visits. Management reports showing progress towards meeting team targets are an essential part of the team’s quality assurance system and are generated on a monthly or ad hoc basis. The maintenance of an accurate database is key to the efficient operation of the Service. The Food & Safety Team’s Quality Monitoring Procedure includes details of how the database is updated, which includes:

- information from programmed inspections;
- officer knowledge of changes in their district;
- collecting information from lists of planning applications;

- checking the “closed” premises database;
- an annual random selection and audit of a specified number of premises from the database;
- information from the registering and licensing of new premises;
- liaison with other statutory agencies; and
- undertaking premises surveys.

6.4 It is intended to participate as appropriate in bench marking, peer review and inter-authority auditing with the Kent Technical Groups as opportunities arise.

7. Review

7.1 Review against the Service Plan

A review of this Plan and the Food & Safety Team’s Performance Plan will be undertaken annually in April. Details of the Team’s performance against the targets set in the Food & Safety Team’s 2016/17 Performance Plan can be found at **Appendix 5**.

7.2 Areas for Improvement

A number of improvement actions have been identified in the Food & Safety Team’s 2017/18 Performance Plan (**Appendix 1**), which will be carried out during the year. Achievement of these improvements will be monitored by Service Managers and where there are significant deviations from targets; reports will be made to the Advisory Board and Cabinet.

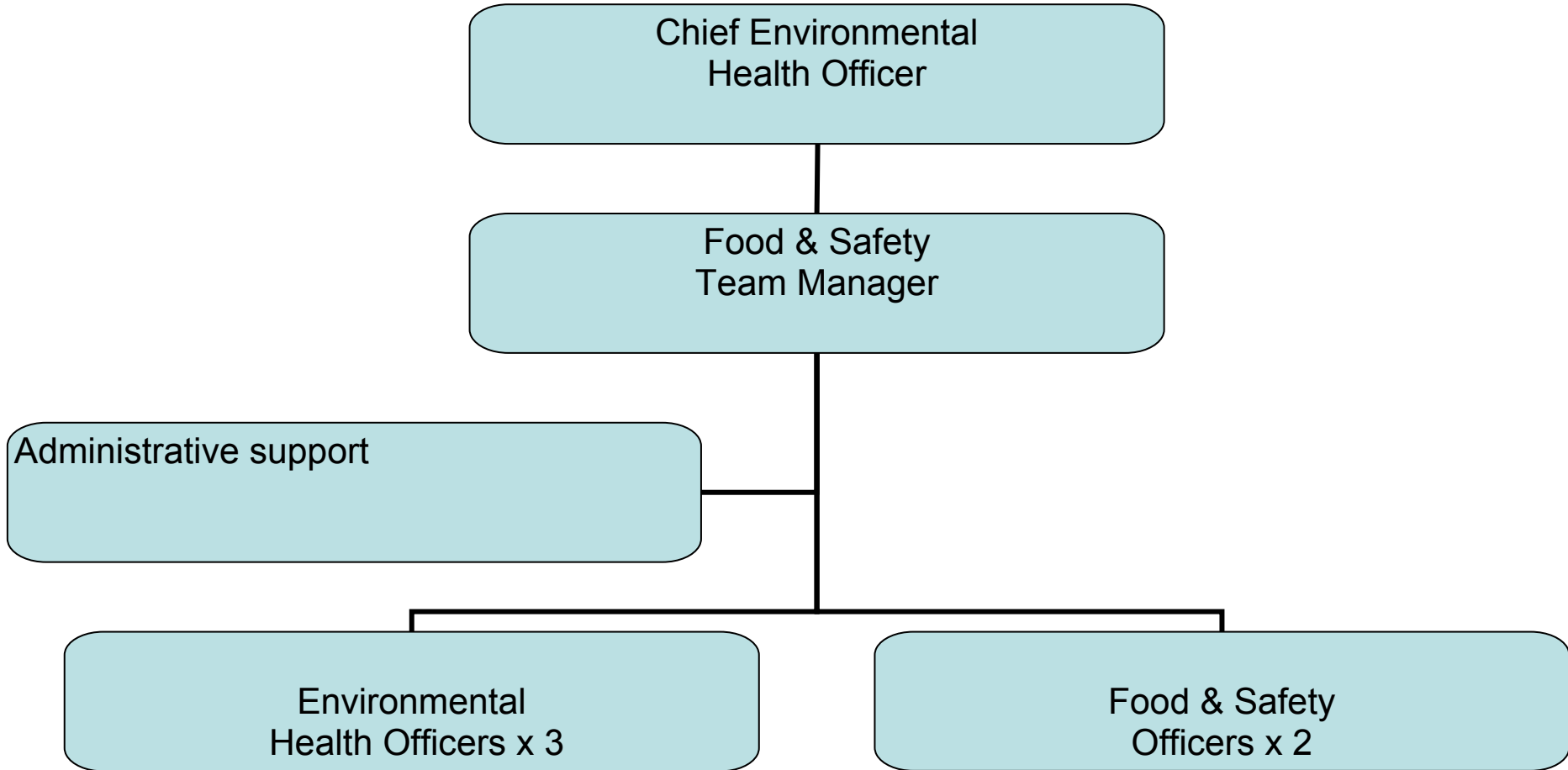
7.3 The food safety inspection function was subject to an internal audit in November 2011 and awarded an audit opinion of ‘Substantial’. Areas for improvement primarily focused on the revision to internal procedures which are reviewed on a regular basis.

