

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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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

5 February 2018

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, 13th February, 2018 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

- | | | |
|----|--------------------------|-------|
| 1. | Apologies for absence | 5 - 6 |
| 2. | Declarations of interest | 7 - 8 |

3. Minutes 9 - 12

To confirm as a correct record the Notes of the meeting of the Street Scene and Environment Services Advisory Board held on 6 November 2017

Matters for recommendation to the Cabinet

4. Waste Services Contract Re-tender 13 - 24

This report provides an update on key issues associated with the procurement process and partnership arrangements for the new waste services contract and set out a revised project timetable.

5. Environmental Health Services Enforcement Policy 25 - 36

Following a recent review, the report presented the Environmental Health Services Enforcement Policy for endorsement.

6. Car Parking Fees and Charges - Outcome of Public Consultation 37 - 46

The report considers objections and comments received during the statutory consultation period relating to the proposed off-street parking charges.

7. Former Joco Pit - Landfill Gas Investigation 47 - 58

The report outlines the process being taken to investigate landfill gas levels at the former Joco pit and sought endorsement of this approach.

Matters submitted for Information

8. 'Regulating our Future' 59 - 62

The report sets out proposed changes to the delivery of food safety regulations by the Food Standards Agency.

9. Urgent Items 63 - 64

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

Matters for consideration in Private

10. Exclusion of Press and Public 65 - 66

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.

PART 2 - PRIVATE

11. Urgent Items

67 - 68

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

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, 6th November, 2017

Present: 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 S M Hammond, Cllr D Keers, Cllr D Markham, Cllr L J O'Toole, Cllr M R Rhodes, Cllr T B Shaw, Cllr Ms S V Spence, Cllr Miss G E Thomas and Cllr T C Walker

Councillors M C Base, Mrs P A Bates, R P Betts, P F Bolt, V M C Branson, M A Coffin, N J Heslop, D Lettington, Mrs S L Luck, Mrs A S Oakley, M Parry-Waller, H S Rogers, R V Roud and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs T Dean and S C Perry

PART 1 - PUBLIC

SSE 17/13 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, in the interests of transparency, Councillor M Balfour indicated that he was the Cabinet Member for Planning, Highways, Transport and Waste at Kent County Council.

SSE 17/14 MINUTES

RESOLVED: That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 9 October 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

SSE 17/15 WASTE SERVICES CONTRACT RETENDER

Further to Decision No. D170067CAB the report of the Director of Street Scene, Leisure and Technical Services provided an update on the retendering of the Waste Services Contract on a partnership basis with Dartford and Tunbridge Wells Borough Councils and Kent County Council. Particular reference was made to the proposed Inter Authority Agreement and the financial disaggregation arrangements between the partners. Details of the proposed procurement process and the evaluation criteria for the award of the contract were also presented. Members thanked the Officer team for the comprehensive report, sought clarification on a number of issues relating to Green/Garden Waste and

acknowledged the potential for improving the service provided while making a significant contribution to the Savings and Transformation Strategy.

RECOMMENDED: That the Cabinet be commended to agree that

- (1) the core principles for the Inter Authority Agreement between this Council and Kent County Council, as outlined in the report, be agreed;
- (2) a final draft Inter Authority Agreement be reported to a future meeting of the Advisory Board for consideration;
- (3) the financial arrangements relating to the new contract, as outlined in the report, and associated financial implications be noted; and
- (4) the approach to the evaluation of the contract tenders, as outlined in the report, be agreed and incorporated within the tender documentation.

***Referred to Cabinet**

SSE 17/16 REVIEW OF CAR PARKING FEES AND CHARGES

The joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Finance and Transformation set out recommendations for car parking fees and charges for implementation from 1 April 2018.

Careful consideration was given to the options set out in the report and Members noted that, whilst the Council regularly reviewed its fees and charges for services provided for the local community, the last review of car parking charges in 2016 had not recommended any increases. Consequently, there had been no increase in any parking charges in the Borough for the last two years.

Additionally, Members were provided with details of the set of guiding principles established by the Council for the setting of fees and charges together with a summary of the level of investment and cost to the Authority of providing the parking service.

RECOMMENDED: That the following proposals be approved by Cabinet with effect from 1 April 2018:

- (1) the schedule of charges for short and long stay parking in Tonbridge, shown in Table 1 to the report, be introduced;

- (2) week day short day parking charges to the car parking bays in the Tonbridge Castle grounds, including the purchase of a new car parking ticket machine, be introduced;
- (3) the schedules of Peak and Off-Peak Season ticket charges in Tonbridge, shown in Tables 2 and 3 to the report, be adopted;
- (4) the Ryarsh Lane, West Malling Annual Season ticket charges be increased to £175;
- (5) the schedule of charges for short stay parking in West Malling, shown in Table 5 to the report, be introduced with the new 4 hour tariff amended to £3.20;
- (6) the schedule of charges for Blue Bell Hill car park, shown in Table 6 to the report, be introduced;
- (7) the schedule of charges for Borough Green Western Road car park, shown in Table 7 to the report, be introduced;
- (8) Residents Permits (Residential Preferential Parking Scheme) be retained at £40 per year;
- (9) the schedule of charges for Business Permits and Dispensations, shown in Table 8 to the report, be introduced;
- (10) Visitor Permits be retained at £12 for a book of 10 permits, the current offer of 10 free Visitor Permits be limited to new applicants for a Residents Permit and the offer of 10 free Visitor Permits on renewal of a Residents Permit be discontinued;
- (11) the schedule of charges for Haysden and Leybourne Lakes country parks, shown in Table 9 to the report, be introduced;
- (12) the schedule of charges for On-Street Pay and Display parking in Tonbridge, shown in Table 10 to the report, be introduced; and
- (13) the potential introduction of On-Street Permit and Pay and Display parking in designated areas of North Tonbridge be investigated.

***Referred to Cabinet**

SSE 17/17 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 household bulky refuse and fridge/freezer collections, "missed" refuse collections, stray dog redemption fees, pest control, condemned food certificates,

exported food certificates, contaminated land monitoring and private water supplies from April 2018.

In bringing forward the proposals for 2018/19, 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.

RECOMMENDED: That Cabinet approve the scale of charges for household bulky refuse and fridge/freezer collection, "missed" refuse collection, stray dog redemption fees, pest control, condemned food certificates, exported food certificates, contaminated land monitoring and sampling private water supplies with effect from April 2018, as detailed in the report to the Advisory Board.

***Referred to Cabinet**

SSE 17/18 AIR QUALITY UPDATE

Decision Notice D170071MEM

The report of the Director of Planning, Housing and Environmental Health summarised the content of the Government's UK plan for tackling roadside nitrogen dioxide concentrations published on 26 July 2017 and made particular reference to the intention to produce a new Clean Air Strategy in 2018 which would address other nitrogen oxides, particulate matter and sulphur dioxide, amongst other, emissions.

Additionally, the report provided an overview of Tonbridge and Malling Borough Council's 2017 Annual Status report in respect of the Borough's 7 Air Quality Management Areas (AQMAs) recently submitted to DEFRA which demonstrated some improvements in nitrogen dioxide levels and assessed the need to vary the boundaries of the Larkfield and Borough Green AQMAs and identified other factors to be taken into account in preparation of the Council's Air Quality Action Plan.

RECOMMENDED: That the retention of all current AQMAs be endorsed and a review of the boundaries of the Larkfield and Borough Green AQMAs be reported to a future meeting of the Advisory Board for consideration.

SSE 17/19 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.55 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

13 February 2018

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

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 WASTE SERVICES CONTRACT RETENDER

Summary

The current waste services contract for refuse, recycling & street cleansing is due to end in February 2019 and is being retendered on a partnership basis with other West Kent local authorities and Kent County Council.

This report provides an update on key issues associated with the procurement process and partnership arrangements for the new contract.

1.1 Background

1.1.1 Further to previous reports to this Board, Members will be aware that the Council's Waste Services Contract is due to expire in February 2019 and that Officers are currently working with West Kent colleagues, as well as Kent County Council, to work in partnership on the future delivery of these services. The value of this Council's existing contract for refuse, recycling and street cleansing services is around £3.8m per annum, and provides a refuse and recycling collection service to over 52,000 households and a street cleansing service across the whole Borough.

1.1.2 At the June 2017 meeting of this Board, Officers provided an overview of the tendering process and outlined the proposed recycling & refuse collection arrangements for an enhanced service, known as the "NOM" (Nominal Optimal Method), which include:

- Weekly Food Waste Collection;
- Fortnightly Collection of Residual Waste;
- Alternate Fortnightly Collection of Mixed Dry Recyclate (plastics, metals, cartons and glass) in a wheeled bin with a separate container for paper and card; and
- The separate fortnightly collection of garden waste (as an "opt in" charged service).

1.1.3 The retendering of the Waste Services Contract together with West Kent partners presents a real opportunity to improve current arrangements, with an overall aim of providing:

- service improvements and efficiencies;
- greater consistency across partner authorities;
- increased recycling performance; and
- financial savings.

