



Public Document Pack
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

19 February 2014

To: MEMBERS OF THE LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Local Environmental Management Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 3rd March, 2014 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for absence
2. Declarations of interest

3. Minutes

To confirm as a correct record the Notes of the meeting of Local Environmental Management Advisory Board held on Tuesday, 26 November 2013

Matters for recommendation to the Cabinet

- | | | |
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| 4. | Waste Electrical and Electronic Equipment (WEEE) Recycling | 5 - 8 |
| 5. | Street Scene Action Plan 2014/15 | 9 - 14 |
| 6. | Tonbridge Odour Update | 15 - 24 |

Matters submitted for Information

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| 7. | Where Does Our Recycling Go? | 25 - 28 |
| 8. | Waste Services Update | 29 - 32 |
| 9. | Environmental Protection Team Update | 33 - 36 |
| 10. | Food and Safety Team Update | 37 - 40 |
| 11. | External Consultations | 41 - 42 |
| 12. | Service of Statutory Notices | 43 - 46 |
| 13. | Prosecutions | 47 - 52 |
| 14. | Urgent Items | |

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

15. Exclusion of Press and Public

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

16. Urgent Items

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 S M King (Vice-Chairman)

Cllr Ms J A Atkinson
Cllr Ms V M C Branson
Cllr C Brown
Cllr F R D Chartres
Cllr R W Dalton
Cllr T Edmondston-Low

Cllr Mrs E M Holland
Cllr Mrs F A Kemp
Cllr Miss A Moloney
Cllr Mrs A S Oakley
Cllr D J Trice

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

3 March 2014

Report of the Director of Street Scene & Leisure and the Cabinet Member for Environmental Services

Part 1- Public

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

1 WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) RECYCLING

Summary

The report updates Members on the Council's WEEE recycling pilot and recommends that the initiative be extended to the end of June 2014 to permit evaluation of new collection arrangements.

1.1 Background

1.1.1 The Council provides a Saturday Household Bulky Collection at 63 community sites across the borough over a four week cycle each month. A refuse freighter attends each site for an hour so that residents can dispose of bulky and any additional waste. The service has been in place for many years and is extremely popular with residents.

1.1.2 There have always been certain items that could not be taken by this service ie liquids, builders waste, fridges, tyres, etc. In recent years these exemptions were increased when new regulations required the separate collection of WEEE ie tvs, computers and a range of electrical equipment. This has meant that residents have had to make other arrangements to dispose of these materials.

1.2 WEEE Pilot Scheme

1.2.1 We have previously reported to the Board on a pilot collection scheme for WEEE which has been delivered alongside our weekend bulky collection service. This opportunity arose following an approach by Light Brothers, a waste company with a depot in Aylesford, who specialised in the collection and processing of WEEE and scrap metal.

1.2.2 The pilot commenced in November 2012 and was due to complete in March 2014. The arrangements with Light Brothers were that the service would be provided at no cost to the Council as the value of material collected covered the contractor's costs. In addition, we were able to claim recycling credits from KCC for the waste

diverted from them for recycling. The additional recycling tonnage also increased our recycling performance.

1.2.3 During the autumn of 2013 Officer meetings with Managers from Light Brothers identified a number of problems. The key issues were:

- the contractor's depot at Aylesford closed with its main activities directed to its plant at Lewes, East Sussex
- the relocation by the contractor significantly increased its haulage costs
- whilst the pilot was well supported by residents tonnages collected were not as high as Light Brothers expected thereby reducing their income, and
- market prices for the sale of precious metals recovered from WEEE and general scrap metal prices fell.

1.2.4 Discussions in September with Light Brothers identified the need for the Council to contribute towards its costs in order to complete the pilot. Further discussions in January saw Light Brothers costs rise again significantly.

1.2.5 The 'significant' costs incurred by Light Brothers necessitated a rethink as to how the pilot could be completed. Discussions with Veolia identified an option which would allow the completion of the pilot by them. This option has resulted in Veolia providing vehicles to collect WEEE at a competitive price determined by reference to our existing Bill of Quantities.

1.2.6 The new arrangements were introduced on 1 February 2014 and inspections by Officers has shown that the service is being delivered well. However, Veolia's Contract Manager would like the opportunity to see how the service fluctuates and develops over coming months, in order that he can be confident of providing the service into the future. Arrangements have been made for Veolia to dispose of collected WEEE and scrap metal at a KCC disposal site. A consequence of this is that no recycling credits are paid by KCC as material has not been diverted away from them.

1.2.7 We are of the view that it would be wise to extend the pilot for a further three months until 28 June 2014, to ensure that our evaluation, and that of Veolia's management, is completed. We need to be able to set out and consider financial and operational matters to inform the potential future delivery of this service. We would also want to explore any operational improvements, which could reduce the cost and efficiency of any ongoing service.

1.3 Legal Implications

1.3.1 None.

1.4 Financial and Value for Money Considerations

1.4.1 It was envisaged from the onset of the pilot that the service would be self-financing. Our experience over the latter part of 2013 has shown that the service has incurred costs, although the majority of these were offset by recycling credit income in 2013/14. The extension of the pilot to the end of June 2014 will incur an additional cost of £4,740 which will be funded using the Waste & Street Scene Reserve Fund.

1.4.2 We set out an overview of the financial position below:

<u>Light Brothers</u>	£
November 2012 – August 2013	No charge
September – 2013 – 11 January 2014	4,500
18 and 25 January 2014	<u>2,100</u>
	6,600
<u>Veolia</u>	
Collections 1 February to 29 March	<u>3,160</u>
Total service cost	9,760
<u>Income</u>	
Recycling credits	9,081
Net cost of pilot 2013/14	<u><u>679</u></u>
Veolia collection April – June 2014	<u><u>4740</u></u>

1.5 Risk Assessment

1.5.1 This initiative is a pilot and will be the subject of a full financial and operational review and evaluation to inform the sustainability and continuation of the service post June 2014.

1.6 Equality Impact Assessment

1.6.1 See 'Screening for equality impacts' table at end of report.

1.7 Recommendations

1.7.1 It is **RECOMMENDED THAT CABINET**

- 1) **NOTE** the changes to the WEEE Recycling Pilot as detailed in the report
- 2) **ENDORSE** the appointment of Veolia as the provider of the WEEE recycling service to 28 June 2014, and
- 3) request the Director of Street Scene & Leisure to report the findings of his review of the WEEE Recycling Pilot to the next meeting of this Board.

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

Background papers:

contact: Phil Beddoes

Nil

Robert Styles
Director of Street Scene & Leisure

Owen Baldock
Cabinet Member for Environmental Services

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The decisions do not impact on any of the equality groups.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	All groups will be treated equally.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

3 March 2014

Report of the Director of Street Scene & Leisure and the Cabinet Member for Environmental Services

Part 1- Public

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

1 STREET SCENE ACTION PLAN 2014/15

Summary

The report provides details of proposed street scene initiatives planned for 2014/15.

1.1 Background

1.1.1 The appearance of our streets continues to be of great importance to our residents. Consequently, one of the Council's Key Improvement Priorities is to provide

“a clean, smart, well-maintained and sustainable Borough”

1.1.2 Street Scene is a “cross-cutting” theme with actions impacting on a range of services involving a number of external partners, for example, Kent Highway Services, Police, Housing Associations, Environment Agency, etc.

1.1.3 The draft Street Scene Action Plan for 2014/15 [**Annex 1**] builds on our previous activities and successes.

1.2 Legal Implications

1.2.1 None.

1.3 Financial and Value for Money Considerations

1.3.1 Improvement actions included in the Street Scene Action Plan are funded within service budgets or those of partner organisations. We continue to explore opportunities for third party funding to supplement budget provision.

1.4 Risk Assessment

- 1.4.1 Ongoing improvements to Street Scene improves the perception of places people live, work and play.

1.5 Equality Impact Assessment

- 1.5.1 See 'Screening for equality impacts' table at end of report

1.6 Recommendation

- 1.6.1 It is **RECOMMENDED THAT CABINET APPROVE** the Street Scene Action Plan 2014/15 as detailed in [**Annex 1**] of this report.