FOOD AND SAFETY TEAM PERFORMANCE PLAN 2017/18

Activity	Description	Target
<p>A. Undertake inspections of commercial premises, for which the local authority is the enforcing authority, and institute informal and/or legal action in accordance with the Service's Enforcement Policy.</p>	<ol style="list-style-type: none"> 1. Review and develop as appropriate the team's quality assurance procedures to reflect changes in legislation and guidance from FSA, HSE, using a risk assessment approach. 2. Continue to develop and deliver initiatives such inspections, seminars and coaching visits to ensure effective and efficient enforcement. 3. Incorporate an appropriate range of interventions for broadly compliant category C food premises, category D food premises and low risk health and safety premises. 4. Inspect all 'high risk' (categories A, B and non-broadly compliant Category C) food premises for hygiene on schedule. 5. Maintain competence of authorised officers in accordance with FSA/CIEH CPD requirements. 6. Undertake a gas safety campaign in catering premises 	<p style="text-align: center;">31/3/18</p>
<p>B. Investigate complaints about commercial premises and at the conclusion of investigations institute informal/formal legal action as appropriate.</p>	<ol style="list-style-type: none"> 1. Respond to each complaint in a timescale that matches the perceived risk in compliance with quality assurance procedures and in accordance with the Service standard (within 5 working days). 2. Food and Safety Team Manager to undertake monitoring of service requests. 3. Remedy unacceptable risks and reduce the likelihood of recurrence, securing legal compliance where appropriate. 4. Investigate all reportable workplace accidents and ill health in line with 	<p style="text-align: center;">As per procedure</p>

	procedures based on HSE Accident Investigation Selection Criteria.	
C. Facilitate provision of training services and provision of advice to local businesses to assist them to meet legislative requirements	<p>1. Deliver with West Kent Local Authority partners, the annual training courses programme for businesses in the borough.</p> <p>2. Deliver specific training updates to businesses as required.</p>	On-going
D. Investigate cases of infectious disease with the community	1. Investigate cases of infectious diseases in line with KPHE guidelines	On-going

ORGANISATIONAL CHART FOR THE FOOD AND SAFETY TEAM



Food Safety Team Qualifications and Roles

Job Title	Qualifications	Role within the Food Team
Chief Environmental Health Officer V0006 (JH)	Certificate of Registration with the Environmental Health Officers Registration Board	Strategic management of the Council's food safety enforcement responsibilities
Food & Safety Team Manager DV0101 (MH)	Certificate of Registration with the Environmental Health Officers Registration Board NEBOSH Diploma	Day to day management of food safety enforcement Food Safety Inspector Quality Monitoring
Environmental Health Officer DV0108 (RT)	Certificate of Registration with the Environmental Health Officers Registration Board	Food Safety Inspector
Environmental Health Officer DV0106 (SA)	Certificate of Registration with the Environmental Health Officers Registration Board NEBOSH Diploma	Food Safety Inspector
Environmental Health Officer DV0106 (DP)	Certificate of Registration with the Environmental Health Officers Registration Board NEBOSH Diploma	Food Safety Inspector Food Safety Trainer
Food & Safety Officer DV0109 (CM)	Certificate of Registration with the Environmental Health Officers Registration Board NEBOSH Certificate	Food Safety Inspector Food Safety Trainer Lead on the Healthy Eating Award and Nutritional Training
Food & Safety Officer DV0104 (KO)	Certificate of Registration with the Environmental Health Officers Registration Board	Food Safety Inspector
Administrative Manager (GL/MCL) DV0005		Co-ordination of IT system and administrative support to the team
Admin Assistants		Team Admin support