1.1.4 At the last meeting of this Board Members considered and agreed in principle the proposed Inter Authority Agreement and financial disaggregation arrangements between the partners, and approved the evaluation criteria for the award of the contract. In addition, Members also agreed that the meeting of this Board would receive an update on progress to date, including delivery against the project timetable; communication plans for the new service; and the development of the Equality Impact Assessment associated with the proposed new services.

1.2 Partnership Update

1.2.1 Since the last meeting of this Board Members at Tunbridge Wells Borough Council formally approved the principles of adopting the collection methods outlined in 1.1.2 above. However, Dartford Borough Council has decided to review their current service provision. As such, Dartford will now be conducting a single procurement for their Waste Services and have confirmed their withdrawal from the joint procurement and partnership.

1.2.2 Whilst this decision is disappointing both in terms of its timing and the significant amount of work undertaken to date, at least the position is now clear and both this authority and Tunbridge Wells Borough Council can now proceed. It is felt that whilst the financial savings would have benefitted from all the original partners being involved, the financial impact of Dartford's withdrawal on the joint savings will not be significant. The expected economies of scale to be achieved operationally through shared resources, depots, cross-boundary rounds, etc., were expected to be achieved primarily between this Council and Tunbridge Wells Borough Council, and at this stage it is not felt necessary to amend the estimated disposal savings previously reported to Members.

1.2.3 On a more positive note, Dartford Borough Council has confirmed that its procurement team can continue to deliver the administrative aspects of the procurement process through its ProContract system, which has been used successfully by this authority for a number of other contract tenders. The Officer Project Group has renamed the project as the South West Kent Waste Project. The procedure to be followed for the project will remain an open tendering procedure for the entire Service in Tunbridge Wells and this authority being awarded to a single Contractor commencing with an OJEU notice.

1.3 Project Timetable

1.3.1 Originally the tender documents and associated OJEU Notice were due to be available to tenderers from early January. However, due to Dartford Borough Council withdrawing from the project, the contract specification & conditions of contract had to be further revised to reflect the changes to the partnership arrangements. As a result, the final documents are expected to go out to contractors in the week commencing Monday 29th January. This short delay has been absorbed within the original timescale, which had allowed additional time to the minimum periods stipulated by the relevant EU regulations for the tender and evaluation processes.

1.3.2 Although the revised timetable is attached in full at **Annex 1**, a summary of the key project milestones are provided below for information:

- w/c 29 January 2018 Publication of OJEU Notice & Tender Documents
- 30 April 2018 Closing Date for Tender Submissions
- 10 June 2018 Conclusion of Tender Evaluation Period
- June/July 2018 SSEAB/Cabinet Approval of Contract Award
- 6 August 2018 Publication of Contract Award (+10 day standstill)
- 20 August 2018 Initial Meeting with successful Contractor
- 1 March 2019 Contract Start Date (TMBC)
- 31 March 2019 Contract Start Date (TWBC)

1.3.3 The appointment of the successful contractor, together with final versions of associated partnership management documents will be reported to this Board for agreement in June/July 2018. The documents will include the Inter-Authority Agreement between the two Districts and KCC; the Partnership Agreement between this authority & Tunbridge Wells Borough Council regarding the management of the contract and also the final Equality Impact Assessment relating to the proposed new services.

1.4 Equality Impact Assessment

1.4.1 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.

- 1.4.2 There are a number of individual specification and service elements associated with a contract of this size which will deal with protected characteristics under the Equality Act to ensure that the Service adequately caters for those person who are affected e.g. a pull out service for those who require assistance such as disabled residents or those who are frail and elderly. Although it is not envisaged that any particular group will be disadvantaged by the new contract, a detailed Equality Impact Assessment is being carried out with the assistance of Tunbridge Wells Borough Council's legal team.
- 1.4.3 One of the main considerations of the Group was whether or not there should be a concessionary reduction for the proposed garden waste charge for those in receipt of Council Tax Reduction. Research was carried out both in Kent districts and further afield. Although a number of waste collection authorities do have a reduced charge for garden waste collections, the only district in Kent to do so is Canterbury City Council. It is also considered that being in receipt of Council Tax Reduction is not in itself a protected characteristic under the Equality Act. Whereas a pull out service may be the only option for certain residents to ensure they receive a refuse collection service, there are alternative methods of disposing of garden waste, such as home composting and using the Household Waste Recycling Centres. As such, the Officer Project Group does not consider that such a reduction is appropriate under the EQIA.

1.5 Length of Contract

- 1.5.1 Members will be aware from previous reports that it was the intention for the contract to be for an eight year period with a possible extension for a further eight years based on satisfactory performance by the contractor.
- 1.5.2 Having given the matter careful consideration, a slight amendment has been made. Contractors will be offered the contract for a period of eight years, plus a two year **OR** eight year extension, with a potential further two year extension if an eight year extension is agreed. These greater options for extension gives more flexibility in terms of aligning contracts; taking advantage of future opportunities; disposal facility options; and legislative changes; all of which will be dependent on contract performance & financial benefits.
- 1.5.3 Due to the different termination dates of the existing contracts for the partner authorities there will be a need for staggered service commencement dates. This authority's contract will commence on 1st March 2019 and Tunbridge Wells Borough Council on 31st March 2019. However, we have taken this opportunity to align the end of the new contract for both authorities to 31st March in whichever year it ends.

1.6 Communications

- 1.6.1 At previous meetings of this Board Members have stressed the importance of future communication with residents, and explained the need for a proactive approach to marketing the new Service. As a result it was felt appropriate to set

up a small Member group to discuss this issue, which is likely to meet informally on 2 or 3 occasions. In liaison with the Group Leaders, Councillors Lettington, Keers, Bishop, Roud and Thomas were nominated to join the group and the first meeting took place on 8th February 2018. Feedback from this first meeting will be shared with Members of the Board.

1.6.2 In terms of resident communication, it is the intention to develop a detailed marketing plan which will include traditional and newer forms of reaching the public. We will continue liaison arrangements with established forums such as the Parish Partnership Panel and Tonbridge Forum and also incorporate lessons from other local authorities which have implemented similar new arrangements. It is essential that residents are fully informed of the reasons behind the proposed changes and information is shared as early as possible.

1.6.3 Due to the partnership approach to the contract, and to reflect the different commencement dates of the two authorities, the mobilisation of the new contract arrangements has required careful consideration. A table showing the contract start dates and the new collection service mobilisation period is shown below:

Authority	Contract Start Date	New Collection Service Mobilisation Period
Tonbridge & Malling Borough Council	1st March 2019	Start 1 st July 2019 (complete by 30 th November, 2019)
Tunbridge Wells Borough Council	31st March 2019	Start 1 st July 2019 (complete by 30 th November, 2019)

1.6.4 The existing refuse and recycling service will be maintained until the new collection service is fully implemented. The contractors will be required to submit details of their mobilisation plans and method statements for transition to the new collection service, which will form part of the contract tender evaluation. This issue will be the subject of further discussion with Members at the next meeting of this Board.

1.7 Legal Implications

1.7.1 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.

1.7.2 A number of legal considerations have been highlighted, and are captured on the project timetable which 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 the Officer Project Group and are also included in the South West Kent Waste Project Group Legal Services sub-group and the South West Kent Waste Project Group Procurement sub-group and have been involved in the production of the legal documents.

1.8 Financial and Value for Money Considerations

1.8.1 As outlined in sub-section 1.2.2, it is not anticipated that Dartford BC's withdrawal from the project will have a significant impact on either the operational efficiencies of scale or the savings associated with reduced disposal costs by adopting the "NOM". However, it is worth reminding Members that without the formal tender prices and experience 'on the ground' following implementation of the new arrangements, it is still not possible to predict the overall net savings that might be achieved, and it is therefore very important to stress that figures set out in previous reports are indicative only. Nevertheless, it is apparent that the financial analysis supports the expectation that the retender of the waste services contract will make a significant contribution to the contract savings target reflected in the Savings and Transformation Strategy. It is also worthy of note that the level of the new 'opt-in' garden waste charge will not be considered by Members until the tender submissions have been received and evaluated.

1.9 Risk Assessment

1.9.1 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.

1.9.2 The South West Kent Waste Project Group has recognised the need to assess risks and has been working in accordance with a risk management register for the overall delivery of the project. The key elements will continue to be regularly monitored and reviewed to ensure that the project stays on track.

1.9.3 In addition, our Internal Audit Team (also represented on the Officer Project Group) has highlighted the Waste Services Contract Retender as a key area for focus.

1.10 Equality Impact Assessment

1.10.1 Covered in sub-section 1.4.

1.11 Policy Considerations

1.11.1 Communications

1.11.2 Community

1.11.3 Customer Contact

1.11.4 Procurement

1.12 Recommendations

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

- i) the withdrawal of Dartford Borough Council from the Waste Contract Partnership be noted and the resultant project timescale be approved;
- ii) subject to Member comment on the draft EQIA, a final Equality Impact Assessment be presented to the next meeting of the Board for approval;
- iii) the modification to the length of contract outlined in the report be noted, and;
- iv) the approach to resident communication and the development of a marketing plan in liaison with Council Members be agreed.