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

Background papers:

contact: Phil Beddoes

Nil

Robert Styles
Director of Street Scene & Leisure

Owen Baldock
Cabinet Member for Environmental Services

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The decisions do not impact on any of the equality groups.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	All groups will be treated equally.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

STREET SCENE ACTION PLAN 2014/15

WHAT WE WANT TO DO	LEAD OFFICERS	KEY ACTIONS	PROGRESS UPDATE
Reduce littering in the borough.	PAB	<ul style="list-style-type: none"> • Encourage and facilitate parish councils involvement in 'Love Where You Live' initiatives. • Develop and implement a dynamic litter enforcement programme which tackles areas of concern. • Assist Community Groups to introduce Voluntary Litter Codes. • Refresh the Street Monitors Scheme. • Participate in the Kent Resource Partnerships Spring Clean Kent Month initiative. 	
Reduce Fly Tipping	PAB	<ul style="list-style-type: none"> • Work with Police colleagues to catch and disrupt persons engaged in fly tipping • Focus resources on known hot spot areas. • Prosecute offenders when evidence is appropriate. 	
Run multi-agency operations to target 'hot spot' areas.	AF	<ul style="list-style-type: none"> • With key partners undertake Environmental Visual Audits in areas known to have significant street scene issues. 	
Work with the appropriate Community Rehabilitation Company to fully utilise the Community Payback Scheme.	AF	<ul style="list-style-type: none"> • Target resources inline with both TMBC and CRC priorities. 	
Youth Forum	DL	<ul style="list-style-type: none"> • Engage the Forum in identifying opportunities and projects to improve the street scene environment. 	"fixers" project to create new mobile App being finalised.

WHAT WE WANT TO DO	LEAD OFFICERS	KEY ACTIONS	PROGRESS UPDATE
Improving Street Clutter – Tonbridge Centre	AE	<ul style="list-style-type: none"> Progress schedule of works and carry out targeted street scene improvements. Work with KHS to secure appropriate and well maintained street scene. 	Works are progressing on- site completion by Summer 2014.
Borough wide – Improvement Programme for Existing Car Parks	AE	<ul style="list-style-type: none"> Identify potential car parks for improvement, to include surfacing, white lining, lighting and signage. Progress a schedule of works to improve car parks. 	The car park works are programmed and form part of a rolling schedule for the next few months.
Town Lock Enhancement Scheme	SDM	<ul style="list-style-type: none"> Complete detailed design. Procure services etc. Construct summer 2014. 	
St Phillips Church, Tonbridge	DL	<ul style="list-style-type: none"> In partnership with the Church, create a new community garden/play area in consultation with local residents. 	Installation of the new toddler area due in Spring 2014.
Conservation and Improvement of the Built Environment	LJP	<ul style="list-style-type: none"> Implement the Character Area Appraisals Supplementary Planning Document. 	Opportunities pursued when presented via planning applications.
Tonbridge Racecourse Sportsground	DL	<ul style="list-style-type: none"> Investigate drainage options in liaison with the Environment Agency. 	
Tonbridge Farm Sportsground	DL	<ul style="list-style-type: none"> Investigate the provision of public toilet facilities where not already provided. 	Liaison taking place with Tonbridge Angels Football Club.
Country Parks	DL	<ul style="list-style-type: none"> Investigate opportunities to link in with KCC's Explore Kent App. 	

WHAT WE WANT TO DO	LEAD OFFICERS	KEY ACTIONS	PROGRESS UPDATE
Tonbridge Memorial Garden	DL	<ul style="list-style-type: none"> Refurbish Memorial Garden 	Project currently out to tender. Completion by late summer 2014.
Haysden Country Park	DL	<ul style="list-style-type: none"> Develop a site specific Management Plan in accordance with the Green Flag standards. 	
Taddington Valley	DL	<ul style="list-style-type: none"> Engagement of volunteers to assist with site management including, litter clearance and woodland management. 	
Improve the appearance of the councils recycling bring sites	PAB	<ul style="list-style-type: none"> Produce and implement a refurbishment programme including provision at sites of new information boards, direction signs and replace old containers. 	

Key to Lead Officers:

PAB: Phil Beddoes
 DG: Denis Gardner
 AF: Alison Finch
 SDM: Steve Medlock
 AE: Andy Edwards
 DL: Darren Lanes
 LJP: Lindsay Pearson

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

03 March 2014

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 TONBRIDGE ODOUR UPDATE

Summary

This report provides an update on the continuing issue of odour emissions in Tonbridge and specifically reports on the progress that has been made since the previous Board meeting in November 2013.

1.1 Background

1.1.1 My report to the last Board meeting outlined in detail the situation regarding odour emissions from Drytec, including complaint history and trends, the Council's regulatory position and the wider landscape involving other agencies.

1.1.2 At that meeting two actions were recommended to Cabinet:

- The establishment of a multi-agency liaison group.
- Fixing of a firm timetable of works relating to improvements to the company's odour abatement equipment be agreed between Drytec and officers.

Progress on both matters is described in this report.

1.2 Liaison group

1.2.1 The first meeting of the Liaison group took place at K College on the 5 February; the minutes are attached at **[Annex 1]**. Membership of the Group comprised Drytec Managing Director and Site Manager; Councillors Mark Davis (Chairman), Councillors Owen Baldock and Sarah Spence; three members of the "Stop Tonbridge Smells" Action Group, a representative of the Environment Agency and Borough Council officers. Apologies were received from Public Health England and the Health and Safety Executive.

1.2.2 A significant output from the meeting was that the Drytec Managing Director provided a firm commitment to installing bespoke odour abatement equipment in

the form of a “Regenerative Thermal Oxidiser (RTO) and a timetable for its installation and commissioning. The equipment operates by burning off odorous chemicals at high temperatures prior to waste gases being emitted from the stack. This major investment will inevitably involve extensive works to the plant, including the potential removal of one of the stacks.

1.2.3 We understand that the equipment is being manufactured in the USA by a sister company, where similar technology is currently being used to good effect and with minimal complaints, i.e. approximately two per annum. We will naturally be seeking formal confirmation of this and we have asked to be provided with specification details.

1.2.4 The timetable for the installation and commissioning of the new equipment is as follows:

- Drytec is currently finalising the technical specifications for the RTO.
- Manufacture of the equipment will take place in the next few weeks.
- Shipping to the UK and installation will take place in late March/early April.
- The equipment will be commissioned during April and be fully operational in May.

1.2.5 Whilst we are reassured by this statement of intent from Drytec, it is essential that we are given the opportunity to scrutinise the technical specifications and planned maintenance programme of the plant and have requested that Drytec provide these as a matter of priority. It is intended to use specialist consultants to make a detailed assessment of the suitability of this plant in abating the Company’s odour emissions.

1.2.6 A number of other actions were agreed at the meeting which included the following:

- Officers working with residents to review our approach to continued monitoring.
- The Environment Agency site visit report will be shared with the Liaison Group;
- Drytec will review production scheduling, with a view to minimising odour emissions during evenings and weekends prior to the installation of the new odour abatement plant;
- Drytec will review housekeeping and working practices that were raised and report back to the next meeting of the group in late March.

1.3 Legal Implications

- 1.3.1 The legal situation in respect of statutory nuisance was explained in detail in the November report. The situation remains that the Borough Council recognises the annoyance and distress caused to residents by these emissions and is fully committed to undertaking ongoing investigations, including the establishment of a refined approach to monitoring. It is our intention that these will run in parallel with the installation of the new abatement equipment.
- 1.3.2 Should these investigations, at any point, meet the appropriate evidential tests for statutory nuisance, along with legal opinion that we are in a position to successfully challenge a “best practicable means” defence, full consideration will be given to the commencement of formal action.
- 1.3.3 However, we were encouraged by the progress made at the initial meeting of the Liaison group and are optimistic that this will provide a productive forum for achieving the improvements that all stakeholders are seeking.

1.4 Financial and Value for Money Considerations

- 1.4.1 It is anticipated that costs in the region of £5,000 associated with the evaluation of technical information relating to the proposed plant will be incurred.

