

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

15 May 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 Tuesday, 27th May, 2014 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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2. Declarations of interest

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To confirm as a correct record the Notes of the meeting of the Local Environmental Management Advisory Board held on Monday, 3 March 2014

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14. Review of Noise Attenuation M20 Junctions 4 to 5 71 - 84
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19. 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

20. 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

21. 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 Mrs E M Holland

Cllr Mrs F A Kemp
Cllr Miss A Moloney
Cllr Mrs A S Oakley
Cllr Ms S V Spence
Cllr D J Trice

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

Monday, 3rd March, 2014

Present: 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 R W Dalton, Cllr Mrs E M Holland, Cllr Mrs F A Kemp,
Cllr Miss A Moloney and Cllr Mrs A S Oakley

Councillors O C Baldock, Mrs P Bates, P F Bolt, N J Heslop,
B J Luker, M R Rhodes and Ms S V Spence were also present
pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor D J Trice

PART 1 - PUBLIC

LEM 14/1 DECLARATIONS OF INTEREST

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

LEM 14/2 MINUTES

RESOLVED: That the notes of the meeting of the Local Environmental Management Advisory Board held on 26 November 2013 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

LEM 14/3 WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) RECYCLING

The joint report of the Director of Street Scene and Leisure and Cabinet Member for Environmental Services gave an update on the Council's WEEE recycling pilot and recommended that the initiative be extended to the end of June 2014 to permit evaluation of new collection arrangements.

RECOMMENDED: That

- (1) the changes to the WEEE Recycling Pilot as detailed in the report be noted;
- (2) the appointment of Veolia as the provider of the WEEE recycling service to 28 June 2014 be endorsed; and

- (3) the Director of Street Scene and Leisure report the findings of his review of the WEEE Recycling Pilot to the next meeting of the Advisory Board.

LEM 14/4 STREET SCENE ACTION PLAN 2014/15

The joint report of the Director of Street Scene and Leisure and Cabinet Member for Environmental Services provided details of proposed street scene initiatives planned for 2014/15.

RECOMMENDED: That approval be given to the Street Scene Action Plan 2014/15 as detailed in Annex 1 of the report.

LEM 14/5 TONBRIDGE ODOUR UPDATE

The report of the Director of Planning, Housing and Environmental Health provided an update on the continuing issue of odour emissions in Tonbridge with particular reference to progress made since establishment of the multi-agency liaison group and introduction of a firm timetable of improvement works (Decision No D130141MEM).

A copy of the minutes of the first liaison group meeting held on 5 February were annexed to the report which highlighted a number of actions agreed at the meeting, most significantly the company's firm commitment to installing bespoke odour abatement equipment in the form of a Regenerative Thermal Oxidiser. It was noted that specialist consultants would be used to make a detailed assessment of the suitability of this plant in abating the odour emissions.

Members were particularly concerned that Drytec should keep the Borough Council informed of progress in meeting the timetable for the improvement works. Concern was expressed at continued reports of odours at evenings and weekends although the company had undertaken to review their production schedules to try and minimise odour emissions during these periods.

RECOMMENDED: That

- (1) the minutes of the liaison group be endorsed; and
- (2) the on-going approach of officers to the ultimate resolution of the current situation be endorsed.

MATTERS SUBMITTED FOR INFORMATION

LEM 14/6 WHERE DOES OUR RECYCLING GO?

The report of the Director of Street Scene and Leisure referred to recently published information by the Kent Resource Partnership (KRP) relating to the end destination of waste and recyclate collected by Kent authorities. It was noted that 82% of the waste collected by the Borough Council was dealt with in Kent with only 0.6% treated abroad. In addition nearly 90% of material collected was turned into a resource. Members were advised that the document 'KRP Materials End Destination 2012/13' would be published on the Council's website where it would assist in answering enquiries from the public.

LEM 14/7 WASTE SERVICES UPDATE

The report provided an update on a number of Waste Service initiatives. Details were given of the impact of flooding on the Christmas period collections and the redeployment of resources to assist in the emergency response. Members recorded thanks to the Veolia crews and all others involved for maintaining their usual high standard of service despite the additional demands placed upon them.

The report also referred to the commencement of the new Dog Warden contract, preparations for the new plastic collection contract, the outcome of green waste quality monitoring reports in respect of Blaise Farm and the range of activities undertaken in the context of the Love Where You Live campaign.

LEM 14/8 ENVIRONMENTAL PROTECTION TEAM UPDATE

The report provided an update on a range of Environmental Protection issues including air quality review and assessment process, mitigation measures at Blaise Farm and the annual return in respect of private water supplies.

LEM 14/9 FOOD AND SAFETY TEAM UPDATE

The report updated Members on the work of the Food and Safety Team and gave details of food hygiene training for a number of cuisine businesses, publication of Food Standards Agency inspection data for 2012/13 and participation in a pilot project to improve display of food hygiene ratings.

LEM 14/10 EXTERNAL CONSULTATIONS

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

LEM 14/11 SERVICE OF STATUTORY NOTICES

The report outlined the statutory notices served since the last meeting of the Advisory Board.

LEM 14/12 PROSECUTIONS

The report of the Director of Central Services gave details of prosecutions undertaken and simple cautions issued since the last meeting of the Advisory Board.

MATTERS FOR CONSIDERATION IN PRIVATE

LEM 14/13 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.41 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 2014

Joint 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 summer of 2015 to allow further evaluation of partnership arrangements with Kent County Council.

1.1 Background

- 1.1.1 The Council provides a Saturday Household Bulky collection service 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, is extremely popular with residents and is part funded by Kent County Council.
- 1.1.2 There have always been certain types of waste that cannot be taken by this service ie building materials, liquids, fridges, tyres, etc. In recent years this list has been extended due to changes in legislation to include WEEE, ie TVs and other electrical appliances. This has meant that residents have had to make other arrangements to dispose of these materials.

1.2 WEEE Pilot

- 1.2.1 In previous reports to this Board we have set out details of a pilot scheme which has the aim of collecting separately WEEE and scrap metal at our Saturday community collection points. In the report to the Board in March 2014 we advised that our contractor running the pilot, Light Brothers, were incurring unforeseen and significant new costs resulting in part by the relocation of their depot some way out of the borough. An option to provide the service by Veolia was considered by the Board and subsequently agreed. The pilot was extended to the end of June 2014 in order that we could work with Veolia to identify the most cost effective options for this service into the future.