APPENDIX 4

**FINANCIAL ALLOCATION OF RESOURCES TO
THE FOOD & SAFETY FUNCTION**

Budget Heading	2017-2018 Estimate
Employees' salaries and on costs	229,900
Third party payments	200
Central Departmental and Technical support services	
• Information technology expenses	25,000
• Central salaries and administration	17,600
• Departmental Administrative	109,600
• Expenses	<u>3900</u>
Total expenditure	<u>379,200</u>
<u>Income</u>	
• Court Costs	500
• Food Inspection	1500
• Training Courses	3,500
Total income	<u>5,500</u>
Net expenditure	<u>373,700</u>

APPENDIX 5

FOOD AND SAFETY PERFORMANCE PLAN 2016/17 – MONITORING REPORT

STANDARD/TARGET / IMPROVEMENT ACTION	TARGET	ACHIEVEMENTS	INFORMATION SOURCE
<p>FOOD SAFETY</p> <p>Inspect all A-D rated food premises for hygiene on schedule.</p> <p>Carry out appropriate interventions at low risk premises for food safety</p> <p>Participate in national, county and local food sampling programmes</p> <p>Percentage of food establishments broadly compliant with food hygiene law</p> <p>Participate in the HSE Estates Excellence Campaign</p>	<p>100%</p> <p>90%</p> <p>On-going</p> <p>95%</p> <p>During year</p>	<p>99% completed. 3 high risk inspections missed.</p> <p>99% completed.</p> <p>119 samples taken</p> <p>94%</p> <p>90 visits completed</p>	<p>Uniform</p> <p>Uniform</p> <p>Sampling results spreadsheet</p> <p>Uniform</p> <p>Project stats</p>
<p>100% of responses (not simply acknowledgements) to service requests within 5 working days.</p>	<p>100%</p>	<p>95%</p>	<p>Uniform/Stats file</p>
<p>100% pass rate on foundation courses.</p> <p>90% pass rate on other courses.</p>	<p>100%</p> <p>90%</p>	<p>100%</p> <p>100%</p>	<p>In house</p> <p>In house</p>

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

20 June 2017

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Information

1. WASTE & STREET SCENE SERVICES UPDATE

Summary

This report provides an update on a number of projects and initiatives within Waste & Street Scene services.

1.1 Refuse and Recycling Collections Rescheduling

1.1.1 Members may recall that a report was brought to the 6 June 2016 meeting of this Board advising on plans by the Council's contractor, Veolia, to reschedule the collection services in some parts of the borough. This is in order to accommodate both recent and planned domestic property growth between now and the end of the contract (end of February 2019).

1.1.2 This work was somewhat delayed due to management changes at Veolia but is now ready to implement. A total of 2822 properties are in some way affected although 851 of these will not notice any change as they are simply a case of change of vehicle and crew and not a day or week change. The reschedule covers parts of Kings Hill, central Tonbridge, the London Road (A20) from West Malling to Wrotham Heath, new developments at Aylesford, The Lakes at Larkfield and Holborough Lakes.

1.1.3 In summary the changes will only affect a relatively small number of properties, as follows.

Round (vehicle and crew only) changes: 851

Day changes only: 1196

Week changes only: 104

Day and Week changes: 671

Total: 2822

1.1.4 The rescheduled round(s) have been agreed with Veolia and communications with residents are being prepared to inform them of the changes. These communications will include letters and leaflets to residents where there will be a

day and / or week change and amendment of the on-line look up tool for individual addresses' collection days.

1.1.5 It is proposed to commence the new collection schedule in July 2017.

1.2 Christmas and New Year Collections 2017/18

1.2.1 Although it may seem a little early to be advising Members on the Christmas and New Year collection arrangements, this does allow extra planning time and the opportunity to include additional notifications to residents with their collection calendars.