1.5 Risk Assessment

- 1.5.1 Consistent with our recommended approach in the previous report and the points made earlier in this report we will continue, through dialogue, to seek to ensure that the timetable of commitments made to the Liaison group are adhered to.
- 1.5.2 Both the Environment Agency and Public Health England have been helpful in addressing the wider concerns of residents, which fall outside the regulatory remit of the Environmental Protection Team.

1.6 Equality Impact Assessment

- 1.6.1 See “screening for equality impacts” table at the end of this report.

1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** that the Cabinet **ENDORSE**:
- 1) The minutes of the Liaison group; and
 - 2) The on-going approach of officers to ultimately resolve the current situation.

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
Jacqui Rands

Nil

Steve Humphrey
Director of Planning, Housing and Environmental Health

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The work described does not have the potential to impact or discriminate against different groups.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	The work described in this report is primarily concerned with a regulatory duty on officers to investigate complaints of potential statutory nuisance.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

MINUTES OF THE DRYTEC LIAISON GROUP MEETING
HELD ON WEDNESDAY, 5 FEBRUARY 2014 AT K-COLLEGE

Attendees:

Cllr Mark Davis ((MD) - TMBC
Cllr Owen Baldock (OB) - TMBC
Cllr Sarah Spence (SS) - TMBC
George Niklas (GN) - Resident
Francis Pearce (FP) - Resident
Howard Porter (HP) - Resident

Steve Humphrey (SH) - TMBC
Jane Heeley (JH) - TMBC
Jacqui Rands (JR) - TMBC
Mike Kirby (MK) - Drytec
Trevor Allan (TA) - Drytec
Joanne Wines (JW) - Environment Agency

1. Welcome and Introductions- Cllr Mark Davis

Members of the group introduced themselves

FP reiterated that at the last Environmental Management Advisory Board meeting MD stated that the odours and emissions from Drytec were "a nuisance" and that OB had gone on the public record stating that Drytec odours and emissions were "an irritation". Cllr Davis pointed out however that his use of the word had been in ordinary use of language rather than the legal term "statutory nuisance" and this was accepted.

2. Role and Objectives of the Liaison Group

The objectives which had previously been prepared were circulated.

MD paraphrased the Aims and Objectives and confirmed that this group has been formed following the report to Local Environmental Advisory Board (LEMAB) in November 2013.

FP asked if the minutes from the meeting would be available for circulation to all, including the Stop Drytec Smells Group. All agreed they would be.

FP advised that the aim of Stop Drytec Smells Group is to establish a firm timetable to stop smells. He sought clarification that this aim could be agreed by the group. MD advised that whilst that aim should be pursued, the Liaison Group itself cannot confirm a firm timetable and is dependent on Drytec to a large degree. The Liaison Group needed to hear what Drytec say and be conscious of legal framework.

All agreed that the common aim of the group was to stop the smell in an adequate timeframe.

3. Review of complaints and trial 2013 – JH/ Stop Drytec Smells Group.

JH summarised the complaint history, including during the trial period between May and September 2013. FP asked for clarification of the complaint numbers over the last few

years. For January 2014 the figures were 57 complaints. The overall trend of the complaints has significantly increased over the last three years.

JH confirmed that until 2/3years ago the smell had been sporadic with periods of intense complaints and then nothing for 2/3 months. However the picture is changing, complaints are becoming less sporadic and are now much more frequent. The source of the odour had been confirmed as Drytec related about 12 months ago.

GN advised that he has documentation from TMBC, going back 7 years, and which clearly shows that the source of the odour was attributed to Drytec.

JH advised that to meet evidential tests the Council had needed to be certain it was Drytec. There were occasions when production did not match the smell and complaints were received when Drytec not producing. There had not been evidential certainty that the odours perceived by residents were emanating from Drytec until relatively recently.

GN described how the odour has affected people and Tonbridge for years. The involvement of Social Media platforms has seen the number of contacts to the Stop Drytec Smells group mushroom.

MK stated he did not dispute the impact the Drytec smells have on local residents and agreed the current situation was not sustainable.

HP enquired about other potential sources – due to the mismatch of smells with production issue.

JH confirmed they have now been eliminated from these investigations

SS advised that she had noticed an increase in the occurrences of odour during her residence in Tonbridge from 2005- 2013.

4. Operational overview and timetable for upgrading odour abatement equipment – MK.

MK – gave a presentation. MK stated that Drytec produced a large range of products on a Contract Manufacturing Basis for many customers. Products include food flavours, nutritional supplements and pharmaceutical excipients. MK stated that they could manufacture three products simultaneously. Production had recently increased and that they had taken on six new staff in 2013.

The outcome of MK's presentation was to detail a timetable outlining the proposed installation of new odour abatement equipment (Recuperative Thermal Oxidiser (RTO))on the following timetable:

- Fabrication of new RTO plant to commence in February 2014
- RTO Plant to be shipped to UK in March 2014
- RTO Plant to be commissioned in April 2014
- RTO to be fully operational by May 2014

HP asked if MK had confidence in the proposed system. MK explained that there is an automatic \$500.00 fine in the USA for causing an odour – there had been only 2 odour complaints last year from their sister site, which uses the same technology to abate odours. MK stated that he wouldn't invest his own money in a system that didn't work.

TA and MK confirmed that the factory in USA produces same products as Drytec.

JH asked that the technical specification be shared with TMBC at the earliest stage, MK agreed to share all information with TMBC and the Liaison Group.

HP asked if there was any issue if a change to the products manufactured by Drytec occurred. MK confirmed that it would be satisfactory on a 90-95% confidence basis.

FP asked about the Strobic Air option and MK explained that it involves locating an additional fan in the stack which increases the height at which the exhaust gases are discharged, without removing the odours. In essence it increases the stack height, however, it would still discharge below the top floor of the new flats opposite Drytec and MK felt this would be problematical.

HP asked if the RTO was a new invention. MK stated that the RTO was not new equipment. HP asked if the RTO wasn't new equipment why hadn't Drytec invested in this equipment before. MK stated that in the past Drytec did not have the money to invest in the equipment.

MK reaffirmed his agreement to share all information with TMBC including the technical specification and the critical path for the project.

FP appreciated MK being there. SDS group want people to come to Tonbridge they do not want the smell to drive people out of town. Equally they do not want to drive Drytec out of Tonbridge but just want the smells to stop.

Over 3 weekends outside Waitrose the STS campaign have collected 1000 signatures from people raising a range of concerns.

SH appreciated that there is a reputational issue for Tonbridge, TMBC and Drytec. There was also an important community dimension as well as the practical effect of the odour.

GN informed those present that Ward Homes were now very aware of the Drytec problem and its effect on Tonbridge and in particular the Blossom Bank development. SH agreed and added that he knew Ward Homes were aware of this issue.

All members of the Liaison Group have broadly the same aim.

Further concerns were raised by the local residents in addition to the odour issue:

- have any contaminants reached the River or drainage systems?
- The recent local floods – do Drytec have working procedures to address these issues – are they rehearsed?

- The drums on the forecourt indicate that some of the substances used are hazardous, combustible and harmful to fish – do these substances get washed into drains?
- a stainless steel tank caked in white powder has been seen outside factory adjacent to a drain. What happens if it rains? TA advised that the white powder is 'Reference washing powder'
- poor housekeeping at the site.
- Concern over working practices, storage of hazardous chemicals. Did the recent floods in that area (next to river).endanger the Aquatic life?
- residents had visited the site at night and seen doors open. How is the night working policed?
- Door Policy – to keep the doors closed when not in use
- Waste Collection – controlled and disposed in the statutory manner as this is Hazardous Waste, and needs to be more frequent.
- Materials, Equipment and Waste should not be stored or cleaned outside.
- Solvents present in the emissions - MK was not aware **of** solvents in current or in future emissions but has undertaken to research and report back.
- Concerns about drums and raw materials stored in shipping containers next to the river.

TA confirmed that:

- Drytec had never discharge into river.
- Employees have had spill kit training. Drain covers are tight fitting and secure.
- Work within necessary permits limits for discharges off site.
- Flooding – drums were stored off the ground.