Background papers:

contact: Dennis Gardner

Nil

Robert Styles
Director of Street Scene, Leisure
and Technical Services

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WEST KENT WASTE PROJECT - PROCUREMENT TIMETABLE - 2017 - 2018 - 2019 (V1)

	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Mar-19	Jul-19
Sat										
Sun										
Mon		1								1 DARTFORD START
Tue		2				1				2
Wed		3				2				3
Thu		4				3				4
Fri	1	5	1	1		4	1		1 T&M START	5
Sat	2	6	3	3		5	2		2	6
Sun	3	7	4	4	1	6	3	1	3	7
Mon	4 OJEU NOTICE	8	5	5	2	7	4	2	4	8 CONTRACT AWARD
Tue	5	9	6	6	3 INTERVIEWS x3	8	5	3	5	9
Wed	6	10	7	7	4	9	6	4	6	10
Thu	7	11	8	8	5	10	7	5	7	11
Fri	8	12	9	9	6	11	8	6	8	12
Sat	9	13	10	10	7	12	9	7	9	13
Sun	10	14	11	11	8	13	10	8	10	14
Mon	11	15	12	12	9	14	11	9	11	15
Tue	12	16	13	13	10	15	12	10	12	16
Wed	13	17	14	14	11	16	13	11	13	17
Thu	14	18	15	15	12	17	14	12	14	18
Fri	15	19	16	16	13	18	15	13	15	19
Sat	16	20	17	17	14	19	16	14	16	20
Sun	17	21	18	18	15	20	17	15	17	21
Mon	18	22	19	19	16	21	18	16	18	22
Tue	19	23	20	20	17	22	19	17	19	23
Wed	20	24	21	21	18	23	20	18	20	24
Thu	21	25	22	22	19	24	21	19	21	25
Fri	22	26	23	23	20	25	22	20	22	26
Sat	23	27	24	24	21	26	23	21	23	27
Sun	24	28	25	25	22	27	24	22	24	28
Mon	25	29	26	26	23	28	25	23	25	29 INITIAL MEETING
Tue	26	30	27	27	24	29	26	24	26	30
Wed	27	31	28	28	25	30	27	25	27	31
Thu	28		29	29	26	31	28	26	28	
Fri	29		30	30	27		29	27	29	
Sat	30			31	28		30	28	30	
Sun	31				29			29	31 TWELLS START	
Mon					30			30		
Tue								31		

- tender period - 15 weeks
- evaluation period - 6 weeks
- approvals period - 8 weeks
- standstill period - 2 weeks

WEST KENT WASTE PROJECT - PROCUREMENT TIMETABLE - 2017 - 2018 - 2019 (V2)

	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Mar-19	Jul-19
Sat										
Sun										
Mon		1								1 DARTFORD START
Tue		2				1				2
Wed		3				2				3
Thu		4				3				4
Fri	1	5	2	1		4	1			5
Sat	2	6	3	2		5	2		1 T&M START	6
Sun	3	7	4	3	1	6	3	1		7
Mon	4	8	OJEU NOTICE	5	2	7	4	2	CONTRACT AWARD	8
Tue	5	9		6	3	INTERVIEWS x3	5	3		9
Wed	6	10		7	4		6	4		10
Thu	7	11		8	5		7	5		11
Fri	8	12		9	6		8	6		12
Sat	9	13		10	7		9	7		13
Sun	10	14		11	8		10	8		14
Mon	11	15		12	9		11	9		15
Tue	12	16		13	10		12	10		16
Wed	13	17		14	11		13	11		17
Thu	14	18		15	12		14	12		18
Fri	15	19		16	13		15	13		19
Sat	16	20		17	14		16	14		20
Sun	17	21		18	15		17	15		21
Mon	18	22		19	16		18	16		22
Tue	19	23		20	17		19	17		23
Wed	20	24		21	18		20	18		24
Thu	21	25		22	19		21	19		25
Fri	22	26		23	20		22	20		26
Sat	23	27		24	21		23	21		27
Sun	24	28		25	22		24	22		28
Mon	25	29		26	23		25	23	INITIAL MEETING	29
Tue	26	30		27	24		26	24		30
Wed	27	31		28	25		27	25		31
Thu	28			29	26		28	26		28
Fri	29			30	27		29	27		29
Sat	30			31	28		30	28		30
Sun	31				29			29	TWELLS START	
Mon					30			30		
Tue								31		

- tender period - 10 weeks
- evaluation period - 6 weeks
- approvals period - 8 weeks
- standstill period - 2 weeks

WEST KENT WASTE PROJECT - PROCUREMENT TIMETABLE - 2017 - 2018 - 2019 (V3)													
	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Mar-19	Jul-19			
Sat													tender period - 12 weeks
Sun													
Mon		1	B/H								1	DARTFORD START	evaluation period - 6 weeks
Tue		2					1				2		
Wed		3					2				3		approvals period - 9 weeks
Thu		4		1	1		3				4		
Fri	1	5		2	2		4	1			5	T&M START	standstill period - 2 weeks
Sat	2	6		3	3		5	2			6		
Sun	3	7		4	4	1	6	3			7		
Mon	4	8	OJEU NOTICE	5	5	2	B/H	7	B/H	4	2		
Tue	5	9		6	6	3		8		5	3		
Wed	6	10		7	7	4		9		6	4		
Thu	7	11		8	8	5		10		7	5		
Fri	8	12		9	9	6		11		8	6		
Sat	9	13		10	10	7		12		9	7		
Sun	10	14		11	11	8		13		10	8		
Mon	11	15		12	12	9		14		11	9		
Tue	12	16		13	13	10		15		12	10		
Wed	13	17		14	14	11		16		13	11		
Thu	14	18		15	15	12		17		14	12		
Fri	15	19		16	16	13		18		15	13		
Sat	16	20		17	17	14		19		16	14		
Sun	17	21		18	18	15		20		17	15		
Mon	18	22		19	19	16		21		18	16	CONTRACT AWARD	
Tue	19	23		20	20	17		22		19	17		
Wed	20	24		21	21	18		23		20	18		
Thu	21	25		22	22	19		24		21	19		
Fri	22	26		23	23	20		25		22	20		
Sat	23	27		24	24	21		26		23	21		
Sun	24	28		25	25	22		27		24	22		
Mon	25	29		26	26	23		28	B/H	25	23		
Tue	26	30		27	27	24		29		26	24		
Wed	27	31		28	28	25	INTERVIEWS x3	30		27	25		
Thu	28				29	26	INTERVIEWS x?	31		28	26		
Fri	29				30	B/H	27			29	27		
Sat	30				31					30	28		
Sun	31					29					29	TWELLS START	
Mon					30						30		
Tue											31	INITIAL MEETING	

SOUTH WEST KENT WASTE PROJECT - PROCUREMENT TIMETABLE 2018 - V7 (dated 26.1.18)													
	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Mar-19	Apr-19			
Sat													
Sun													
Mon	1	B/H									1	TWELLS START	
Tue	2	School Hols				1					2		
Wed	3	School Hols				2					3		
Thu	4		1	1		3					4		
Fri	5		2	2		4	1	School Hols			5	T&M START	Tender period 12 weeks
Sat	6		3	3		5	2				6		
Sun	7		4	4	1	6	3	School Hols			7		Evaluation period 6 weeks
Mon	8		5	5	2	B/H	7	B/H	4		8	CONTRACT AWARD	
Tue	9		6	6	3	School Hols	8	Evaluation Group	5		9		Approvals period 9 weeks
Wed	10		7	7	4	School Hols	9	Evaluation Group	6		10		
Thu	11		8	8	5	School Hols	10	Evaluation Group	7		11		Standstill period 10 days
Fri	12		9	9	6	School Hols	11	Evaluation Group	8		12		
Sat	13		10	10	7		12	Evaluation Group	9		13		
Sun	14		11	11	8		13	Evaluation Group	10		14		
Mon	15		12	12	9	School Hols	14	Evaluation Group	11		15		
Tue	16		13	13	10	School Hols	15	Evaluation Group	12		16		
Wed	17		14	14	11	Question Deadline	16	Interviews	13		17		
Thu	18		15	15	12	School Hols	17	Interviews	14		18		
Fri	19		16	16	13	School Hols	18	Interviews	15		19		
Sat	20		17	17	14		19		16		20		
Sun	21		18	18	15		20		17		21		
Mon	22		19	19	16		21	Interviews	18		22	INITIAL MEETING	
Tue	23		20	20	17		22	Interviews	19		23		
Wed	24		21	21	18	All questions to be answered by	23		20		24		
Thu	25		22	22	19		24		21		25		
Fri	26		23	23	20		25		22		26		
Sat	27		24	24	21		26		23		27		
Sun	28		25	25	22		27		24		28		
Mon	29		26	26	23		28	B/H	25		29		
Tue	30		27	27	24		29	School Hols	26		30		
Wed	31	OJEU NOTICE	28	28	25		30	School Hols	27		31		
Thu			29	29	26		31	School Hols	28				
Fri			30	B/H	27				29		31	B/H	
Sat			31		28				30				
Sun					29				31				
Mon					30	TENDER RETURN			30	School Hols			
Tue									31				

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

13 February 2018

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 SERVICES ENFORCMENT POLICY

Summary

The Environmental Health Services Enforcement Policy has been reviewed and updated. The Board is invited to recommend its adoption to Cabinet.