1.2.2 We are pleased to say that Veolia's response has been positive. Veolia seamlessly took over from the previous contractor and has provided an excellent and consistent level of service to date. Whilst we continue to work with them to maximise opportunities to reduce costs, ie looking at ways of generating income from sale of materials, we are happy with Veolia's working arrangements and ability to provide the service.

1.2.3 For general information the WEEE pilot is diverting about 150 tonnes per year of WEEE and scrap metal for recycling. We are also aware that the service is well supported by our residents.

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 with the income from the sale of material covering haulage and vehicle costs. Our actual experience has shown that the 'self-financing' model is not realistic. This is mainly due to market fluctuations in commodity prices and greater than expected haulage costs.

1.4.2 The absence of a Household Waste Recycling Centre in the borough means that our residents do not have opportunities readily available to dispose of WEEE. Consequently, we have engaged with KCC to seek part funding of the new service costs.

1.4.3 KCC Waste Management presently work with Valpak who run an industry 'Producer Compliance Scheme' (PCS). Present legislation requires all producers and distributors of WEEE to take responsibility for its collection and disposal/treatment. Any such business can join a PCS who will take on their responsibility. KCC Waste Management and Valpak work together under contractual arrangements in respect of WEEE collected at Household Waste Recycling Centres. The existing arrangements between KCC and Valpak are subject to review in January 2015.

1.4.4 We are pleased to say that KCC has agreed a contribution of £6,000 towards our 2014/15 costs. We have also been advised that KCC's ongoing support for any ongoing WEEE service we provide will be reconsidered when they have in place new arrangements for their wider WEEE recycling services early in 2015. In addition, KCC and Valpak would like to work with us to maximise the efficiency of the service and assess future options.

1.4.5 It is considered appropriate that the service be extended until the summer of 2015 in order that we can assess the extent of ongoing financial support from KCC/Valpak and assess options for service delivery.

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

<u>Service costs</u>	£
July 2014 – June 2015	18,960
KCC Contribution	<u>- 6,000</u>
Additional cost	<u>12,960</u>

1.4.7 The additional cost of providing the service up to June 2015 will be met from existing revenue budgets and the Waste and Street Scene reserve fund.

1.5 Risk Assessment

1.5.1 This initiative is the subject of ongoing review which most importantly includes the ongoing financial viability, affordability and sustainability of the service.

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 funding arrangements of the WEEE pilot as detailed in the report;
- 2) endorse the appointment of Veolia as the provider of the WEEE recycling pilot to 30 June 2015; and
- 3) request the Director of Street Scene & Leisure to report back to the Board on the findings of his ongoing review of the WEEE Recycling Service and in particular details of any proposed partnership funding with KCC.

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

Brian Luker
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 adversely 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

27 May 2014

Report of the Director of Street Scene & Leisure

Part 1- Public

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

1 PAPER BANKS – OUTLETTING OF MATERIAL

Summary

The report recommends the extension of the existing contract with Aylesford Newsprint Ltd for provision and emptying of paper banks.

1.1 Background

1.1.1 The Council has a network of recycling bring sites across the borough. Most of the sites are provided with a number of paper banks.

1.1.2 Our existing contract with Aylesford Newsprint Ltd sees them providing banks and emptying them. Collected paper is taken to their Aylesford Mill and made into newsprint. We presently recycle 460 tonnes per year of paper collected at our 'bring' sites.

1.2 The Way Forward

1.2.1 The contract we agreed with Aylesford Newsprint in May 2009 was for a period of five years with an option to extend it for a further five years, that is, until May 2019.

1.2.2 The arrangements with Aylesford Newsprint have worked well over many years and have provided good value to the Council and our residents. I am confident that the quality of the service will be sustained over the next five years if Members agreed to an extension of the contract for a further five years.

1.2.3 During 2018/19, our major waste contracts will be the subject of service reviews and retendering and it is, therefore, useful that an extension of the paper bank contract would terminate in 2019 in order to retain flexibility of our options.

1.3 Legal Implications

1.3.1 The arrangements for the sale of paper collected at our recycling 'bring' sites is set out in a formal agreement document signed by both parties.

1.4 Financial and Value for Money Considerations

- 1.4.1 The contract with Aylesford Newsprint provided for the Council to receive an income. Basically, Aylesford Newsprint deducts their haulage costs from the income derived from the sale of paper. The remaining “income” is paid to the Council. **[Annex 1]** sets out tonnages and associated income from paper banks over the past five years. In addition to the above income we also benefit from recycling credits paid by Kent County Council as the Waste Disposal Authority.

1.5 Risk Assessment

- 1.5.1 None.

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 APPROVE** the extension of our contract with Aylesford Newsprint Ltd for the provision of banks and collection of paper from our ‘bring’ sites until 16 May 2019.

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

Brian Luker
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.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
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.

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ANNEX 1

YEAR	COLLECTED PAPER (t)	INCOME (£)	PRICE/t (£)
2009/10	692	18,746	27
2010/11	626	27,966	45
2011/12	542	29,765	55
2012/13	519	23,395	45
2013/14	460	18,970	41

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 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 issue of odour emissions in Tonbridge and specifically on the developments that have occurred since the previous meeting of this Board in March 2014.

1.1 Background

- 1.1.1 My report to the last Board meeting provided details of the Liaison Group Meeting held on 5 February 2014, which, importantly, included Drytec's statement of intent to install bespoke odour abatement equipment and a timetable for its installation and commissioning by the end of May.
- 1.1.2 A second meeting of the Liaison Group was held on 9 April 2014 which, again, provided residents with the opportunity to discuss their concerns directly with Drytec, Council Members and officers and for the group to hear an update on the installation of the odour abatement equipment from the Company.
- 1.1.3 At this meeting, the Drytec Managing Director confirmed that an order had been placed to purchase a Regenerative Thermal Oxidiser (RTO). We have sought advice from our consultants who have been able to advise us that this technology is recognised as being one of the most effective in the removal of odours from emissions.
- 1.1.4 I am pleased to be able to confirm that the RTO was delivered to the Drytec site on 29 April 2014 and is now undergoing installation which will involve some external works. The Managing Director remains confident that the RTO will be fully installed, commissioned and operational by the end of May and to monitor progress officers are making frequent visits to the site.
- 1.1.5 It was the original intention that the RTO would be installed within the existing building, however, this has not proved to be possible, so the unit will be located externally. A consequence of this change is that planning permission became

necessary. The application has been submitted and it is envisaged that it will be determined by the end of the month.