In any event MK undertook to review working and related practices at the site and report back to the Group.

5. Report from the Environment Agency.

JW confirmed that the EA do not regulate Drytec directly.

However a routine Pollution Prevention Control visit was made to the site in July 2013 and at the time nothing untoward was noted. JW said she would be happy to share a copy of the visit report the group.

JW confirmed there have been no reports of pollution into river from Drytec.

JW agreed to see if there had been any testing of the water in the vicinity

6. Report from Public Health England (PHE).

JR read the following statement from PHE:

“PHE is an executive agency of the Department of Health with responsibilities to provide advice to support the protection of the public’s health. Scientists from PHE have supplied advice to the local authority on monitoring emissions from the site and have conducted a site visit. PHE will continue to assist the local authority where possible and support the council’s investigation of the odour as a nuisance issue”.

7. A.O.B

FP asked if the RTO doesn’t work, what’s Plan B? TA said it is proven technology within a highly regulated environment in USA. MK said they would need further capital investment to look at the viability of additional wet scrubbers. MK said he is confident the RTO will resolve problem

FP asked how TMBC and SDS Group intend to address ongoing complaints between now and May. SH confirmed that the prospect of taking formal action has always got to be a consideration for TMBC.

JH confirmed that TMBC were keeping records of all complaints. Contact from residents is received in a variety of ways. To ensure no complaint is overlooked TMBC will be setting up a generic email. JH asked that residents contact TMBC as soon as possible, when they detect the odour to enable officers to have the opportunity to visit at the earliest opportunity. Although it must be acknowledged that officers may not be able to respond on every occasion, due to other pressures.

JH explained that the opportunity is being taken to review the Council’s monitoring regime and that the Council hopes that the details of the new monitoring arrangements can be disseminated through STS group. FP asked if the SDS group could be involved in this process, JH said their input would be welcomed.

JH explained that the bar is very high in the evidential test for Statutory Nuisance. The fact that an odour is detected and described as a nuisance does not make it a Statutory Nuisance, under the terms of the legislation. Consideration has to be given to the intensity, duration and frequency with which the odour occurs. The assessment of the intensity criteria and its impact is subjective and would need to be balanced against considerations of the test of Best Practicable Means (BPM) to abate the odour.

HP asked if SH had received a reply from Sir John Stanley re current legislation. SH confirmed he had received a reply which simply drew attention to current legislative provisions.

Relevant Action Points:

1. Drytec to put in place operational RTO by May. MK happy to go away with this understanding.
2. Drytec to share technical specification with TMBC officers.
3. JW to share Pollution Prevention visit reports with group. To check if any water sampling been undertaken and share results as necessary.
4. TA to review steps/procedures to endeavour to reduce odours in interim period until May, including reviewing production scheduling.
5. TMBC to set up generic email address; review their monitoring processes, including sharing the outcome of the monitoring.
6. Drytec to undertake review of their housekeeping procedures and working practices and report back to group.

8. Next meeting:

This would be targeted for the end of March. TMBC will organise venue and date

TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

3 March 2014

Report of the Director of Street Scene & Leisure

Part 1- Public

Matters for Information

1 WHERE DOES OUR RECYCLING GO?

Summary

The Kent Resource Partnership (KRP) has recently published information relating to where waste and recyclate collected by Kent authorities ends up. The report 'KRP Materials End Destination 2012/13' is attached at [Annex 1].

1.1 Background

- 1.1.1 A common question raised by members of the public participating in household recycling schemes provided by local authorities is "Where does our recycling go?"
- 1.1.2 A recent YouGov survey commissioned by the Resource Association has shown that the public has a real interest in what happens to recycling. 73% of respondents said they had no idea what happened to recycled material; 68% said more information should be provided; and 32% say they would be much more likely to recycle if more information was available. In response to this information local authorities and private waste management companies have signed up to a voluntary charter (the 'End Destination of Recycling Charter'), which commits them to improve the availability of information and reporting of what happens to material presented for recycling. The KRP has signed up to the Charter on behalf of all Kent Councils.

1.2 The Approach in Kent

- 1.2.1 The KRP has produced a report which sets out what happens to material collected for recycling and all other waste material collected from Kent households. The report provides a Kent overview and then a breakdown for each Council. A summary showing where waste from Tonbridge and Malling Borough Council's area goes is at [Annex 1], and a full copy of the report is available to Members on request.
- 1.2.2 From a Kent-wide perspective it is interesting to note:
- 81% of Kent tonnage is dealt with via 10 companies

- 90% of Kent tonnage stays in the UK
- 70% of Kent tonnage is treated in Kent
- Waste generation fell by 3% in 2012/13

1.2.3 From a TMBC perspective, it is interesting to note:

- only 0.6% of our waste is treated abroad
- 82% of our waste is dealt with in Kent
- We turn into a resource nearly 90% of material we collect.

1.2.4 The document, which was received in January 2014, will be published on the Council's website where it will assist in answering enquiries from the public. It is the intention of the KRP to repeat this exercise each year.

1.3 Legal Implications

1.3.1 None.

1.4 Financial and Value for Money Considerations

1.4.1 The report is prepared by KRP Officers and consequently there are no direct costs borne by this Council.

1.5 Risk Assessment

1.5.1 The failure to be open about where recycled material is destined could compromise efforts to encourage recycling by residents. The report's openness provides simple information which informs residents on what we do with recycling and waste we collect.

Background papers:

contact: Phil Beddoes

Nil

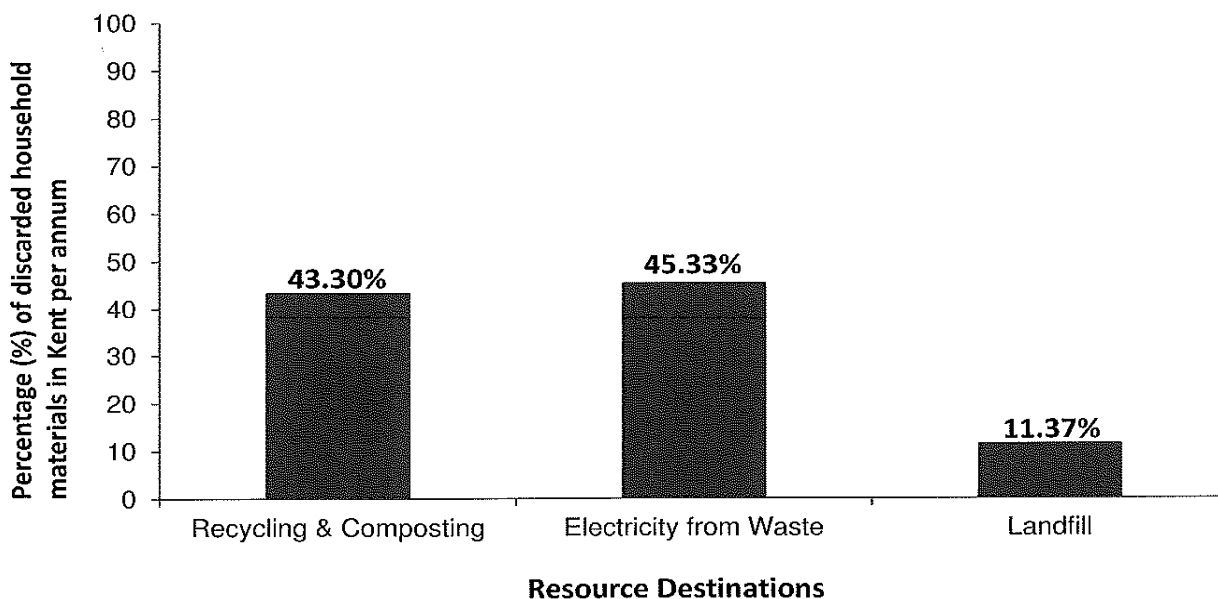
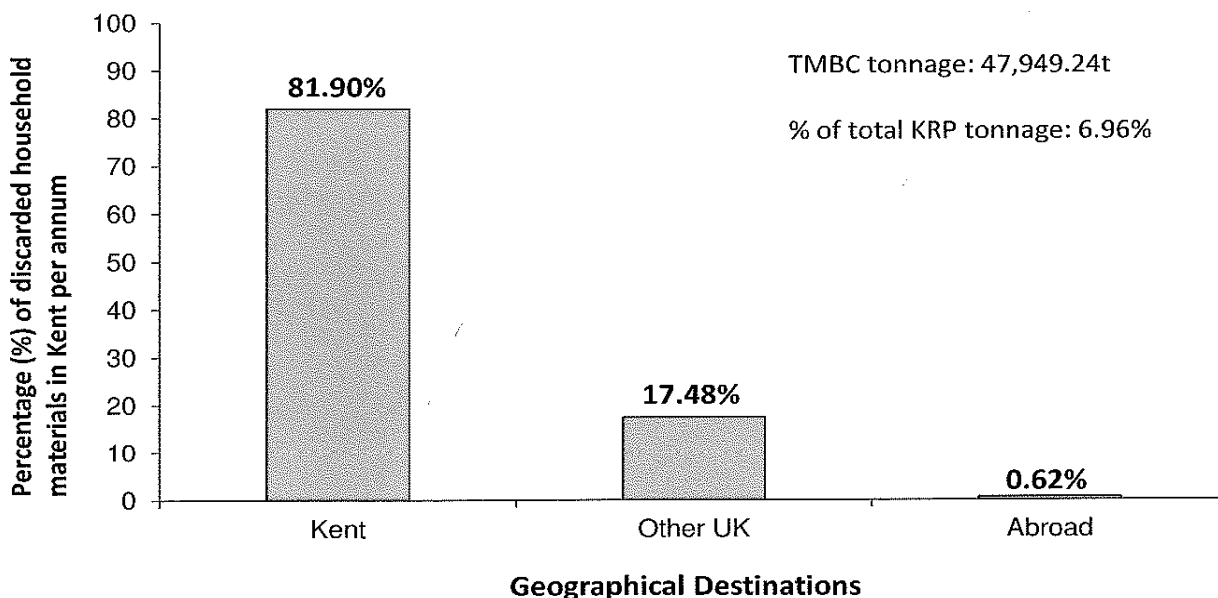
Robert Styles
Director of Street Scene & Leisure