1.2.2 Unlike last year, where there was no need to suspend green waste collections for any borough resident, the services will revert to a similar approach to prior years in order to ensure consistency of collection of black bin waste. This means that the green waste collection service from properties due on Monday 25 December will be suspended for one collection cycle. In this way, service disruption can be kept to a minimum, with only 10 per cent of properties affected by this change.

1.2.3 While it is unlikely that these arrangements will change, they are still subject to final confirmation from Kent County Council (Waste Disposal Authority), who will be confirming the availability of disposal sites.

Changes to collections during Christmas and New Year weeks

1.2.4 Where the normal collection day is a MONDAY there will be no collection in Christmas week; all other normal collection days will be collected one day late. In the New Year week all collections will be one day late.

<u>Normal Collection Day</u>	<u>Collection Day in Christmas and New Year Weeks</u>
Monday 25 th December	No collection this week
Tuesday 26 th December	Wednesday 27 th December
Wednesday 27 th December	Thursday 28 th December
Thursday 28 th December	Friday 29 th December
Friday 29 th December	Saturday 30 th December
Monday 1 st January	Tuesday 2 nd January
Tuesday 2 nd January	Wednesday 3 rd January
Wednesday 3 rd January	Thursday 4 th January

Thursday 4 th January	Friday 5 th January
Friday 5 th January	Saturday 6 th January

- 1.2.5 As in previous years, we will temporarily suspend our “no extra waste” policy. Additional sacks of waste will be taken along with the black bin collections for all properties during the two Christmas and New Year weeks.
- 1.2.6 Advance notification to residents will be included in their recycling calendars, in News Releases and on bin tags on the lead up to the Christmas period. Details will also be publicised on our website and via our telephone message system.

Saturday bulky household waste and WEEE service during December 2017 and January 2018

- 1.2.7 To enable the collection of waste from all properties over the Christmas and New Year period it is necessary to work the Saturday 30th December and Saturday 6th January. This means that the refuse collection vehicles and crews will not be available to provide the normal Saturday bulky household waste and WEEE on those two weekends. The Saturday bulky household waste and WEEE schedule will therefore be as follows:

Saturday 6th January	Saturday 13th January	Saturday 20th January	Saturday 27th January
No Service	Weeks 1 & 2 locations	Week 3 locations	Week 4 locations

1.3 National Litter Strategy

- 1.3.1 In April 2017, DEFRA published its “National Litter Strategy”. The development of this strategy was just one of the recommendations made by the DCLG’s cross-party Select Committee report into littering and fly tipping. The strategy sets out “to apply best practice in education, enforcement and infrastructure to deliver a substantial reduction in litter and littering behaviour”. This reflects our own historic approach of the four Ps: Promotion (education & publicity), Prosecution (enforcement) and Picking Up (street cleansing infrastructure), as well as Partnership working. The strategy can be found at <https://www.gov.uk/government/publications/litter-strategy-for-england>. The main aims are to:

- 1.3.2 “Send a clear and consistent anti-litter message:
- work with others to run a national anti-litter campaign

- help people to clear up litter in their local areas
- encourage young people to care about their local area
- make sure that schools have what they need to teach about litter
- encourage businesses to work with others to deal with local litter problems
- ask businesses to think about designing their products and packaging in ways which will reduce litter
- look for new ways to encourage more recycling and reducing litter”

1.3.3 “Improve enforcement against offenders:

- ask people if we should increase the fines for dropping litter (and for similar crimes like graffiti and putting up posters illegally)
- give local councils powers to fine vehicle owners if litter is thrown from it
- provide guidance to local authorities on using these powers appropriately

1.3.4 “Clean up the country:

- work to reduce litter on the country’s major roads
- make it as easy as possible for people to get rid of their rubbish properly
- work with organisations to make sure they have the right facilities to get rid of litter
- help councils in deciding where bins should be placed, what types to use and how many are needed
- make sure the code of practice for litter and refuse is clear and up to date
- support and encourage people sharing their experience of what works to reduce littering”

1.3.5 Whilst any national drive to raise awareness of the issue of littering is to be welcomed, a number of the elements included in the strategy are already being delivered by this Council and also through the Kent Resource Partnership’s (KRP) Street Scene Group. The aim of improving the enforcement powers against littering from vehicles is also to be welcomed, but will require a change to existing legislation. Currently London authorities have powers to enforce against the registered keeper of the vehicle from which litter is thrown but this is a civil enforcement power. If the proposed legislation is not fully thought through, we could end up with a two-tier enforcement approach whereby litter from vehicles

becomes a civil offence similar to parking offences, with other litter offences being a criminal offence as is currently the case.