1.2 Sale of Drytec

1.2.1 A significant change has recently taken place in the ownership of Drytec and I can advise that Drytec Contract Processing had been sold to Summit Custom Spray Dry of New Jersey, USA. The Managing Director has confirmed that he will remain as MD and the General Manager on site will also be unchanged. It is his expectation that the business will be better funded, going forward, enabling many of the improvements officers would like to see to be put in place.

1.3 Legal Implications

1.3.1 Following the installation of the odour abatement equipment it is essential that we continue to monitor the situation to assess the degree to which improvements in odour abatement have been achieved. If we are satisfied that a statutory nuisance exists we will give full consideration to the service of an abatement notice. This decision would be undertaken with the further advice of Counsel.

1.4 Financial and Value for Money Considerations

1.4.1 Whilst the various work has been completed within budgets the intensive nature of the odour issue has, of course, impacted on some aspects of the Team's work over the last two years.

1.5 Risk Assessment

1.5.1 We will continue, through dialogue, to ensure the timetable to which the Managing Director has committed will be achieved and to ensure the review of the production scheduling in the meantime continues until the RTO is operational.

1.5.2 As stated in paragraph 1.3.1 above the Team will have an ongoing role in ensuring the equipment is being operated correctly to achieve the best results

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 the Cabinet **ENDORSE**:

- 1) the progress made to date with the installation of the Regenerative Thermal Oxidiser at Drytec; and
- 2) the approach officers are adopting to endeavour to ensure the installation is completed within the agreed timetable and to monitor the subsequent performance of the RTO by way of ongoing odour monitoring.

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: Jacqui Rands
Jane Heeley

Nil

Steve Humphrey
Director of Planning, Housing and Environmental Health.

Brian Luker
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	Officers have a duty to investigate complaints of statutory nuisance.
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 the duty detailed above.
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.

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 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 ENVIRONMENTAL PROTECTION TEAM PERFORMANCE 2013-2014.

Summary

This report describes the operational day to day work of the Council in relation to its statutory function of Environmental Protection and Pollution Control for the year 1 April 2013 to 31 March 2014.

1.1 Background.

1.1.1 The work of the Environmental Protection Team (EPT) covers a wide variety of issues, which include:

- responding to service requests and carrying out any subsequent investigation that may result;
- responding to formal consultations on planning applications, premises licence applications and Temporary Event Notices (TENs);
- commenting on specialist reports concerning contaminated land, air quality and noise submitted in support of a planning application;
- investigating and responding to enquiries about potentially contaminated land for prospective property purchaser;
- landfill gas and air and water quality monitoring; and
- complying with the requirements of the :
 - Environmental Permitting regime
 - Private Water supply legislation.
 - Local Air Quality Management regime – covered in separate report.

1.2 Requests for Service

- 1.2.1 During the twelve months from 1 April 2013 to 31 March 2014 456 requests for service were received to which the Team responded to 97 per cent within five working days. Specific details of the types of requests received are shown in **[Annex 1]**.
- 1.2.2 In addition to the above requests for service the Team received 460 requests for service concerning the odour from Drytec.
- 1.2.3 The total number of requests for service received equals 916 of which 50 per cent were related to odours from Drytec.
- 1.2.4 Other issues that generated significant requests for service include noise, bonfires, various types of accumulations and fly tipping.
- 1.2.5 As in previous years, the majority of cases are quickly resolved, following written communication to the person alleged to be causing the nuisance seeking their cooperation to resolve the problem. When this does not bring about an improvement a more detailed investigation will follow.
- 1.2.6 On some occasions it is necessary for the team to instigate formal action to protect public health. This is usually because the enforcement options as set out in the Enforcement Policy have been exhausted. A summary of Notices served in this year is provided in **[Annex 2]**.

1.3 Planning Applications

- 1.3.1 The EPT are formally consulted by their colleagues in the Planning department on applications which they receive and on which the EPT may wish to recommend the inclusion of conditions or “informative” if planning permission is granted.
- 1.3.2 The EPT coordinates the responses to planning consultations across the whole of Environmental Health and Housing Services. During this year we responded to 602 planning consultations.

1.4 Licensing Applications

- 1.4.1 Under the provisions of the Licensing Act 2003, Environmental Health is a statutory consultee in respect of applications for Premises Licences and Temporary Events Notices.
- 1.4.2 The team are also consulted on applications for Events on Open Spaces, where an event is to be held on Council owned land.
- 1.4.3 During the year the team responded to 15 Premises Licence applications, 328 TENS applications and 33 applications for events on open spaces.

- 1.4.4 The Music on the Hill Event was held in July. As with the previous event it was well managed without any complaints of noise disturbance being received.
- 1.4.5 Although the Hop Farm cancelled their Music Festival scheduled for July 2013 this year's event is planned to go ahead at the Hop Farm for 4-6 July 2014, with a new promoter. Officers are working with the Hop Farm and will work with their noise consultant when appointed, to ensure minimal noise disturbance is caused to local residents and the relevant conditions on the Premises Licence are being adhered to. Officers will carry out noise monitoring throughout the event.

1.5 Environmental Permitting Regime (EPR)

- 1.5.1 Certain specified processes are required to obtain a 'permit to operate', under the provisions of the Environmental Permitting Regulations, which control emissions to land, air and water. Responsibility for enforcement of the regime is divided between the Environment Agency and Local Authorities.
- 1.5.2 There are 53 permitted processes within the Borough covering processes which include roadstone coating, dry cleaners, paint spraying and concrete batching. A total of 26 visits (including 23 inspections) were made to premises in the year. The standard of compliance with the permits and any conditions attached remains high.

1.6 Contaminated Land

- 1.6.1 There are two principal aspects to the role of the Council in respect of contaminated land. Firstly, to identify and prioritise known areas of contaminated land within the Borough and secondly to ensure that through the planning process areas of potentially contaminated land are identified, investigated and remediated during the development process.
- 1.6.2 In addition we respond to specific enquiries from prospective property purchasers who have had concerns raised about potential contaminated land on their prospective property.
- 1.6.3 In 2013/14 contaminated land comments and recommendations were made on 271 planning applications. We provided 33 reports in relation to specific contaminated land enquiries, the majority from prospective property purchasers.
- 1.6.4 As Members will recall the Contaminated Land Officer post is subject to a shared working arrangement with Gravesham BC, which continues to work well for both parties, following the appointment of Kirstie Atkins in June 2013.