Tonbridge & Malling Borough Council



The bar charts below represent Tonbridge & Malling Borough Council's total tonnage consisting of kerbside, bring banks and third party organisations. It is split in terms of geographical destination (Kent, other UK or abroad) and resource destination (recycling & composting, electricity from waste & landfill) respectively.

Further details for this council are provided overleaf.





Contractor Details

No	Company Details	Kent Tonnage	Other UK Tonnage	Abroad Tonnage
1	Kent Enviropower Ltd (<i>Energy from Waste</i>)	21,737.28		
2	New Earth Solutions (Kent) Ltd	13,785.83		
3	Biffa Holdings Redhill		5,444.99	
4	Aylesford Newsprint Ltd	3,551.43		
5	Viridor Waste (Kent) Ltd (<i>MRF</i>)		140.05	201.53
6	Lings Metals Ltd	50.21		
7	Wealden District Council		2,536.11	
8	M D J Light Brothers		156.92	
9	Oxfam (HQ)			26.54
10	Alutrade Ltd		85.78	
11	British Heart Foundation (HQ)			50.47
12	Other/Exempt (KCC advised split of 80%, 10% and 10%.)	145.68	18.21	18.21
Total TMBC tonnage 47,949.24t made up of:- TMBC has 6.96% of KRP's overall tonnage.		39,270.43	8,382.06	296.75
		81.90%	17.48%	0.62%

Service Information

Dry Recycling	Fortnightly
Food Waste	Alternate Weekly with Residual
Garden Waste	Alternate Weekly with Residual
Residual	Alternate Weekly with Garden and Food Waste

TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

3 March 2014

Report of the Director of Street Scene and Leisure

Part 1- Public

Matters for Information

1 WASTE SERVICES UPDATE

Summary

This report provides an update on a number of Waste Service initiatives.

1.1 Flooding and Christmas Collections

- 1.1.1 The recent prolonged flooding and bad weather conditions have impacted on the activities of the Waste & Street Scene team and our contractors, particularly Veolia, since before Christmas. Assisting in the Emergency Plan and the flood recovery activities have been the main priority, as well as maintaining day-to-day service delivery. A potential complication during this period arose with the Christmas and New Year Bank Holidays, and the suspension of green waste collections for those properties normally collected from on a Wednesday.
- 1.1.2 From early on in the emergency, resources were re-deployed to assist in the delivery of sand bags to the areas most affected by flooding. Once the first phase of flooding had passed, Veolia crews commenced collections of flood-damaged goods from flooded properties in Tonbridge, Hildenborough and East Peckham. These collections, although significantly reduced in number, are still ongoing as a number of properties have had to wait for their insurance companies to carry out assessments before having their damaged goods collected.
- 1.1.3 During the second wave of flood alerts in late January, crews were again deployed for deliveries of sand bags. Throughout the emergency, Waste Services staff have also assisted in rest centres and in the Emergency Planning Control Centre. Despite the additional workload, the day-to-day operations of this service have continued to be delivered. The only exception saw routine Street Cleansing schedules suspended for two weeks, apart from those areas which received daily cleansing. During this time resources were used to carry out collections of flood damaged goods.
- 1.1.4 It is particularly pleasing to note that, despite the extra demands placed upon Veolia and my officers, our core services were provided to their usual high standard.

1.2 Dog Warden Contract

- 1.2.1 The new Dog Warden contract has been awarded to Ward Security, as agreed by the Board at its meeting of 3 September 2013. Since then meetings have been held with Ward's management in order to progress the implementation of the new contract which commences on 1 March 2014.
- 1.2.2 The current Dog Warden, Lorraine Baseden, is to transfer to the new contractor. This will give considerable continuity to the service, as will the continued use of Viking Oak Kennels for the kennelling of stray dogs. Viking Oak will also carry out the collection of secured strays outside of normal working hours.

1.3 Plastic Collection Contract

- 1.3.1 The new contract for the collection of Plastics from Recycling Bring Sites has been awarded to Countrystyle Recycling, as agreed by the Board at its meeting of 26 November 2013. Since then meetings have been held with Countrystyle's management in order to progress the implementation of the new contract which commences on 1 May 2014.
- 1.3.2 The current service, provided by Viridor Waste Management, collects plastic bottles for recycling. Countrystyle are currently investigating options for increasing the types of plastics they can accept for recycling, but this is dependent on the available markets. Should the opportunity be available to increase the specification further, we will advise residents and Members.
- 1.3.3 The new contract includes for the provision of new recycling banks at each site.

1.4 Green Waste Quality Monitoring

- 1.4.1 Over the past few years, the quality of material delivered to the Blaise Farm composting facility has been monitored closely, with weekly sample reports provided by the site owners, New Earth Solutions, via KCC. Each random sample of the whole contents of the collection vehicle is graded from A to D. 'A' is considered very good, with 15 items or less of contamination. 'B' contains 16 to 25 items of unaccepted items. 'C' has over 26 items or some very large items throughout the load. A 'D' grade means that the load has been rejected due to high levels of contamination.
- 1.4.2 The reports identify the collection round, day and where we collected it from. Where a poor grade (C or D) is given, targeted improvement initiatives are carried out, such as re-training of the crew to identify contamination, leaflet drops to residents or face-to-face visits if required.
- 1.4.3 These are the results of the quality reports over the past three years:

	A	B	C	D
2011	39%	11%	43%	7%
2012	54%	23%	21%	2%
2013	47%	39%	14%	0%

1.4.4 Members will be pleased to note that there has been a significant improvement in the proportion of loads achieving a good grade (A or B), and a large reduction in those with poor quality (C). No loads were rejected in the whole of 2013. This improvement is a result of this Council working closely with our residents and contractor, through clear communications (especially the “no plastic” message) and increased staff vigilance in identifying contaminated bins.