1.1 Background

- 1.1.1 The Environmental Health Service carry out a wide range of enforcement and regulatory activities. The use of our enforcement powers is informed by reference to our enforcement policy, which was last agreed in 2012.
- 1.1.2 A further review has been completed and takes into account revisions to the Code for Crown Prosecutors and Regulator's Compliance Code and reflects the need to liaise with the Primary Authority when enforcement action is proposed.
- 1.1.3 The Board is invited to consider the policy at [Annex 1] in relation to environmental health regulatory functions.

1.2 Legal Implications

- 1.2.1 The adoption and implementation of an enforcement policy seeks to ensure that enforcement action adheres to the principles of better regulation and is consistent, targeted, transparent and proportionate.

1.3 Financial and Value for Money Considerations

- 1.3.1 None.

1.4 Risk Assessment

- 1.4.1 The adoption and implementation of an enforcement policy reduces the risk of a successful challenge to enforcement actions.

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 It is **RECOMMENDED** that Cabinet **ENDORSE** the current version of the Environmental Health Services Enforcement Policy

Background papers:

Nil

contact: Jane Heeley
Melanie Henbest

Steve Humphreys
Director of Planning, Housing & Environmental Health Services

**TONBRIDGE & MALLING
BOROUGH COUNCIL**

Environmental Health Service

Enforcement Policy

January 2018



TONBRIDGE AND MALLING BOROUGH COUNCIL

Environmental Health and Housing Service Enforcement Policy

January 2018

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This document can be translated into other languages on request, please call 01732 876191 or email envhlthhsg.services@tmbc.gov.uk

INTRODUCTION

1. Our aim is to protect and improve public health, the environment and quality of life for everyone who lives, works or visits Tonbridge and Malling. This document sets out what businesses and individuals can expect from the Council's enforcement officers and the general principles we intend to follow in relation to enforcement. We will monitor its implementation and effectiveness and, where necessary, make changes.
2. Environmental Health Services are responsible for enforcing legislation relating to aspects of:-

animal welfare	pest control
environmental protection	pollution prevention and control
food safety	public health
health and safety at work	
3. This policy aims to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes and encourage economic growth without imposing unnecessary burdens on businesses. This accords with the Regulators' Code and the Enforcement Concordat. In certain instances we may conclude that a provision in the Code or Concordat is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from either document will be properly reasoned, based on material evidence and documented.
4. We are committed to the promotion of equal opportunities in all of our activities and providing equality of access to all our services. Every effort will be made to ensure that everyone is treated equitably and fairly.
5. The rights and freedoms given under the Human Rights Act, particularly Articles 6 (right to a fair trial) and 8 (right to respect for private and family life), will be observed, as will the provisions of the Regulation of Investigatory Powers Act, which requires those carrying out directed surveillance as part of an investigation to follow specific procedures.
6. We recognise that people who contact us about an environmental health problem can sometimes feel vulnerable and uncertain. We will provide appropriate information and support for complainants, victims and witnesses. In our dealings with businesses we are committed to providing simple explanations about statutory requirements and best practice and, where appropriate, will leave written guidance to help businesses or individuals comply with the law. In providing this information, we will be sensitive to the needs of all.

PURPOSE AND METHOD OF ENFORCEMENT

7. The primary concern of officers of the Environmental Health Service is to prevent harm to human health or damage to the environment and to improve living/working conditions. We recognise that most individuals and organisations are anxious to comply with the law and in these cases the Council's role will often be to educate, guide and support. We regard prevention as better than cure. We offer information and advice to those we regulate and seek to secure co-operation while avoiding bureaucracy or excessive costs.
8. The purpose of enforcement is to protect the public, employees and the environment and ensure that those responsible for breaches of their statutory duties take action to comply with the law.
9. The Council has a range of enforcement tools at its disposal and while informal action, such as providing guidance and education, will usually be undertaken in the first instance, it may not always be appropriate to adopt an informal approach. For example, there may be a risk to human health from a hazard the nature of which requires prompt formal enforcement action or there may be evidence of previous non-compliance with statutory obligations imposed under legislation relating to environmental health.
10. If enforcement officers find evidence that the law is being broken they can respond in various ways. Having considered all relevant information and evidence, our options are:-
 - to take no action;
 - to take informal action – this includes
 - offering advice
 - verbal warnings and requests for action
 - sending a letter
 - issuing an inspection report;
 - to use statutory notices – which require improvements to be made to secure legal compliance or prohibit the use of equipment, tasks or activities that pose imminent risk of harm to people or the environment;
 - to issue fixed penalty notices;
 - to close premises or seize goods;
 - to use simple cautions and
 - to prosecute.

PRINCIPLES OF ENFORCEMENT

11. We believe in firm but fair regulation. Underlying this are the principles of: *proportionality* in the application of the law and in securing compliance; *consistency* of approach, *transparency* about how we operate and what those regulated may expect from us and *targeting* of enforcement action, based on risk.

Proportionality

12. The concept of proportionality is included in much of the regulatory system through the balance of action to protect the public and the environment against risks and costs. Some incidents or breaches of regulatory requirements cause or have the potential to cause serious harm to health or environmental damage. Others may interfere with people's enjoyment or rights. The enforcement action taken will be proportionate to the risks posed to health or the environment and to the seriousness of any breach of the law.

13. Informal action is normally appropriate when:

- the Council is not under a positive duty to take formal action;
- the act or omission is not serious enough to warrant immediate formal action;
- from the individual's/enterprise's past history, it can be reasonably expected that informal action will achieve compliance;
- confidence in the individual's/enterprise's management involvement is high;
- the consequences of non-compliance will not pose a significant risk to public health or the environment, and,
- even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach – for example, voluntary organisations.

Consistency

14. Consistency means taking a similar approach in similar circumstances to achieve similar ends. We aim to achieve consistency in the advice we give, our response to complaints or incidents and the use of our legal powers and decisions on whether to prosecute. However, we recognise that consistency does not mean simple uniformity. Officers need to take account of many variables:

- the risk to health;
- the scale of environmental impact;
- the attitude and actions of management;
- the confidence we have in management;
- the likely effectiveness of the various enforcement options, and
- the history of previous incidents or breaches.

15. Decisions on enforcement action are a matter of professional judgement and the exercise of discretion. We will ensure consistency of enforcement standards by:-

- ensuring officers are aware of this policy and have adequate training and competency in aspects of enforcement relevant to their role

- having regard to national and local co-ordination arrangements, for example:
 - statutory Codes of Practice/Guidance
 - guidance from the Regulatory Delivery (Part of the Department for Business, Energy and Industrial Strategy)
 - Health and Safety Executive guidance e.g. Enforcement Management Model (EMM) and Work Related Death Protocol
 - Local Government Regulation (LGR) guidance
 - Chartered Institute of Environmental Health Kent Environmental Health Managers Groups – guidance/practice notes
 - Kent and Medway Health and Safety Enforcement Policy
- liaison with Primary Authorities, where appointed
- publication and dissemination of our standards and policies
- a commitment to work with colleagues in Kent to develop consistency in our approach to enforcement procedures and practices.

Transparency

16. Transparency is important in maintaining public confidence in our ability to regulate. It means helping those regulated, and others, to understand what is expected of them and what they should expect from us. It also means making clear why an officer intends to, or has taken enforcement action.
17. Transparency is an integral part of our role. We will ensure that:-
- where remedial action is required, it is clearly explained (in writing, if requested or otherwise required) why the action is necessary and when it must be carried out: a distinction will be made between best practice advice and legal requirements
 - an opportunity is provided to discuss with the enforcement officer or his/her manager what is required to comply with the law before formal enforcement action is taken, *unless* urgent action is required, for example, to protect health, the environment or to prevent evidence being destroyed
 - where urgent action is required, a written explanation of the reasons for taking the action is provided as soon as practicable after the event
 - a written explanation is given on any rights of appeal against formal enforcement action at the time the action is taken.
18. We will use plain English in all our written communications and will explain technical terms where these are used. We will provide a translation of any written communication into an alternative language and provide a translator for face to face discussions on enforcement issues if requested or in the officer's opinion is thought necessary. Documents are available in alternative formats for the visually impaired and assistance will be provided to those hard of hearing, when necessary.

Targeting

19. Targeting means making sure that regulatory effort is directed primarily towards those whose activities give rise to the greatest risks. We will use nationally and locally agreed risk assessment guidance e.g. Food Standards Agency Food Establishment Intervention Rating Scheme to assist in targeting our efforts.

20. We have systems for prioritising regulatory effort. They include the response to complaints from the public, the assessments of the risk posed by different types of activity and the gathering and acting on intelligence about illegal activity.