1.7 Private Water Supplies

- 1.7.1 This work involves the identification of private water supplies in the Borough, which mainly occur in residential properties; although there are a number of commercial premises that maintain a private water supply; routine sampling of

these supplies followed by advice and occasional formal action should supplies not meet the required health standards.

1.7.2 This year two significant health related issues were identified through this process:

- a failure to achieve the required standards for lead, total coliforms and E.coli, in a supply to a commercial property in the Borough; and
- following a request from a resident to have their private domestic water supply sampled, results revealed a failure to achieve the required standard for nitrates and total coliforms.

Officers have been working with all parties to ensure the necessary standards are achieved to protect the consumers.

1.8 Out of Hours Service

1.8.1 A Council wide review of out of hours service provision took place during the year, including the Environmental Health and Housing Service. Having considered in detail the nature and frequency of the calls being received by this service it was evident that the significant majority of calls received related to emergency housing placements, with very few environmental health calls being required to be handled by the Duty Officer. It was therefore agreed to suspend this service on 1st April, replacing it with a dedicated Housing out of hours service.

1.8.2 Alternative arrangements have been put in place by the Environmental Health Service to ensure that relevant emergencies are dealt with and that known problematic cases requiring out of hours visits are responded to properly. This is through a combination of an officer cascade system and proactive monitoring.

1.9 Proposed Service Improvements 2013/14

1.9.1 It is proposed that the following service improvements are to be implemented in 2013/14:

- continue to work with the other stakeholders to work towards improving the air quality within the Borough; and
- review the Team's procedures to identify possible opportunities to deliver efficiencies and improve consistency of approach.
- Consider how, through its regulatory activity, the Team can support businesses in line with our economic regeneration agenda.

1.10 Legal Implications

1.10.1 The Council has a statutory duty to investigate:

- complaints of alleged nuisance;
- implement the requirements of the Private Water Supply Regulations 2009;
- implement the requirements of the Environmental Permitting Regime; and
- assess land under the Contaminated Land regime.

1.11 Financial and Value for Money Considerations

1.11.1 All service improvements will be undertaken within budget.

1.12 Risk Assessment

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

1.13 Equality Impact Assessment

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

1.14 Recommendations

1.14.1 It is **RECOMMENDED** that the Cabinet **ENDORSE** the work carried out by the EP Team in 2013/14 and the proposed service improvements for 2014/15.

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: Jacqui Rands

Nil

Steve Humphrey

Director of Planning Housing and Environmental Health

Brian Luker

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 activities described do not have potential to impact or discriminate against different groups. They are carried out by the EPT as duties defined by legislation.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	The decision recommended in this report is note the proposed improvements to the served for the forthcoming year.
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.

REQUESTS FOR SERVICE 2013/2014

ANNEX 1

Service Request Category	Number of complaints 2012/13	Number of complaints 2013/14	Comments
Accumulations	59	62	Complaints regarding accumulations NOT associated with food premises and animals
Drainage	13	8	Blocked, leaking or overflowing drains, private sewers and septic tanks
Noise	254	186	Sources include amplified music from domestic and licensed premises
Dogs	97	115	Barking dogs
Pollution	91	85	e.g. bonfires, odour, smoke, grit and dust and light
*Tonbridge Odour complaints	137	460	
TOTAL	514	916	

*Refers to individual complaints received, rather than specific cases

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FORMAL ACTION 2013/2014 - SERVICE OF STATUTORY NOTICES

Notice	Number served 2012/13	Number served 2013/14	Example
Environmental Protection Act 1990 section 80	3	6	Statutory nuisance e.g. noise, accumulations
Prevention of Damage by Pests Act 1949 section 4	2	0	Control of rats and mice
Public Health Act 1936 section 83 (As amended)	0	1	Filthy and Verminous Premises
Local Government (Miscellaneous Provisions) Act 1976 section 16	0	1	Requisition for Information
Local Government (Miscellaneous Provisions) Act 1982 section 29	0	1	Securing premises against unauthorised access
Control of Pollution Act 1974 sec 60	0	2 (in relation to 1 premises)	Control of Noise on construction sites
Control of Pollution Act 1974 section 61	5 (in relation to 2 premises)	3 (in relation to 2 premises)	Prior consent for construction works.
The Private Water Supply Regulations 2009 section 18	0	6 (in relation to 1 commercial premise and 1 domestic premises)	Notification of failure to comply with the required standards for PWS and actions required to remedy the failures.
TOTAL	10	20	

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 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 FOOD AND SAFETY TEAM PERFORMANCE 2013-2014

Summary

This report describes the operational activities of the Council in relation to its statutory function of food safety and health and safety for the year 2013/14.

1.1 Introduction

1.1.1 The range of regulatory and educational activities of the Food and Safety team is described in this report.

1.1.2 During the year, the team delivered on the majority of proposed service improvements as identified in the report of 8 May 2013. Two training sessions were delivered to Chinese and Indian food premises with a food hygiene rating of between zero and three. Further training sessions are planned for 2013/14.

1.2 Food Hygiene and Safety Inspections

1.2.1 Programmed interventions, which include full or partial inspections and questionnaires to low-risk business, form the core activity of the food enforcement function. Three hundred and seventy three full or partial inspections were made to food premises rated category A-D with a further 103 inspections of category E (low risk premises). Eighty two low risk questionnaires were sent to category E premises. All but four programmed interventions to high-risk food premises, (Category A-D) that were due in 2013/14, were completed. The reasons that the four businesses could not be inspected were outside the team's control and involved seasonal closure, closure due to flooding and personal circumstances for one food business operator. One hundred and seventy four re-visits to food premises were undertaken to ensure legal contraventions had been remedied.

1.2.2 During 2013/14, the total number of proactive health and safety inspection visits dropped significantly, this is in line with Government Better Regulation Policy. We inspected two sites with cooling towers/evaporative condensers which were

selected for inspection as part of a national inspection target to reduce the risk of legionella.

- 1.2.3 Accidents were investigated where they met the accident investigation selection criteria, involving workplace transport and slips and trips. Specific details of food and health and safety interventions are shown in **[Annex 1]**.

1.3 Requests for Service

- 1.3.1 The Food and Safety team received 103 service requests in 2013/14. These included complaints about food, food premises and the hygiene of food handlers, as well as workplace health and safety complaints. All these complaints were fully investigated and relevant action taken. Ninety nine percent of initial responses to service requests were responded to within the five day target.