1.5 Love Where You Live (LWYL)

1.5.1 The LWYL campaign was launched nationally by Keep Britain Tidy in September 2011. The campaign aims to:

- inspire and enable everyone to take action to reduce littering and improve the quality of local places;
- engage with people to change their behaviour and drive local action by fostering pride and understanding;
- raise the profile of the importance of caring for local places to improve individuals' quality of life; and
- encourage, support and bring together Leaders, Government, business, media and civil society to improve the cleanliness of the country.

1.5.2 Since the beginning of the national campaign, this Council has been an ambassador for Keep Britain Tidy, ensuring a wide variety of support in our communities and helping to improve the local environment. To date, the Council has:

- engaged with over 2,230 volunteers;
- been involved in over 144 local projects;
- recruited 93 businesses, schools and organisations to assist in the campaign;
- collected almost 745 sacks and 28 skip loads of rubbish;
- assisted in signing up 25 businesses to the 'Litter Code of Practice' in Larkfield, Ditton and East Malling;
- the Snodland Goes Cleaner group are looking as the possibility of introducing the 'Litter Code of Practice' scheme to the town.

- 1.5.3 On 10 December the 6th Environmental Champions Awards ceremony was held at Tonbridge Castle sponsored by our contractor, Veolia Environmental Services. The awards are given to groups and individuals who go the extra mile to help improve their local environment. The event was a real demonstration showing that they 'Loved Where They Live'. Four groups and 13 individuals were recognised for their efforts in 2013 including country park volunteers, a local Scout Leader, Street Monitors and a group of residents that set up a community garden at the Royal British Legion Village.
- 1.5.4 Recent litter picks and clean ups have involved Hildenborough Primary School, Ditton Churchyard, Snodland Cub Scouts, Hadlow College students, East Malling Wombles and Longmead Primary School, Russet Homes in Winterfield Estate, East Malling and the Hosanna Church Group from Carroty Wood.
- 1.5.5 The Cleaner Borough Campaign Team have visited Slade Primary School in Tonbridge and Lunsford Primary Schools in Larkfield to talk about litter and the problems it causes. We have also been invited to speak on the subject of 'Love Where You Live' at The Malling Rotary Club and Tonbridge Rotary Club.

1.6 Legal Implications

- 1.6.1 None.

1.7 Financial and Value for Money Considerations

- 1.7.1 The costs associated with these arrangements and initiatives are contained within existing budgets, with some supported by Veolia Environmental Services.

1.8 Risk Assessment

- 1.8.1 The failure to provide effective and efficient front line and high profile services could result in criticism from residents and impinges directly on their view of the Council and their satisfaction with services delivered.

Background papers:

Nil

contact: Dennis Gardner
David Campbell-Lenaghan

Robert Styles
Director of Street Scene & Leisure

TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

3 March 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 ENVIRONMENTAL PROTECTION TEAM UPDATE

Summary

This report provides an update on a range of Environmental Protection issues.

1.1 Air Quality

1.1.1 As part of the Review and Assessment process required under the Environment Act 1995 and subsequent regulations, officers submitted the Council's Annual Progress Report (APR) 2013 to DEFRA in June 2013. Officers have now received DEFRA's feedback on the submitted report.

1.1.2 DEFRA have accepted the APR and recommend that the Council should;

- Provide an Action Plan Progress Report as soon as possible;
- Submit an Annual Progress Report by 30th April 2014;
- Submit the Further Assessment for Borough Green AQMA by April 2014; and
- Provide an Air Quality Action Plan for the Borough Green AQMA by April 2015.

Officers have responded to DEFRA seeking clarification on the relevance of an Action Plan Progress Report and a Further Assessment for Borough Green. The Council is currently reviewing its Air Quality Action Plan following changes in Planning Policy and through a desire to make the document more public friendly. The Council reported on the status of the document in the 2013 APR and would be happy to submit further details on the actions being pursued to improve air quality in the Borough. The Government are currently pursuing actions to repeal the need for Further Assessments. Officers believe that resources would be better focused upon the Borough Green Action Plan than on a report that would not benefit the air quality in Borough Green.

1.1.3 The monitoring results detailed in the APR show:

- The concentrations of NO₂ continue to be below the annual Air Quality Objective (AQO) in Ditton AQMA. DEFRA recommend consideration is given to revoking this AQMA as the levels have been consistently below the AQO since 2006.
- Concentrations of annual NO₂ continue to be exceeded in all of the other six AQMAs.
- The concentrations of NO₂ along Western Road and the High Street in Borough Green AQMA are below the AQOs.
- The concentrations in the Watlington AQMA continue to indicate a possible exceedence of the hourly NO₂ concentrations.

1.2 Blaise Farm

1.2.1 The most recent meeting of the Liaison Group provided the following updates:

- NESG are to review specific mitigation measures to counter the Monday morning recurrence of odour.
- NESG confirmed that the recent fire incident had been a smouldering; the Fire Brigade and EA did attend the incident.
- NESG have appointed a permanent site manager to oversee the daily working practices on site. This has resulted in improvements in communicating the relevant information to the EA and the implementation of on-site procedures
- The bio-filter underwent complete refurbishment in November 2013.
- During the bio-filter works a mobile odour control unit was deployed to assist with localised odour management. The unit has proved successful and will remain at Blaise Farm.
- Planning - an application has been submitted to seek consent for new equipment capable of converting biogas from the AD plant into biomethane of sufficient quality it can be injected directly into the National Grid. Determination is anticipated in the next few weeks.

1.3 Private Water Supplies

1.3.1 The annual return required by the DWI in respect of private water supplies, in the Borough, has been submitted by the deadline of 31 January 2014.

1.3.2 Following routine monitoring, the presence of lead at an unacceptable level has been found in a private water supply. Officers are working with the owner and

occupier of the premises, to ensure the supply complies with the standard set for lead by the Private Water Supplies Regulations 2009.

- 1.3.3 Monitoring of the same supply also showed a failure to meet the standards for E.coli and total coliforms (both faecal indicators). Investigation work showed an operating failure of the treatment unit on-site which is currently being rectified.
- 1.3.4 Changes to the definition of Private Distribution Systems (PDS) in April 2013 resulted in a dramatic reduction in the number of PDSs. Previous work had shown a risk to public safety from some of these, pre-April 2013, Private Distribution Systems. These systems which are no longer PDSs are being monitored through their Premises Licence (to provide wholesome water for consumers) and under the Health and Safety at Work Act 1974.

1.4 Legal Implications

- 1.4.1 The work detailed in this report has been carried to comply with the Team's relevant statutory duties.

1.5 Financial and Value for Money Considerations

- 1.5.1 The work detailed in this report is carried out within approved budgets.

1.6 Risk Assessment

- 1.6.1 The broad principles of risk assessment are applied to all areas outlined in the report and assist in determining priorities

Background papers:

contact: Jacqui Rands

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

3 March 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 FOOD AND SAFETY TEAM UPDATE

Summary

This report provides an update on the work of the Food and Safety Team.

1.1 Free food hygiene training for Indian cuisine businesses

- 1.1.1 Educating food handlers during the course of food hygiene inspections to help businesses improve hygiene standards is an extremely important element of a hygiene intervention. To help improve their food hygiene rating and ultimately consumer confidence, a free training session was offered to 19 Indian restaurant/takeaway businesses with a hygiene rating of between zero and three.
- 1.1.2 The session targeted three important areas, hand washing, separation and cleaning and disinfection and focused on the typical problems encountered in Indian kitchens. All three areas are vital to help prevent the spread of E.coli O157 and other types of food poisoning.
- 1.1.3 Officers worked in small groups using practical demonstrations to educate food handlers and it provided an opportunity for questions and discussion. The session was timed to be short but effective to minimise business interruption. Twenty seven food handlers from eleven businesses attended the free session.
- 1.1.4 A similar session is due to be held in the near future for Chinese food businesses.

1.2 Food Standards Agency publishes inspection data for 2012/13

- 1.2.1 In November 2013 the Food Standards Agency (FSA) published its Annual Report on UK Local Authority Food Law Enforcement, covering the period 1 April 2012 to 31 March 2013. This provides details, including official statistics, on local authority food law enforcement activity within food businesses in the UK and is based on the monitoring returns (LAEMS) that local authorities provide.