PROSECUTION

21. The use of the criminal process to institute a prosecution is an important part of enforcement. It aims to punish serious wrongdoing, to avoid recurrence and to act as a deterrent to others. It may be appropriate to use prosecution in conjunction with other available enforcement tools, for example, a prohibition notice requiring an operation to stop until certain requirements are met. Where the circumstances warrant it, prosecution without prior warning or recourse to alternative sanctions will be pursued.
22. However, we recognise that prosecution is a serious matter that can have far reaching consequences for the offender. The decision to prosecute rests with the Council's Director of Central Services, and will only be made after full consideration by the Council's legal team of all the implications and consequences and that both the evidential and public interest tests are met in all cases, in accordance with the Code for Crown Prosecutors.
23. In general, failure to comply with statutory notices will result in prosecution, even if the Council may have controlled any risks through measures such as initiating works in default or detention/seizure of equipment.
24. All investigations into alleged breaches of legislation will follow best professional practice and the requirements of the Police and Criminal Evidence Act (PACE), the Criminal Proceedings and Investigations Act (CPIA), the Regulation of Investigatory Powers Act (RIPA), and the Human Rights Act. As part of the investigation process, persons suspected of breaching legal requirements will, where ever possible:
- be invited to be formally interviewed in accordance with PACE,
 - be given the opportunity to establish a statutory defence,
 - have the opportunity to give an explanation or make any additional comments about the alleged offence.
25. The Council will seek to recover the full costs of any investigation and prosecution or civil proceeding where the Council has been successful. More detail on cost recovery is provided in the Corporate Enforcement Strategy.

SIMPLE CAUTIONS

26. A Simple Caution is a non-statutory disposal and may be issued as an alternative to a prosecution to deal quickly and simply with less serious, first time offences; divert less serious offences away from the courts; and reduce the chances of repeat offences.
27. The following factors will be considered when deciding whether a Caution is appropriate:

- evidence of the suspect's guilt;
 - a clear and reliable admission of the offence has been made, either verbally or in writing; and
 - consideration of the guidance in the Code for Crown Prosecutors on whether the use of a Caution is the appropriate means of disposal when taking into account the public interest principles.
28. The suspected offender must understand the significance of a Simple Caution and give an informed consent to being cautioned. No pressure will be applied to a person to accept a Simple Caution.
29. The 'cautioning officer' will be the most appropriate officer from the Council's Legal Service. The cautioning officer will not have taken an active part in investigating the case.
30. In most cases, should a person decline the offer of a Simple Caution we will prosecute.

APPEALS

31. If any person is unhappy with the action taken, or information or advice given, they will be given the opportunity of discussing the matter with the relevant manager. This does not affect the right of any aggrieved person to exercise their rights under formal or informal appeal process which might exist.

HOW WE WORK WITH YOU

32. Dissatisfaction with officers' actions, behaviour or decisions can be taken up with the Director of Planning, Housing and Environmental Health Services using the Council's formal complaints procedure which is available on the Council's website www.tmbc.gov.uk

WORKING WITH OTHER ORGANISATIONS

33. Where the Council and other enforcement organisations both have enforcement responsibilities, we will liaise with them to ensure effective co-ordination and to avoid inconsistencies. Such organisations include the Health and Safety Executive, and the Environment Agency.

MISCELLANEOUS

34. This Policy will be reviewed every three years or in response to legislative or operational changes.

Planning, Housing and Environmental Health Services
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ

Telephone: 01732 844522
Fax: 01732 841421
Email: envhlthsg.services@tmbc.gov.uk
Website: www.tmbc.gov.uk

References

The Code for Crown Prosecutors January 2013

https://www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf

Regulators' Code April 2014

<https://www.gov.uk/government/publications/regulators-code>

Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities April 2010 -

<http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

Legislative and Regulatory Reform Act 2006

Legislative and Regulatory Reform (Regulatory Functions) Order 2007 (as amended)

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

13 February 2018

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

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

CAR PARKING FEES AND CHARGES – OUTCOME OF PUBLIC CONSULTATION

Summary

This report considers objections and comments received during the statutory consultation period relating to the proposed off-street parking charges.

Introduction

- 1.1.1 At the November 2018 meeting of this Board, Members considered and approved a number of proposals to alter the parking charges. To enable the charges to be introduced a new off-street Traffic Regulation Order is required.
- 1.1.2 The statutory processes for making a Traffic Regulation Order require that the Council undertake a formal consultation on the proposed changes. The consultation was carried out between 5th January and 28th January 2018.

1.2 Consultation

- 1.2.1 As part of the consultation process, the following actions were progressed, inviting comments or objection;
- Notices were placed in each car park by each pay and display machine
 - Adverts were placed in the local media
 - Letters were sent to every Parish Council and to each Member of this Council
 - Letters were sent to all statutory consultees (Police, Fire, Bus operators etc.)

1.2.2 During the consultation period three responses were received.

- One from Platt Parish Council, commenting that increasing short-stay parking charges in the West Malling and Borough Green car parks would be to the disadvantage of their residents who had to travel to either town/village as the nearest shopping venue. The Parish Council also commented that it understood the need to balance the parking management of the car park and that consideration should be given to increasing parking charges as a deterrent to rail commuter parking
- One from a resident of West Malling, objecting to the increase and suggesting that the charges be reduced, and that a “1 hour free parking” period be introduced. The objector commented that he supported the extension of stay to allow parking for up to 4 hours.
- One from a person who runs a business in West Malling, indicating that increased charges would cause difficulties.

The redacted responses are attached at **Annex 1**.

1.2.3 After the consultation period ended, further correspondence was received from West Malling Parish Council. For completeness this also is included in **Annex 1**.

This correspondence included specific comments on the following areas;

- Opposed to the 10 pence an hour increase.
- Supports the introduction of the 4 hour stay for the short stay car park
- Opposed to the increase on the season tickets to the Ryarsh Lane car park

1.3 Consideration of objections

1.3.1 The Board considered the reasons and principles for the introduction of new charges at its November meeting, including the amendment of the charges in both Borough Green and West Malling.

1.3.2 The introduction and management of parking charges have proven effective in maintaining accessible short-stay parking in both the Borough Green and West Malling car parks, which in turn assists in improving the availability of spaces for short-stay shopping visits. The proposed increases in parking charges were considered to be realistic, took into account the nature of each town/village, and it was noted that parking charges had not been increased the previous year.

1.3.3 Taking the above into account, it is proposed that no changes are made to the proposed charges, and Members note and set aside the objections.

1.4 Risk Assessment

- 1.4.1 The estimated additional income for car parking is modelled on predicted future parking patterns and demand matching what currently takes place. It does not reflect any potential adverse customer reaction or the possibility of increased take up of the dual ticketing arrangement in Angel and Botany car parks.

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 Policy Considerations

- 1.6.1 Asset Management
- 1.6.2 Community
- 1.6.3 Customer Contact

1.7 Recommendations

- 1.7.1 It is recommended to Cabinet that it **APPROVE** the following actions to be taken prior to the parking charges coming into effect from 1st April 2018;
- 1) the objections to the increase in off-street parking charges, as detailed in the report be set aside.
 - 2) the appropriate Traffic Regulation Order be made to facilitate the variation of the off-street parking charges.

Background papers:

Annex 1 – Redacted consultation responses

contact: Andy Bracey
Parking Manager

Robert Styles

Director of Street Scene, Leisure & Technical Services

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Andy Bracey

From: Parking Office
Sent: 29 January 2018 09:27
To: Andy Bracey
Subject: FW: The Tonbridge & Malling Borough Council (Off-Street Parking Places) Order 2018

From: Pat Darby [REDACTED]
Sent: 27 January 2018 10:28
To: Parking Office <parking.Office@tmbc.gov.uk>
Cc: clerkplattpc@gmail.com
Subject: The Tonbridge & Malling Borough Council (Off-Street Parking Places) Order 2018

Dear Sirs,

Platt has no shops and the nearest shopping area is Borough Green and, to a certain extent West Malling. The bus services are so infrequent that residents have no choice but to use their cars and they are penalised by having to pay parking charges. It is important that people can shop for fresh food and that our local shops are supported, without them we have no local community. As these parking charges continue to rise more people take up free deliveries offered by the large supermarkets and these only add more traffic, often speeding and blocking of rural lanes for other traffic, and more pollution. For older residents, and those living on their own, visiting local facilities is a social event and very important. Whilst it is acknowledged that there is need to control the use of car parks it is important that we do not lose our local facilities which also means loss of employment and can also affect the independence of older residents. It should be borne in mind that our local facilities not only include a range of food shops including a butcher (rare these days) but a chemist, post office, dry cleaners, shoe repairers gift shop, hairdressers, chiroprapist, newsagent, pet store, hardware store (also rare), opticians, funeral directors, travel agents, carpet shop, car showroom, garden machinery outlet with repairs, takeaway facilities and coffee shops.

I am therefore writing to object to the increase in charges for short stay parking for at least up to two hours for the reasons above. However, the Parish Council appreciate that these facilities are abused by people, especially those using the train, and that every effort should be made to ensure that it is not financially beneficial for them to do this even to the point of charging more than the railway car park.