1.4 Food Sampling

- 1.4.1 Food sampling is important to help ensure the safety of food. The Food and Safety team participated in national sampling surveys which examined the safety of specific foods such as pre-packed sandwiches and soda water. In addition, samples were taken as a result of food poisoning allegations or complaints of poor hygiene and routine surveillance of manufacturers. In 2013/14, officers took 221 samples and sent them for microbiological examination. Twenty three borderline and 42 unsatisfactory results were investigated and advice given to businesses to resolve problems. Re-samples were taken where required. Further details can be found in **[Annex 2]**.

1.5 Food Poisoning and Food Related Infectious Disease

- 1.5.1 The incidence of confirmed cases of food-borne disease in the borough over the last three years is detailed in **[Annex 3]**. During 2013/14, a total of 235 reports were made and investigated when food businesses were implicated. Two reports were reported as food poisoning but the specific causative organism was not known. This is an increase of 5 reported cases on last year. Campylobacter cases continue to be the largest number of reported cases of food poisoning in the borough. Advice is given to people suffering from food poisoning or food related disease and, where necessary, further investigations and sampling are undertaken with businesses that may be implicated.

1.6 Promotional Initiatives

- 1.6.1 In November 2013 and then in February 2014 a free training session was held for Indian and Chinese businesses with a food hygiene rating of between zero and three. 27 food handlers from 11 businesses attended the Indian session and 11 businesses with 25 delegates attended the Chinese session. The purpose of the training was to highlight the importance of adequate hand washing, cleaning and disinfection and correct separation of raw and ready to eat foods to prevent cross contamination. Improvements will be reassessed at the next re-visit or full

inspection and the aim is to see an improvement in standards and the hygiene rating.

- 1.6.2 Press releases were also issued in connection with promotion of the hygiene rating scheme, Food Safety Week 2013 which promotes food safety in the home, and in advance of the Kent wide ice cream sampling campaign.
- 1.6.3 Officers continue to deliver food safety and health and safety training as part of the West Kent Training Partnership, operated in conjunction with other West Kent local authorities and K College. This year the partnership delivered 18 level two food hygiene and 2 level three courses. Level three courses are primarily targeted at supervisors and business operators in small and medium sized food businesses.

1.7 Broadly Compliant Premises

- 1.7.1 The percentage of food businesses in the area which are broadly compliant with food hygiene legislation is determined from the inspection scores for food hygiene and food handling practices, structure of the premises and confidence in management.
- 1.7.2 The Council's results show that 93 per cent of our food businesses are broadly compliant and have achieved a rating of three or better in the National Food Hygiene Ratings Scheme. Full details are presented in **[Annex 4]**.

1.8 Formal Enforcement Action

- 1.8.1 In order to protect public health, it is sometimes necessary to take formal action against businesses. In 2013/14, eleven food hygiene improvement notices were served to secure compliance in other businesses for offences such as lack of food hygiene training and inadequate food safety management systems.
- 1.8.2 During 2013/14, officers offered a simple caution to one local business for failing to protect the health and safety of an employee who fell from height and injured themselves on poorly maintained equipment. The company agreed to accept the caution as an alternative to a prosecution. Nine health and safety prohibition notices and six improvement notices were also served on other businesses.

1.9 Proposed Service Improvements – 2014/15

- 1.9.1 It is intended that the following service improvements will be delivered in 2014/15:
- 1) Education campaign for catering businesses with gas appliances to offer advice and support on maintaining gas appliances to reduce the risk of carbon monoxide poisoning.
 - 2) Two training sessions aimed at 0-3 hygiene rated Turkish and English businesses; and

1.10 Legal Implications

1.10.1 The Council has a statutory duty to monitor food safety and health and safety of commercial premises within the borough.

1.11 Financial and Value for Money Considerations

1.11.1 All service improvements will be undertaken within existing budgets.

1.12 Risk Assessment

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

1.13 Equality Impact Assessment

1.13.1 See 'Screening for equality impacts' table at end of report

1.14 Recommendations

1.14.1 It is **RECOMMENDED** that the Cabinet **NOTE** the performance information relating to activities associated with the food and safety function in 2013/14 and **ENDORSE** the service improvements for 2014/15 as detailed in paragraph 1.9 of the report.

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

Background papers:

contact: Melanie Henbest

Nil

Steve Humphrey
Director of Health and Housing

Councillor Brian Luker
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 report is predominantly for information but asks Members to agree our Service improvements for 2014/15 which does not cause an adverse impact or discriminate against different groups in the community.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The targeted training sessions are specifically designed to assist different ethnic groups comply with food hygiene requirements.
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.

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FOOD HYGIENE INTERVENTIONS

Premises risk rating and frequency	No. interventions carried out 2011/12	No. interventions carried out 2012/13	No. interventions carried out 2013/14
A – 6 months	0	5	6
B – 12 months	32	41	46
C – 18 months	237	266	232
D – 2 years	85	77	89
E – 3 years *	184	157	185
Total	538	546	558

HEALTH AND SAFETY INTERVENTIONS

Type of Intervention	No. interventions carried out 2013/14
Proactive inspections	3
Non-inspection interventions e.g. awareness raising	3
Reactive visits e.g. to investigate complaints and/or accidents	44
Re-visits	7
Total	57

* Includes low risk premises questionnaires

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FOOD SAMPLING PROGRAMME

DATE	SAMPLING PROGRAMME	RESULTS
May 2013-March 2014	UK Co-ordinated Food Liaison Group Study- Soda water from dispensing guns	44 samples taken 3 borderline (acceptable) 9 unsatisfactory
July 2013-March 2014	UK Co-ordinated Food Liaison Group Study- pre-packed sandwiches from small or unregistered businesses	46 samples taken 4 borderline (acceptable) 1 unsatisfactory
April 2013- March 2014	TMBC Food complaints and food poisoning allegations	10 samples taken 1 borderline (acceptable) 1 unsatisfactory
April 2013 - March 2014	TMBC Routine sampling programme including manufacturers and producers	108 samples taken 15 borderline (acceptable) 29 unsatisfactory
Summer 2013	Kent local authorities survey- soft ice cream	13 samples taken 2 unsatisfactory
<p>Total number of samples: 221 Of which 157 were classified as satisfactory 23 were classified as borderline (acceptable) 42 were classified as unsatisfactory</p>		

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CONFIRMED CASES OF FOOD BORNE DISEASE

Communicable Disease	2011/2012	2012/2013	2013/2014
Salmonella	13	12	18
Campylobacter	197	157	182
Dysentery	2	2	1
Hepatitis A	1 (later found to be negative)	1	0
E coli	0	4	3
Cryptosporidium	15	33	15
Giardia lamblia	15	7	11
Listeria	-	2	0
Food poisoning –organism unknown	-	10	2
Other	-	2	3
Total	243	230	235

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SUMMARY OF NATIONAL FOOD HYGIENE SCHEME RATINGS

Rating	Number of businesses	%
Five (Very Good)	461	55
Four (Good)	216	26
Three (Generally Satisfactory)	102	12
Two (Improvement Required)	37	4
One (Major Improvement Required)	23	3
Zero (Urgent Improvement Required)	1	Negligible
Total	840	100

Data correct as of 2 May 2014.