1.2.2 In summary, the 2012/13 LAEMS data show:

- **608,143 food establishments** were registered with LAs in the UK as at 31 March 2013, an **increase of 1.4%** on 2011/12 (599,880). Of these, 35,743 (**5.9%**) of registered UK food establishments were **not yet rated** (i.e. not inspected) for food hygiene risk, a **decrease from 6.2%** in 2011/12. Locally 1,116 businesses were registered of these 19 were not yet rated.
- LAs reported that a total of **525,588 interventions** were carried out in 2012/13 (415,299 of these were food hygiene) a **decrease of 5.4%** on the reported number carried out in 2011/12 (555,350). 98% of interventions were achieved by the Food and Safety Team.
- 83,566 **formal enforcement actions** were carried out in 2012/13, an **overall increase of 1.9%** from 2011/12 (180,177). 452 formal enforcement actions were carried out by the Team, 442 of these were written warnings, 9 improvement notices were served and 1 prosecution was undertaken.
- 73,321 **official samples** of food were taken by LAs in 2012/13, a **reduction of 6.8%** (from 78,653) on 2011/12 and continuing the downward trend in LA sampling activity in recent years. 148 samples were taken by the Team in 2012/13.
- LAs dealt with a total **68,639 consumer complaints** about the safety and quality of food and the hygiene standards of food establishments in 2012/13, an **increase of 1.5%** (from 67,650) on complaints reported in 2011/12.
- LA returns show a total of **2,531 Full Time Equivalent (FTE)** professional LA staff (1,835 food hygiene and 696 food standards) were engaged in UK food law enforcement as at 31st March 2013, a **6.6% reduction** on numbers reported in 2011/12 (2,709).
- The UK level of **Broad Compliance** and above (equivalent to Food Hygiene Rating Scheme (FHRS) rating 3 to 5) was **91.2%** of rated establishments, a **slight increase** on the 2011/12 level (**90.2%**). 92.2% of premises were broadly compliant locally.
- The trend for LAs to target higher risk category establishments, at the expense of interventions carried out at lower risk establishments, has continued. For **food hygiene, 98.9% Category A** (15,349 of 15,516), **98.5% Category B** (64,225 of 65,217) and **89.7% Category C** (191,877 of 213,914) due interventions were achieved. Locally officers carried out 100% of category A and B interventions and 98.5% of category C interventions ..

1.2.3 Full details of the Food and Safety Team's performance for 2012/13 was reported to the Board in May.

1.3 Pilot project to improve display of food hygiene ratings

- 1.3.1 The Food and Safety Team have been selected as one of eight local authorities in the south east to participate in a pilot project aimed at increasing the display of food hygiene ratings in local businesses, to promote the scheme and increase consumer awareness. In Wales it is now mandatory for a business to display a food hygiene rating in the window. In England no such legislation is planned and so the FSA are looking to provide grant funding for local authorities to promote display of hygiene ratings amongst their businesses.
- 1.3.2 Businesses with a hygiene rating of between three and five will be randomly selected by the FSA. Approximately half will receive a targeted mailshot, a replacement window sticker and certificate explaining the benefits of display and promotion of their rating.
- 1.3.3 The other half will receive face to face advisory visits by officers to explain the benefits of display and using their rating to promote their business and encouraging businesses to put their stickers up at the time of the visit.
- 1.3.4 The FSA will then return to see which, if any, of the interventions have been successful. If the project is successful it will be offered to other local authorities.

1.4 Legal Implications

- 1.4.1 The Council has a statutory duty to monitor food safety and health and safety of commercial premises within the borough.
- 1.4.2 By supporting businesses through sector specific training the Team is demonstrating a commitment to support business in achieving compliance quickly and easily, in line with the Regulators' Compliance Code.

1.5 Financial and Value for Money Considerations

- 1.5.1 The pilot project will be grant funded by the FSA and will be cost neutral.

1.6 Risk Assessment

- 1.6.1 The pilot project will be delivered in line with the FSA agreement.

Background papers:

contact: Melanie Henbest

Nil

Steve Humphrey
Director of Planning, Housing & Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

3 March 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 EXTERNAL CONSULTATIONS

Date of Reply	Consultation Document	Dealt With By
27.01.14	Food Standards Agency Consultation on the Role of EHOs (England) for FIR Allergen Labelling Checks	Melanie Henbest

1.1 Legal Implications

1.1.1 None.

1.2 Financial and Value for Money Considerations

1.2.1 None.

1.3 Risk Assessment

1.3.1 None.

Background papers:

Nil

contact: Jacqui Rands
Melanie Henbest

Steve Humphrey
Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

3 March 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 SERVICE OF STATUTORY NOTICES

The following notices have been served since the last Advisory Board

1.1 Environmental Protection Act 1990

1.1.1 Golden Green Nurseries, Three Elm Lane, Golden Green, Tonbridge TN11 0LH.

One Abatement notice relating to noise from cockerels.

1.2 Control of Pollution Act 1974

1.2.1 Snodland Railway Bridge.

Prior Consent for works on construction sites.

1.2.2 Buleys Weir, Tonbridge.

Prior consent for works in construction sites.

1.3 Local Government (Miscellaneous Provisions) Act 1976

1.3.1 Church Field, Snodland ME6 5AR.

Requisition for information.

1.4 Public Health Act 1936

1.4.1 Pembury Road, Tonbridge, TN9 2JL.

Notice to remedy premises which are in a filthy or unwholesome condition or verminous

1.5 Private Water Supplies Regulations 2009.

1.5.1 The Golding Hop PH, Sheet Hill, Plaxtol. TN15 0PT.

Initial Notice to confirm failure to meet the standards for lead, E.coli and total coliforms in private water supply at premises.

1.6 Food Hygiene (England) Regulations 2006

1.6.1 The Farmhouse, 97-99 High Street, West Malling, Kent ME19 6NA

Food hygiene improvement notice requiring a documented procedure based on Hazard Analysis and Critical Control Points (HACCP).

1.7 Food Safety and Hygiene (England) Regulations 2013

1.7.1 Village Grill (mobile trader), trading outside Co-op, 50 Pound Road, East Peckham

Three food hygiene improvement notices requiring a documented procedure based on Hazard Analysis and Critical Control Points (HACCP), training of food handlers and repair of hot water boiler to provide hot water.

1.7.2 99p Stores Ltd, 77-81 High Street, Tonbridge, Kent

Food hygiene improvement notice requiring pest proofing to the store room door.

1.8 Street Scene

1.8.1 Enforcement notices since the previous Advisory Board report on 26 November 2013:

Fly-Tipping Incidents

Five notices under section 108 of the EPA (requesting information from persons believed to be associated with fly-tipping incidents) have been issued.

Littering Offences

Twenty nine Fixed Penalty Notices for littering offences at various locations around the borough have been issued.

Other Waste Offences

One Fixed Penalty Notice for a Waste Carriers offence has been issued.

1.9 Legal Implications

1.9.1 These notices were served in accordance with the provisions of the legislation under which they are served.

1.10 Financial and Value for Money Considerations

1.10.1 The Council will pursue the recovery of debts associated with works carried out in default. Debts not covered will remain as a charge against the premises in the usual manner.

1.11 Risk Assessment

1.11.1 The notices are reasonable and proportionate enforcement action in accordance with the EHHS Enforcement Policy.

Background papers:

Nil

contact:

Melanie Henbest

Jacqui Rands

David Campbell-Lenaghan

Steve Humphrey

Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

03 March 2014

Report of the Director of Central Services

Part 1- Public

Matters for Information

1 PROSECUTIONS

1.1 The following prosecutions have taken place:

1.1.1 **Christopher Edwards – littering offence, section 87 Environmental Protection Act 1990**

1.1.2 On 28 January 2013 an Environmental Enforcement Officer was on duty outside Tonbridge Rail Station when she witnessed a male throw a cigarette end to the ground. The offender was approached by the Officer and advised that because of the Council's zero tolerance policy towards littering a fixed penalty notice for £80 would be issued for the littering offence, but reduced to £50 if paid within 10 days. The offender identified himself as Mr Christopher Edwards of Riverhead, Sevenoaks.