Yours faithfully,

Patricia A Darby
Chairman, Platt Parish Council

Andy Bracey

From: Parking Office
Sent: 29 January 2018 09:26
To: Andy Bracey
Subject: FW: TMBC (Off-Street Parking Places) Order 2018

-----Original Message-----

From: [REDACTED]
Sent: 28 January 2018 23:49
To: Parking Office <parking.Office@tmbc.gov.uk>
Subject: TMBC (Off-Street Parking Places) Order 2018

Dear Sir,

I wish to comment on the proposals for West Malling.

When Tonbridge and Malling decided to introduce charges in 2016, Cllr Nicholas Heslop was interviewed on Radio Kent when he said that the modest charges were needed to cover the costs of the car parks in West Malling, which he said amounted to £80,000 per year.

Information received from the Borough suggests that the income received from charging in the car park behind Tesco amounts to over £150,000 per year - far in excess of that needed. The result has been a reduction of about 25% in the number of cars using the car park and a reduced footfall and revenue for most of the shops in West Malling, making it more difficult to sustain our important market town. The West Malling GP's have described the introduction of charges as being disastrous for their patients and are in the process of selling their surgery premises and requiring some patients to go to Kings Hill or Leybourne for their medical services which will have a further detrimental effect on the town. Government policy is that market towns should enjoy free parking to enable them to remain viable.

I therefore feel that there is no case to increase charges, but they should instead be reduced to the level whereby the revenue so obtained equals the running costs as suggested by Cllr Heslop. Indeed, it is illegal to use revenue from car parking charges to support other services.

I welcome the proposal to enable a maximum length of stay of 4 hours, but only at the same rate per hour as stays for 2 and 3 hours. I would also request that a free period of up to 1 hour be included. I understand that the Borough have said that this is impractical as it would require constant attendance of traffic wardens. I would suggest that, as used to be the case, all drivers wishing to park be required to obtain and display a ticket, (on which is printed the expiry date and time) which would be free for those wishing to park for up to an hour, and at the agreed rate for stays up to 4 hours. It will then be a simple matter for traffic wardens to see if anyone has exceeded their stay without needing to be constantly in attendance.

Yours sincerely,

[REDACTED]

Sent from my iPad

Andy Bracey

From: West Malling Parish Council Clerk <clerk@westmallingspc.org>
Sent: 29 January 2018 13:10
To: Parking Office
Cc: Andy Bracey
Subject: FW: Parking charges

Good Afternoon,

Please find below a response to the parking charge consultation - I am not sure if it was also sent to yourselves directly? Apologies that it is late - it was sitting in my junk file.

Kind regards

Claire

Claire Christmas
Clerk to West Malling Parish Council
tel: 01732 870872
www.westmallingspc.org

Kent Rural Community of the Year

-----Original Message-----

From: [REDACTED]
Sent: 28 January 2018 10:59
To: clerk@westmallingspc.org
Subject: Parking charges

Dear Councillors, To increase the charges again is outrageous. To park for four hours it will be cheaper to drive to Bluewater. We are struggling so much in the high street for you to put the prices up again is suicide for us.

You need to come and talk to the people of west malling.

The long term parking has had a huge jump from £50 a year to £175. Still I have been on the list for 5 years for a permit and still not got one which seems hard. I have to park where I can and walking back late in the dark is not a nice thing for a woman to have to do.

Regards [REDACTED]
[REDACTED]

Claire Twinn

From: West Malling Parish Council Clerk <clerk@westmallingspc.org>
Sent: 29 January 2018 10:21
To: Parking Office
Cc: Andy Bracey
Subject: Off -street parking fees & charges consultation
Attachments: Off street parking fees consultation.doc

Dear Andy,

Please find attached WMPC comments regarding changes to the off –street parking fees & charges.

Kind regards

Claire

Claire Christmas
Clerk to West Malling Parish Council
tel: 01732 870872
www.westmallingspc.org

Kent Rural Community of the Year

WEST MALLING PARISH COUNCIL

9 High Street, West Malling, Kent ME19 6QH

Telephone: 01732 870872

email: clerk@westmallingpc.org

website: www.westmallingpc.org

Clerk to the Parish Council: Claire Christmas

Andy Bracey
Parking Manager
Tonbridge & Malling BC
Gibson Drive
Kings Hill
West Malling
ME19 4LZ

28th January 2018

Dear Andy,

RESPONSE TO TMBC PARKING CHARGES CONSULTATION.

In the town of West Malling, High Street car park

- an increase of 10 pence per hour (or part of) on each existing parking tariff

The Parish Council notes that in West Malling this is a higher rate of increase than CPI, RPI or average wage level increases and so opposes the level of increase.

- the introduction of a new £3.20 for a 4 hour tariff

The Council supports the reintroduction of a 4 hour parking period but remains concerned that it may be abused by workers in the town who are struggling to find alternative parking. We therefore urge the council to keep this issue under review.

We also believe the charge should be in line with other tariff periods (currently at 60p per hour).

Ryarsh Lane car park

- an increase of £25 (to £175) for 12 month car park season tickets

Although Chamber of Commerce members of the Liaison Group acknowledged that the existing rate is good value for money, they felt a rise of £25 was too great an increase, particularly bearing in mind that it is a permit system with no guarantee of a space.

We support these comments and urge the council to reduce this level of increase and support the Parish Council efforts to secure a dedicated business car park through the Local Plan process.

The Council reaffirms its opposition to charging in the High Street shoppers car park and continues to believe it is having a harmful effect on retail premises.

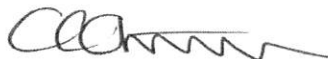
We refer you to a list of comments received from 26 of our shops by the TMBC/WMPC Parking Liaison Group at its last meeting to demonstrate this response.

The sums collected from WM car parks are far in excess of the running costs and a free first half hour or hour if affordable and should be implemented to attract small purchase daily shoppers back to the town.

We draw attention to the announced closure of the High Street GP Surgery to be replaced perhaps by a smaller premises, and the potential knock on effect on the pharmacy. A Senior Partner reported verbally to one of our members during 2017 that charges had proved 'disastrous' to the surgery. We currently have empty premises in Arundel house, the former Police Shop and former Swan Street cafe, and are aware the premises at 37 High Street is also on the market for a new tenant. The former cafe: restaurant the Fancy Goat has been converted of offices. That constitutes 10 per cent of our retail premises.

West Malling needs the support of the Borough Council in this issue to survive losses to online purchasing.

Yours sincerely,



Claire Christmas
Clerk to West Malling Parish Council

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

13 February 2018

Report of the Director of Planning, Housing & Environmental Health

Part 1- Public

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

1 FORMER JOCO PIT – LANDFILL GAS INVESTIGATION

SUMMARY

1.1 Since 1991 the Borough Council has been monitoring landfill gas levels at the former Joco Pit, which now comprises the residential area of Tolsey Mead and Eaglestone Close, Borough Green. In mid-2017 increased gas levels at one borehole were recorded which have not stabilised and further investigation is now needed to identify the level of risk.

1.2 Background

1.2.1 The site formerly known as Joco Pit is a closed landfill site which now consists of the residential roads Tolsey Mead and Eaglestone Close in Borough Green. The site lies to the north of Borough Green, on the east side of Wrotham Road. (See attached plan in Annex 1). The site was quarried for sand before accepting waste from approximately the 1960s to the early 1980s. Planning permission was granted in 1984 for the construction of 56 dwellings on the former pit. Site investigations at the time did not indicate any issues from landfill gas and the only remediation required was the provision of clean soils for the gardens.

1.2.2 The 1988 Town & Country Planning (General Development) Order introduced the requirement for the waste control authority (in this case Kent County Council) to be consulted in respect of proposed development on, or within, 250 metres of land which had been used for landfill in the preceding 30 years. This then led to a review of all landfills which had already been developed, including Joco Pit. In 1991 eight borehole monitoring points were installed across the site as well as two control boreholes off site, as part of a joint initiative between the Council and KCC. Surveys were also undertaken inside the residential properties. .,This investigation, whilst finding nothing inside properties, did find that the site was starting to produce landfill gas at low concentrations and although no formal documentation can now be found, it is assumed this was the reason for the continued monitoring.

1.3 Recent monitoring results

- 1.3.1 In June 2017 officers noticed concentrations of landfill gas noticeably higher than those recorded in recent years at one of the two remaining boreholes. Due to the random nature of results obtained from spot checks from those bore holes that remain on site, officers repeated the monitoring, to determine whether the original results were representative of current conditions. Concentrations did not fall as expected, but an increasing trend appeared.
- 1.3.2 In August the Council commissioned a review of the site, including planning history and monitoring data, from Leap Environmental Limited to determine whether this increasing trend in landfill gas concentrations, including Methane and Carbon Dioxide, at a single borehole posed a potential risk to residents.
- 1.3.3 The conclusions of Leap's desktop study state that further investigation is needed to establish whether there are potentially unacceptable risks from the perspective of Part 2A of the Environmental Protection Act 1990, relating to ground gases. Leap Environmental Limited have now been commissioned to advise and carry out works which include the drilling and monitoring of 8 additional boreholes, installed with continuous gas analysers to provide data for 1 month. The site will then be spot monitored weekly for a further 2 months and the data used to produce an up to date and adequate risk assessment for the site.
- 1.3.4 As gas is more likely to migrate to the surface during winter months due to frequent atmospheric low pressure systems, it was also recommended that to obtain a worst case scenario, this exercise be undertaken as soon as possible.
- 1.3.4 In December an internal steering group was convened, comprising officers from Environmental Protection Team, Media, Finance and Legal, as well as representatives of Leap, in order to ensure that all aspects of this project are fully considered and managed..