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 2014

Report of the Director of Street Scene & Leisure

Part 1- Public

Matters for Information

1 STREET SCENE ACTION PLAN 2013/14

Summary

The report provides details of street scene initiatives completed in 2013/14.

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 and involving a number of external partners, for example Kent Highway Services, Police, Housing Associations, Environment Agency, etc.

1.1.3 Attached at **[Annex 1]** is an outturn report showing progress with our Street Scene Action Plan for 2014/14.

1.2 Legal Implications

1.2.1 None.

1.3 Financial and Value for Money Considerations

1.3.1 The key actions in the Street Scene Action Plan were funded within service budgets or those of partner organisations.

1.4 Risk Assessment

1.4.1 Ongoing improvements to Street Scene improves the perception of people about the places in which they live, work and play.

1.5 Policy Considerations

1.5.1 [Select 'Policy Considerations' from list or remove if not applicable]

Background papers:

contact: Phil Beddoes

Nil

Robert Styles
Director of Street Scene & Leisure

STREET SCENE ACTION PLAN 2013/14

WHAT WE WANT TO DO	LEAD OFFICERS	KEY ACTIONS	PROGRESS UPDATE
Reduce littering in the borough.	PAB/DG	<ul style="list-style-type: none"> • With community groups, Parish Councils, partners, take forward the “Love Where You Live” initiative. • Develop and implement a dynamic litter “hot spot” enforcement programme. • Refresh the Street Monitors scheme. • Carry out “Bag and Flag” events in public areas affected by dog fouling. 	<ul style="list-style-type: none"> • Progress report to LEMAB 3 September 2013. • 105 Community clean up events supported between April-September 2013 • Hot Spot areas identified and enforcement patrols undertaken. • Re-launch of street monitors scheme in Autumn/Winter. • Bag & Flag events held in Hot Spot areas.
Reduce Fly Tipping	PAB/DG	Work with Police and other enforcement agencies to apprehend and disrupt persons engaged in fly tipping. Focus resources on known “hot spots”.	Joint initiatives undertaken with police to disrupt illegal transportation/tipping of temporary waste.
Run multi-agency operations to target ‘hot spot’ areas.	AF	Undertake Environmental Visual Audits (EVAs) as necessary.	EVA in Tonbridge (Claire Avenue area) held on 30 April. This identified a variety of issues including graffiti removal, footpath improvements and overgrown vegetation. Agencies worked to address these issues and the majority of actions have now been completed.
Work with the Probation Service to fully utilise the Community Payback Scheme.	AF	Work with Probation to ensure that the Community Payback Scheme can be targeted in areas identified in the borough.	Work with the Probation Service is ongoing. They have cleared graffiti at Tonbridge skatepark and litter picking in Hildenborough play area. They have also been working with Wouldham Parish Council to clear shrubs on the recreation ground to gain access to a new children’s play

WHAT WE WANT TO DO	LEAD OFFICERS	KEY ACTIONS	PROGRESS UPDATE
			area. They have also cut back overgrown vegetation and litter picked in various locations around Tonbridge.
Youth Forum	DL	Engage the Forum in identifying opportunities and projects to improve the street scene environment.	“Fixers” projects to create new mobile App being investigated..
Tonbridge Racecourse Sportsground	DL	Develop a site specific Management Plan in accordance with the Green Flag standards.	Final Plan approved and adopted at the Leisure & Arts Advisory Board on 16 September 2013.
Tonbridge High Street Lighting Columns Page 50	KCC	Liaise with KCC regarding the replacement of columns in Tonbridge High Street.	Quarry Hill Parade – All replacement lighting complete. Railway Approach – All replacement lighting complete except for one column opposite the station. This is on a Network Rail structure and a method statement is required before the column can be changed, negotiations are currently in progress. High Street – All replacement lighting complete except for two ornate columns which were damaged in separate incidents. Delivery is expected within the next four weeks and installation will take place soon after, road space permitting.
Improving Street Clutter – Tonbridge Centre	AE	<ul style="list-style-type: none"> Progress schedule of works and carry out targeted street scene improvements. 	Schedule of works has been collated, evaluated and mostly completed.

WHAT WE WANT TO DO	LEAD OFFICERS	KEY ACTIONS	PROGRESS UPDATE
		<ul style="list-style-type: none"> Work with KHS to secure appropriate and well maintained Street Furniture. 	
Borough wide – Improvement Programme for Existing Car Parks	AE	<ul style="list-style-type: none"> Identify 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.
Town Lock Enhancement Scheme	SDM	Implement and complete scheme.	Design has been finalised and works will be tendered for progression in 2014/15 2014.
Church Lane Paving	SDM	Repairs to decorative Ironstone panels at the entrance to Parish Church Tonbridge.	Works completed.
Tonbridge Cemetery	DL	Refurbish/repair paths on a priority basis.	Refurbishment of the main path complete.
St Phillips Church, Tonbridge	DL	In partnership with the Church, create a new community garden/play area in consultation with local residents.	Installation of the new toddler area complete.
Conservation and Improvement of the Built Environment	LJP	Implement the Character Area Appraisals Supplementary Planning Document.	Opportunities pursued when presented via planning applications.
Avebury Avenue Bridge, Tonbridge	SDM	Replacement of Avebury Avenue Bridge	Design completed and construction/ installation anticipated 2014/15.
Remembrance Gardens, Tonbridge	AE/DL	Complete re-design and construction of a new remembrance gardens	Works currently under way and project due for completion at the end of June 2014..
Lower Castlefields Car Park, Tonbridge	AE	Remodelling of existing car park to incorporate area of privately owned car park into existing Borough Council car park.	Initial design is complete. On-going negotiations with land owner and other stakeholders. It is anticipated that construction works to take place in 2014.
Snodland	PAB/DG	Work with Town & Country to improve Churchfields estate.	TMBC looking to provide estate cleaning at cost.