- 1.3.6 The KRP Street Scene Group has been tasked with monitoring progress of the various strands within the strategy, and will respond to any relevant consultation as a partnership to ensure a consistent approach across Kent.

1.4 Enforcement for Waste Offences

- 1.4.1 During 2016/17, a total of seven prosecutions for fly tipping and Duty of Care offences were taken, all of which were successful. These resulted in a total of £10,713 in fines, costs, compensation & victim surcharges. Although this in no way offsets the full costs of clearing fly tips, or the cost of carrying out what can be complicated & lengthy investigations, it is pleasing to note that all prosecutions taken have been successful and fines given within existing sentencing guidelines.
- 1.4.2 Members will recall approving the use of new Fixed Penalty Notices (FPNs) for fly tipping at their November meeting. Since then, twelve of these have been issued for lower level fly tipping offences. The option of using FPNs for appropriate offences does away with having prosecution as the only option for enforcement action. Examples of where these have been used include non-recyclable waste dumped at recycling sites, and sacks of business waste dumped on the highway. Large scale fly tips and those which have been carried out by illegal waste carriers operating commercially and by repeat offenders are more likely to result in prosecution where the offender can be identified, rather than by FPN.
- 1.4.3 In order to help raise residents' awareness of their responsibilities for ensuring legal disposal of their waste (Duty of Care), a leaflet has been developed which will go to all households this month. This will outline what checks need to be made when engaging someone to take away their waste, such as tree cuttings, builders' rubble, etc. We will also make an online form available for residents to record details of anyone taking waste away for them so that they have a record in case we find their waste fly tipped. This will include the waste carrier's Environment Agency registration number, contact details and description; registration of vehicle used; and where the waste is supposed to be disposed of. As ever, we continue to pursue the fly tippers themselves, but where residents have breached their own Duty of Care, we will still consider formal enforcement action against them as well.

1.5 Love Where You Live Initiatives

- 1.5.1 **Great British Spring Clean** The Kent Resource Partnership (KRP) supported the national Great British Spring Clean campaign which was launched over the weekend of 3 – 5 March 2017. As a group the KRP agreed to run the campaign for the whole month of March to encourage more groups to take part. In Tonbridge and Malling we supported 47 events borough-wide from Hildenborough to Wouldham and Golden Green to Mereworth. 366 volunteers collected over 269 sacks of rubbish from businesses, schools, uniform groups, parish councils, friends of groups, street monitors, churches and borough councillors. The events

attracted a huge amount of good news stories for the local and national media, with huge support on social media particularly.

1.5.2 Environmental Champions Awards 2017 supported by Veolia. This is the 9th year which Veolia have supported these wards, which seek to recognise individuals and groups in the borough who go above and beyond to make improvements in their local environment. This year 14 groups and 5 individuals will receive a Love Where You Live Environmental Champions Award. This includes Clare Park residents in East Malling, Brampton Fields Residents and McDonalds in Tonbridge for their commitment to litter picking. This also includes Tonbridge Dementia Friends gardeners and the Medway Tidal Tidy Up group from Wouldham. To date we have awarded 110 individuals and groups for various activities including running farmers' markets, leading volunteer health walks around our country parks, sprucing up children's play areas, supporting the management of local nature reserves, river clean ups and community allotment and gardening schemes.

1.5.3 The Mayor will present the awards at a ceremony at Tonbridge Castle in late June.

1.6 Legal Implications

1.6.1 The Council has a statutory duty to provide refuse and recycling collection services. The proposed arrangements ensure that the Council complies with that duty.

1.7 Financial and Value for Money Considerations

1.7.1 There are no specific costs associated with this update. Any additional costs or efficiency savings arising from the initiatives or services in this report will be subject to further reports to Members.

1.8 Risk Assessment

1.8.1 Careful planning, good communication with residents and coordinated arrangements for collections, help to ensure minimal disruption and effective delivery of these high profile services.

Background papers:
Nil

contacts:
David Campbell-Lenaghan
Lesley Letts

Robert Styles
Director of Street Scene, Leisure and Technical Services

Agenda Item 9

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 10

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 11

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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