1.1.3 Payment was not received and, as a result proceedings for the littering offence were commenced. The matter was heard at Sevenoaks Magistrates' Court on 3 September 2013. Mr Edwards failed to attend and the case was proved in his absence. The Court recorded a conviction and imposed a fine of £135. He was further ordered to pay a contribution of £121.03 towards the Council's costs and a victim surcharge of £20.

1.2 **Mr Lee Wenham – failing to produce a waste transfer note, section 34 Environmental Protection Act 1990**

1.2.1 On 10 October 2012 an Environmental Enforcement Officer was on duty with a Police Constable in a marked police car carrying out waste carrier patrol duties at Hadlow Road, Tonbridge.

1.2.2 The officer noted a vehicle carrying numerous items and the police officer caused the vehicle to stop. The driver of the vehicle, who identified himself as Lee Wenham, admitted that he picked up items of waste and that he did not have any documentation. Accordingly he was issued with 2 fixed penalty notices for not having a waste transfer note and the authority to transfer waste. The fixed penalty notices were for £300 each reducing to £180 if paid within 10 days.

- 1.2.3 On 21 November 2013 the officer was on duty at the A20 Ditton and noted the same vehicle carrying waste items. The vehicle was stopped by a police officer and again Mr Wenham was unable to produce the necessary documentation
- 1.2.4 The fixed penalty notices for the offences had not been paid and, as a result proceedings for the offences were commenced. Initially the case was listed for hearing at Sevenoaks Magistrates Court on 26 February 2013 but Mr Wenham failed to attend. A warrant was issued for his arrest and eventually Mr Wenham appeared at Sevenoaks Magistrates Court on 3 September 2013..
- 1.2.5 Mr Wenham pleaded guilty to the offences and the court recorded a conviction. He advised the court that he was unemployed and in receipt of Job Seekers Allowance. The court imposed fines of £110 in respect of the 2 offences of failing to produce a waste transfer note with no separate penalty in respect of the 2 offences of failing to produce the requisite authority to transport waste documentation. He was also ordered to pay the Council's costs of £239.48 and a victim surcharge of £20.
- 1.3 Keith Cadwallader –littering offence, section 87 Environmental Protection Act 1990.**
- 1.3.1 On 18 June 2013 an Environmental Enforcement Officer was on duty and in her vehicle travelling along the A20, London Road, Ditton, when she witnessed a male smoking a roll-up cigarette. The driver of the vehicle was observed throwing the cigarette end out of the car window.
- 1.3.2 Enquiries were made with the DVLA as to the registered keeper of the vehicle and Information was received that Mr Keith Cadwallader of Larkfield was the registered keeper.
- 1.3.3 A fixed penalty notice for £80, but reduced to £50 if paid within 10 days, was issued to Mr Cadwallader. Payment was not received and proceedings were therefore commenced for the littering offence.
- 1.3.4 The case was heard at Sevenoaks Magistrates Court on 12 November 2013. Mr Cadwallader failed to attend court and the case was proved in his absence. The court imposed a fine of £200 and ordered that he pay a contribution of £100 towards the Council's costs. He was further ordered to pay a victim surcharge of £20.
- 1.4 Miss Hayley Brooks –littering offence, section 87 Environmental Protection Act 1990**

- 1.4.1 On 3 July 2013 an Environmental Enforcement Officer was on duty at Teapot Lane, Ditton when she witnessed a female driver of a Ford Mondeo throw a cigarette end out of the driver's window.
- 1.4.2 The officer carried out further enquiries with the DVLA as to the registered keeper of the vehicle and it was ascertained that Miss Hayley Brooks of Snodland was the keeper. A fixed penalty notice for £80, but reduced to £50 if paid within 10 days, was issued to Miss Brooks. Payment was not received and proceedings were commenced for the littering offence.
- 1.4.3 The case was heard at Sevenoaks Magistrates Court on 12 November 2013. Miss Brooks failed to attend court and the case was proved in her absence. The court imposed a fine of £200 and ordered that she pay a contribution of £100 towards the Council's costs. She was further ordered to pay a victim surcharge of £20.
- 1.5 Mr J Bellingham –littering offence, section 87 Environmental Protection Act 1990**
- 1.5.1 On 18 July 2013 a waste service inspector was travelling along the A20 London Road, Larkfield when he noticed the driver of a Ford Mondeo discard a cigarette end out of the driver's window.
- 1.5.2. Enquiries were made as to the registered keeper of the vehicle with the DVLA and it was ascertained that Mr Jason Bellingham of Rainham was the keeper. A fixed penalty notice for £80, but reduced to £50 if paid within 10 days, was issued to Mr Bellingham .Payment was not received and proceedings were commenced for the littering offence.
- 1.5.2 The case was heard at Sevenoaks Magistrates Court on 3 December 2013. Mr Bellingham failed to attend court and the case was proved in his absence. The court imposed a fine of £200 and ordered that he pay a contribution of £100 towards the Council's costs. He was further ordered to pay a victim surcharge of £20.
- 1.6 Mr Carmo West –waste transfer offences, Control of Pollution (Amendment) Act 1989 and Waste (England and Wales) Regulations 2011**
- 1.6.1 On 12 August 2013 an environmental enforcement officer was on duty at West Malling, when she noted a vehicle parked on the approach road to Manor Park, loaded with assorted metals, The driver identified himself as Mr Carmo West of West Malling.
- 1.6.2 Mr West was asked by the officer to produce his waste transfer documents,

authorising him to transfer waste and a waste transfer note, required on each occasion that waste is transferred. Mr West was unable to provide the documentation at that time and, as a result he was asked to provide the documentation within 14 days. He failed to do so and was therefore issued with 2 fixed penalty notices, each for £300, but reduced to £180 if paid within 10 days.

1.6.3 The fixed penalty notices were not paid and the matter was referred for Prosecution. Resulting in a court hearing at Sevenoaks Magistrates Court on 28 January 2014. Mr West appeared before the court and entered a plea of guilty to both charges. In mitigation he explained that he was not carrying the waste for reward but assisting his neighbours. The court recorded a conviction and he was sentenced to fines of £300 on each of the 2 offences. He was also ordered to pay a contribution of £100 towards the Council's costs and a victim surcharge of £60.

1.7 Rebecca Jones – littering offence, section 87 Environmental Protection Act 1990

1.7.1 On 25 April 2013 an employee of the Council witnessed the driver of a black Corsa depositing litter, comprising of a cellophane wrapper and silver paper, out of the driver's window. The officer reported the incident to an environmental enforcement officer and enquiries with the DVLA revealed that the keeper of the vehicle was Rebecca Jones of Eccles.

1.7.2 Ms Jones was issued with a fixed penalty notice for £80, but reduced to £50 if paid within 10 days. The fixed penalty notice remained unpaid and, as a result the matter was referred for prosecution.

1.7.3 On 28 January 2014 Ms Jones appeared at Sevenoaks Magistrates Court and entered a plea of guilty to the charge. She explained to the court that she had moved address and had intended to pay the FPN but her post had gone astray, including a letter from the Council, with details of how and when to pay. The Court decided to impose a fine of £80, a victim surcharge of £20, with no award as to costs.

2. SIMPLE CAUTIONS

2.1 Qualitex Supplies Ltd, Deacon Trading Estate, Aylesford, - offences under the Health and Safety at Work etc Act 1974

2.1.1 On 10 January 2013 an employee of the company injured his back after falling from a set of aircraft steps, whilst carrying out stock replenishment.

2.1.2 Following the investigation that ensued four offences under the health and safety legislation were identified, namely a failure by the company to protect the health and safety and welfare of their employees, failing to ensure work equipment,

namely the aircraft steps were maintained in an efficient state, in efficient working order and in good repair, a failure to ensure that the employee had received adequate training in the methods adopted when using work equipment and a failure to ensure that employees were provided with adequate health and safety training.

- 2.1.3. The company agreed to accept a simple caution, as an alternative to a prosecution and duly attended the Council's offices on 29 January 2014 to sign the certificate of simple caution.

Adrian Stanfield

Director of Central Services

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