WHAT WE WANT TO DO	LEAD OFFICERS	KEY ACTIONS	PROGRESS UPDATE
		Joint work with South Eastern and Network Rail to improve littering/cleaning around station.	Meeting with all parties in November 2013.

Key to Lead Officers:

PAB: Phil Beddoes
 DG: Dennis Gardner
 AF: Alison Finch
 SDM: Steve Medlock

AE: Andy Edwards
 DL: Darren Lanes
 LJP: Lindsay Pearson

TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 2014

Report of the Director of Street Scene and Leisure

Part 1- Public

Matters for Information

1 WASTE AND STREET SCENE SERVICES – CONTRACT PERFORMANCE 2013/14

Summary

This report considers performance over the range of Waste and Street Scene Services' functions and contracts during 2013/14. It is pleasing to see that the performance of the Waste & Street Scene Team and our contractors continues at its historically high level of quality.

1.1 Background

1.1.1 This report considers performance across the high profile functions managed by the Waste & Street Scene Service, namely refuse collection, recycling, amenity and street cleansing, public convenience cleaning, abandoned vehicles, pest control and the dog warden service. The 2013/14 information is provided together with a comparison with the previous years' performance.

1.2 Refuse and Recycling Collection Services

1.2.1 This is the largest element of the contracted services, with a total annual cost of over £2.2 million in 2013/14. The present contract commenced in 2005 and was awarded to Veolia Environmental Services for a 14 year period. The main features of the contract are:

- a wheeled bin, boundary of property collection service for household waste based on an alternating weekly collection service;
- a separate weekly household clinical waste collection for those householders who need this type of service;
- an assisted "pull-out" collection service for residents who find it difficult to move wheeled bins;
- a Saturday household bulky waste service at a number of locations around the borough; and

- a borough-wide green box recycling service for paper and cans; and a network of recycling ‘bring’ sites throughout the borough.

1.3 Street Cleansing Service

1.3.1 This is a major service with an annual contract cost of around £1.2 million in 2013/14. The service is also provided by Veolia Environmental Services and is run as a joint contract with the refuse and recycling service. The main features include:

- provision of regular cleaning of streets, footpaths and highways;
- provision of a ‘hit squad’ to allow rapid response to reactive work;
- servicing of litter and dog waste bins;
- cleansing, at a rechargeable cost, of Russet Homes’ land;
- provision of cleaning services for other clients, for example, car parks and some leisure services areas; and
- graffiti removal service.

Detailed below in Table 1 is key performance information relating to our refuse and recycling and street cleansing services:

Key Performance Indicator (KPI)	2010/11	2011/12	2012/13	2013/14
Kgs of residual household waste per household	564	544	563	584
Percentage of household waste sent to reuse, recycling and composting	45	44	43	42
Paper tonnage (box & bank)	4,089	3,767	3,551	3,255
Total waste arisings (tonnes)	51,784	48,641	49,506	51,336
Quality of green waste delivered to Blaise Farm at Grade A or B	50	77	86	86
Average number of missed bins per week out of 47,000 collections	2.3	2.6	3.0	2.8
Total number of fly-tips	427	418	395	468
Percentage of high priority fly-tips cleared within 24 hours	100	100	100	100
The Borough’s Cleanliness Score	N/a	7.1	6.8	7.0

Note: The Borough’s Cleanliness Score provides a measure of the average cleanliness of highways in the borough. As an indication, a score of 6.7 is a good result, where roads are of a satisfactory standard and are predominantly free of litter.

1.4 Comments on Contract Performance

- 1.4.1 In keeping with the national position we have noted a decrease in tonnages of recycling materials collected, but an increase in residual waste arisings. Overall waste arisings increased by almost 4%, with Street Cleansing & Highways arisings up by almost 20% on last year. In Q4 of the year, this was exacerbated by the additional waste arising from flood-damaged goods collections. We have asked the waste disposal authority to investigate further to see if this unusually high increase in street arisings is a Kent-wide trend. Despite this, a performance of 42 per cent of waste being either recycled or composted has been achieved. The drop in total weight of materials collected for recycling is considered to be as a consequence of the economic issues facing the country. Paper tonnages in particular continue to decrease due to the reduction in free newspapers and “junk mail”, as well as increased switching from newspapers to electronic media.
- 1.4.2 The Allington “Energy from Waste” plant has been fully operational throughout the year apart from several short periods of planned for maintenance which did not affect collection services. We continue to work to improve the quality of material delivered to the Blaise Farm in-Vessel composting unit, especially with regard to reducing the amount of plastic bag contamination. Loads delivered to the facility are spot checked and graded A to D, where A is a “good” load, and D is “rejected”. There has been significant improvement in the quality of material during the past year, with 86% of loads scoring a grade A or B in 2014 to date, compared with only 50% in 2011, and we had no rejected loads.
- 1.4.3 With the above facilities, locally available for us to use, we continue to be able to reprocess over 80% of the collected recycling or compostable materials within the borough. We are also able to ensure that over 95 per cent of our total waste arisings are used as a resource as they are either recycled, composted or used for energy recovery. This makes our collection service one of the most environmentally sustainable schemes in the country.
- 1.4.4 It is disappointing to note that the number of fly tip reports has increased this year, although still not to the same level as four years ago (607 in 2009/10). Our research has shown that the number of fly tips includes some multiple reports for the same fly tips, as often the same fly tip is reported by various members of the public as well as Clean Kent, Community Wardens and the Police/PCSOs. Whilst this demonstrates that our continued promotion of “Eyes & Ears” and of online report forms to increase reporting of street scene issues and offences is effective, a system is being introduced to exclude these multiple reports from future statistics. In addition, the number of enforcement actions against fly-tipping and littering offenders continues to increase.

1.5 Public Conveniences Cleaning Service

- 1.5.1 Although a relatively small contract in financial terms at a cost of £61K in 2013/14, it remains a high-profile service. The cleaning contract is currently carried out by

SHS Cleaning Ltd, who took over from Sevenoaks DC on 1 July 2013. We received no formal complaints about the cleanliness of our public toilets during 2013/14. The quality of service provided by SHS is satisfactory. Standards of cleanliness remain high at 94%, which reflects the changes to the cleansing specification under the new contract. Performance will continue to be monitored to assess any further impact of the changes to opening times and reduced cleansing regime.