1.4 Current Progress

- 1.4.1 Following local member briefings in early January, letters were sent to all residents of Tolsey Mead and Eaglestone Close (Zone 1) on Wednesday 24 January (copy attached in Annex 2), advising of the problem and seeking permission to install a new boreholes. Letters were also sent to residents of 2-18a and 47a Annetts Hall (Zone 2), as those properties whilst not forming part of the Joco Pit site do sit directly adjacent to it (copy attached in Annex 3).
- 1.4.2 Coupled with the letters, a dedicated webpage with links to relevant documents including a FAQs page was also established at www.tmbc.gov.uk/formerjocopit A dedicated email address was also created for residents to contact officers directly at formerjocopit@tmbc.gov.uk

- 1.4.3 Officers also organised two drop in sessions to enable residents to ask questions of officers and Leap staff. These took place at Potters Mede, Wrotham Road on the evenings of Tuesday 30 January and Thursday 1 February.
- 1.4.4 At the time of writing the 30 January event has been held and was attended by residents from 10 different properties. All were naturally concerned but understood the need for the Council to carry out the further investigative works and several appeared agreeable to having a new borehole on their property. A further 16 residents have returned forms sent out with letters requesting permission to install a new borehole on their land, of which four were a positive response. Officers are therefore confident that sufficient sites for new boreholes can be found to move ahead as planned.
- 1.4.5 Following the identification of the eight new borehole locations it is planned to begin installation later this month with continuous monitors in place by the end of February and spot monitoring completed by the end of May. Officers will therefore report back to board with progress in the coming months.

1.5 Legal Implications

- 1.5.1 Part 2A of the Environmental Protection Act 1990 places a duty on all local councils to investigate where land in its area might have been contaminated because of the way it was used in the past or how it is currently used. The council then has to put any sites they find in order of priority based on the risk they might cause to human health or the wider environment. We have been doing this in line with our Contaminated Land Inspection Strategy.
- 1.5.2 Having identified a potential issue with landfill gas at this location, it is our duty to carry out further investigations. The initial intent of the further investigations is to demonstrate that there are no significant issues that can be reasonably identified, in which case no further action need be taken other than an appropriate regime of future monitoring. Should the study by our consultants demonstrate high levels of gas production from the site then we will then need to assess whether the gas is capable of entering homes, so further monitoring inside dwellings may be required.
- 1.5.3 On the conclusions of investigations and in the context of advice from our consultants and expert legal advice the Council will need to consider whether the site should be 'declared' under part 2A of the Contaminated Land regime and, if appropriate, develop a remedial strategy with homeowners.
- 1.5.4 The Board should be aware that specialist external legal advice has been commissioned to provide advice on the legislative context for the Council's involvement and in particular on the issue of liability of parties.

1.6 Financial and Value for Money Considerations

- 1.6.1 No provision for the cost of these investigative works is, or could reasonably have been, specifically included in the Council's budget and funds for this initial study have been found from reserves. Should it be necessary to extend the nature of investigations then additional funds will need to be identified in due course.
- 1.6.2 The Director of Planning Housing and Environmental Health has sought a waiver of the Councils Procurement Rules in line with Rule 13 of the Councils Contracts Procedure Rules due to the urgent nature of these works.
- 1.6.3 The company retained Leap Environmental Ltd have an excellent track record in assisting Local Authorities with contaminated land investigations and recently undertook work for Tunbridge Wells Borough Council at the former Halls site in Paddock Wood.

1.7 Risk Assessment

- 1.7.1 Part of the investigation into potential contaminated land required under Part 2A of the Environmental Protection Act 1990 includes the creation of a detailed risk assessment for the site. The purpose of these works is to obtain sufficient data for a valid risk assessment to be created.

1.8 Policy Considerations

This investigation is in line with the Councils Contaminated Land inspection strategy updated in 2016 which can be found online at <https://www.tmbc.gov.uk/services/environment-and-planning/pollution/pollution-control-contaminated-land>.

1.9 Recommendations

- 1.9.1 It is **RECOMMENDED** that Cabinet **ENDORSE** the approach taken by Officers in order to begin investigations into this matter in a swift and timely manner.

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

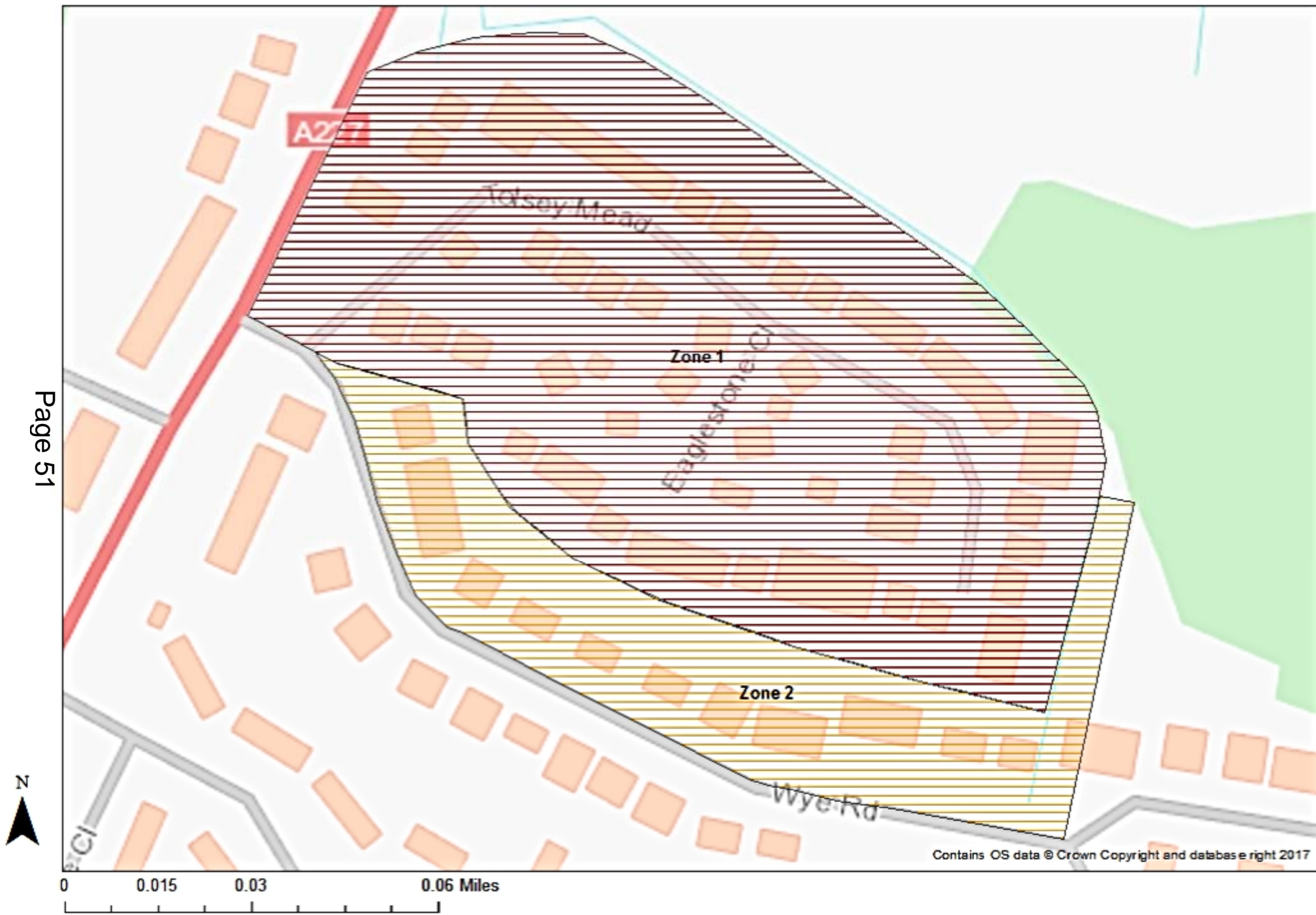
Background papers:

Nil

contact: Jane Heeley
Crispin Kennard

Steve Humphrey
Director of Planning, Housing and Environmental Health

Joco Pit Site Zones



0 0.015 0.03 0.06 Miles

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Contact	Crispin Kennard
Email	formerjocopit@tmbc.gov.uk
Your ref.	
Our ref.	PHEH/EP/JocoPit/Zone 1
Date	

Dear

**Environmental Protection Act 1990 Part2A
Investigation into landfill gas on the former Joco Pit landfill now comprising Tolsey
Mead and Eaglestone Close**

I am writing to tell you about some works that the Council needs to carry out as part of its ongoing monitoring of landfill gas on the former Joco Pit landfill, now comprising Tolsey Mead and Eaglestone Close.

Since 1991 the Council has been monitoring the former Joco Pit landfill site for the landfill gases Methane and Carbon Dioxide. Although gas has been found historically, recently one of the boreholes has shown an apparent increase in levels, whilst the other nearby has remained at a consistent level.

To investigate this further the Council appointed Leap Environmental Ltd to carry out a desk top study to ascertain the level of risk associated with this change. Unfortunately because only two of the original monitoring boreholes remain functional across the site there is insufficient data to create an adequate risk assessment. This means that we now have to investigate further. We will be installing eight new boreholes across the site and carrying out more monitoring as a precautionary measure, to collect additional data and ensure an adequate risk assessment is created. Leap Environmental has also been appointed to carry out this additional work.

As your house is within the area of the former Joco Pit site, we need to carry out the investigations around where you live. A plan showing the area is available to download from the web page below.

Gibson Building, Gibson Drive, Kings Hill,
West Malling, Kent ME19 4LZ

Director of Planning, Housing & Environmental Health:
Steve Humphrey (MRTPI)

Have you tried
contacting us at
[www.tmbc.gov.uk/
do-it-online?](http://www.tmbc.gov.uk/do-it-online?)

We need to identify 8 locations where boreholes will be installed and I would be grateful if you would give the Council permission to put a borehole in your front garden. The hole would not be large, and would be about the width of a drainpipe. At the same time as installing the borehole we will take some soil samples for laboratory testing. The more locations we have to choose from the better and quicker our investigation will be. I have included a form which I would be a grateful if you could fill in and send back to me letting me know if you are agreeable to having a borehole in your front garden.

If you agree to a borehole, and your property is chosen, a continuous gas monitoring instrument will be placed on top of the borehole for a period of one month. The instrument is located within a locked metal cylinder which is approximately 30cm in diameter and 1.3m high. After the first month the continuous monitor will be replaced with a flush fitting cover similar in size to a water stop cock cover will be put in place and spot monitoring will begin on a weekly basis for a further 2 month period. While Leap Environmental will be carrying out these works, Council officers will also be in attendance frequently on site.

Data obtained from this exercise will enable a suitable risk assessment to be created and enable the Council to make a decision as to whether or not further investigation and/or remedial work is required.

We are sure that you will have a lot of questions and concerns and to help answer these we have put a list of frequently asked questions on the web page below to help you. If you don't find the answer to your question there is also a dedicated email address you can use to send us other questions/queries and we do our best to answer them. Please email formerjocopit@tmbc.gov.uk. To allow us to respond to all enquiries as quickly as possible please use this email to talk to us.

We have arranged for Council Officers and representatives of Leap Environmental to be available at drop in sessions at Potters Mede pavilion on Wrotham Road where you can talk to us and ask us questions. Please come along on either **30 January between 6pm and 8pm or 1 February between 7pm and 9pm**.

We have also been in contact with your local Ward Councillors and with the Parish Council so that they are fully aware of what we are doing.

We know that this may be a worrying time for you and we will do our best to get the work done as quickly as we can. We will use a dedicated webpage to keep you up to date. Please access www.tmbc.gov.uk/services/environment-and-planning/pollution/pollution-control-contaminated-land/formerjocopit

You can also download all the finalised project documents and reports from the same page.

Yours faithfully

Crispin Kennard
Environmental Protection Team Manager

Permission to place a borehole in garden

I am happy for you put a borehole in my garden.

I do not want you to put a borehole in my garden.

Address of property concerned.

.....
.....
.....
.....
.....

Relationship to property

Owner

Occupier

My Contact details:

Name:

Address:

.....

.....

.....

Contact number:

Email address:

Signed:

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www.tmbc.gov.uk

www.tmbc.gov.uk/noiseandpollution

Environmental.protection@tmbc.gov.uk

Contact	Crispin Kennard
Email	formerjocopit@tmbc.gov.uk
Your ref.	
Our ref.	PHEH/EP/JocoPit/Zone 2
Date	

Dear

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Investigation into landfill gas on the former Joco Pit landfill now comprising Tolsey
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As your house is not within the site where the actual landfill material was understood to have been placed, the initial physical investigation should not affect you. However as

Gibson Building, Gibson Drive, Kings Hill,
West Malling, Kent ME19 4LZ

Director of Planning, Housing & Environmental Health:
Steve Humphrey (MRTPI)

Have you tried
contacting us at
[www.tmbc.gov.uk/
do-it-online?](http://www.tmbc.gov.uk/do-it-online?)

your property is directly adjacent to the site we want to make you aware of the situation, as there may be implications should works identify that gas could be migrating across the site and further investigation or remedial works are required. A plan showing the area is available to download from the web page below.

We are sure that you will have a lot of questions and concerns and to help answer these we have put a list of frequently asked questions on the web page below to help you. If you don't find the answer to your question there is also a dedicated email address you can use to send us other questions/queries and we do our best to answer them. Please email formerjocopit@tmbc.gov.uk. To allow us to respond to all enquiries as quickly as possible please use this email to talk to us.

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You can also download all the finalised project documents and reports from the same page.

Yours faithfully

Crispin Kennard
Environmental Protection Team Manager

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

13 February 2018

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

Part 1- Public

Matters for Information

1 'REGULATING OUR FUTURE'- PROPOSED CHANGES TO THE DELIVERY OF FOOD SAFETY REGULATION BY THE FOOD STANDARDS AGENCY

SUMMARY

1.1 Since February 2016 the Food Standards Agency (FSA) has been consulting with consumers, food business and other stakeholders to develop their future approach to food regulation in England. By 2020 they plan to deliver a new regulatory model for food safety. This report outlines the new proposals.

1.2 Background

1.2.1 The existing approach to regulating the food industry has been in place for more than 30 years. The existing 'one size fits all' approach to regulating food businesses is ill-suited to the diverse nature of the industry. The current regulatory approach does not allow the FSA to have a complete picture of all food businesses and the risks they pose.

1.2.2 The new regulatory system is based on widespread agreement with stakeholders around five principles:

- i. Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate this.
- ii. FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses.
- iii. Regulators should take account of all available sources of information.
- iv. Businesses that do the right thing for consumers should be recognised and supported; action will be taken against those that do not.
- v. Businesses should meet the costs of regulation, which should be no more than they need to be.

1.3 The proposed model

- 1.3.1 The first element of the new model is helping new businesses understand their responsibilities for producing safe food.
- 1.3.2 The ideal outcome is to have a Permit to Trade requirement placed on all food businesses, to capture new businesses before they start selling food and help them set off on the right path. This would require new legislation and may take several years, so in the meantime an enhanced food registration system will be introduced. This aims to secure better information on which to identify and manage risk across the food chain.
- 1.3.3 The second theme is segmentation. This means introducing a new risk management framework that will determine the nature, frequency and intensity of controls that food businesses will be subject to. This framework will be based on wider information about the business, including information gathered at the point of registration and from other sources.
- 1.3.4 For some businesses the risk will be sufficiently low that they do not merit inspection. For others, inspection could be more rigorous than they have previously experienced.
- 1.3.5 Businesses will be given more options to prove that they are doing the right thing. Many businesses invest heavily in internal processes that provide them with data that they are managing food safety risks. Where these processes are robust and meet the standards, there will be a reduction in the amount of checks and inspections that local authorities are required to carry out, giving more opportunities to spend time on business support.. The inspection frequency will be determined by the quality of the information a business shares and how good their past performance has been. Primary Authority relationships will be key to this approach. Good responsible, compliant businesses will face less regulatory burden.
- 1.3.6 Intervening when things are not right is the forth element of the scheme. Using a wider range of assurance sources will free up capacity within local authorities to support new businesses, take appropriate and timely action against non-compliant businesses. Officers will continue to undertake a full range of interventions at businesses that do not have formal, recognised assurance systems.
- 1.3.7 The final element is the FSA's surveillance role. Having an oversight of the whole system, understanding businesses and anticipating risk will make it much easier to spot when problems arise, enabling local authorities to react quickly to emerging issues..

1.4 Legal Implications

- 1.4.1 The FSA and local authorities are considered to be the Competent Authorities for food safety enforcement in the UK. The changes outlined by the FSA are likely to be incorporate into a revision to the Food Law Code of Practice issued under Section 40(1) of the Food Safety Act 1990.

1.5 Financial and Value for Money Considerations

- 1.5.1 A new funding model will be introduced to enable cost recovery. This will involve a transparent charging regime. The businesses that require the most intervention will bear the highest costs. It is anticipated that the new delivery model will be met from current resources.

1.6 Risk Assessment

- 1.6.1 This programme of transformation is not intended to result in a reduction in local authority funding to deliver this key public protection activity. The planned changes, will lead, over time, to a different balance of activities at local authority level.

Background papers:

Nil

contact: Jane Heeley
Melanie Henbest

Steve Humphrey
Director of Planning, Housing and Environmental Health

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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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