1.5.2 Detailed below in Table 2 is key performance information relating to this service:

Table 2

Key Performance Indicator	2010/11	2011/12	2012/13	2013/14
Percentage of cleansing inspections with satisfactory standard or above	100	100	100	94

1.6 Additional Services

1.6.1 Abandoned Vehicles - The Waste & Street Scene Team has responsibility for the abandoned vehicle functions. As reported previously, Kent County Council ceased Operation Cubit on 31 March 2013 due to the significantly lower number of untaxed vehicles being dealt with across Kent compared with previous years.

Table 3 details the number of abandoned vehicle reports, and those that ultimately required removal.

Table 3

	2010/11	2011/12	2012/13	2013/14
Number of reports of potentially abandoned vehicles requiring investigation	124	113	88	90
Number of vehicles removed	12	2	6	3
Number of vehicles dealt with during Operation Cubit	36	46	15	n/a

1.6.2 Pest Control - The Waste & Street Scene Team has responsibility for the management of the Council's Pest Control contract, currently provided by Monitor Pest Control, who took over the contract from Rentokil on 1 November 2013. The new contract provides for treatments of rats, mice, bedbugs and cockroaches to households in receipt of certain means-tested benefits.

Table 4

	2010/11	2011/12	2012/13	April -Oct 2013	Nov 13 – Mar 2014

No of Jobs	1,119	1,166	549	441	68
Percentage of jobs responded to within 2 days	100	100	100	100	100

Our ongoing customer surveys have shown that customers rate the pest control service as either excellent or good.

- 1.6.3 Dog Warden Service –The Dog Warden service is responsible for dealing with lost and stray dogs, promoting responsible dog ownership, dealing with micro-chipping, investigating and enforcing dog fouling offences and noisy and nuisance dog complaints. The service is currently provided by Ward Security Ltd who took over from Animal Wardens on 1 March 2014. Key performance information is detailed below.
- 1.6.4 Although the number of stray dogs has reduced significantly from 2010/11, there has been an increase in the number of dogs having to be put to sleep. We will only put to sleep dogs which are too aggressive to be rehomed or those too ill for treatment. The rise in “put to sleep” dogs reflects the national increase in aggressive dogs either found as strays or handed over as “strays” by their owners.

Table 5

Stray Dogs Dealt With	2010	2011/12	2012/13	2013/14
Returned to owner direct	15	22	34	13
Claimed by owners	162	95	63	75
Donated	122	100	73	78
Put to sleep	8	12	14	21
Other	2	1	5	3
Total of Stray Dogs dealt with	309	230	189	190
Other Service Requests				
Dangerous dogs		46	72	81
Noisy dogs	137	102	98	115
Dog fouling			37	85
Miscellaneous			8	17
Percentage of stray dog complaints responded to on day reported	100	100	100	100
Percentage of other complaints responded to within 5 days of report	100	100	100	100

1.7 Legal Implications

- 1.7.1 In order to comply with our legal duties relating to safety at work we undertake risk based audits and inspections of our contractor’s work systems and practices.

1.8 Financial and Value for Money Considerations

- 1.8.1 A recent programmed Internal Audit Review of the entire Waste & Street Scene Team's work areas and the management & administration of contracts was completed in 2013/14. Impressively, only one minor recommendation was made by audit officers following this wide-ranging audit, relating to an IT improvement to an administrative procedure.
- 1.8.2 Annual performance reports provide Members with an opportunity to review ongoing efficiency and effectiveness of high profile contracts which are client managed by the Waste & Street Scene Team.

1.9 Risk Assessment

- 1.9.1 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

27 May 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 and Street Scene Service initiatives.

1.1 Plastic Collections at Bring Sites

- 1.1.1 The new contract for the collection of plastics from Recycling Bring Sites was 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 commenced on 1 May 2014.
- 1.1.2 During the contract implementation period, Countrystyle worked very closely and efficiently with the outgoing contractor, Viridor, to ensure a smooth transition to the new service. This included a phased replacement of the containers at each site over a week long period. All banks are now new and branded to highlight the partnership between TMBC and Countrystyle.
- 1.1.3 Whereas the Viridor contract only provided for the collection of plastic bottles for recycling, the new service allows for the collection of a wider range of plastic containers, such as margarine tubs, yoghurt pots and ice cream containers. All of the new banks bear a number identification system to assist residents in identifying which types of plastics will be required. Any plastic containers bearing the recycling symbol with 1, 2, 4 or 5 can be recycled using the new service.
- 1.1.4 Countrystyle are also investigating future options for increasing the types of plastics they can accept for recycling, but this is dependent on the available markets and reprocessing facilities. Should the opportunity be available to increase the specification further during the contract, we will of course advise residents and Members.

1.2 Review of Charges

- 1.2.1 Following a Scrutiny review of the Council's concessionary charges and fees, a number of recommendations were approved by Cabinet at their meeting on 4 February 2014. The decision to move to the Council Tax Reduction Scheme, being the qualifying benefit for Pest Control and Bulky Goods Collections, has been implemented. In addition we will continue to advertise the services and concessions to ensure residents' ongoing awareness.
- 1.2.2 The viability of a single discount card has been looked at by an officer group. The group has found that the discount card does not provide any advantage to residents requesting a Pest Control or Bulky Goods Collection as "qualifying" information is instantly available when services are booked either online or via the Admin Team. In addition the discount card would be expensive to produce and maintain. Consequently it has been decided not to introduce a discount card for these services.

1.3 Transformation Agenda

- 1.3.1 The Waste & Street Scene Team have been a lead service pioneering the online revolution. We continue to work with IT Services to further develop on-line services. As well as improving access to information via our website, self-service forms have been developed which enable residents to carry out some transactions without having to telephone the Council or visit the Gateway or Kings Hill reception. Most of these come into Waste Services as an email report, which then has to be entered into the Lagan CRM system to be actioned by the contractor. However, a small number of these do not need to be dealt with by administrative staff but go direct to Veolia.
- 1.3.2 Bulky waste & fridge/freezer collections can be booked and, where necessary, paid for on-line, giving residents a choice of collection days. Those on means-tested benefits can also book a free bulky collection every three months, using their benefit reference number. During 2013/14, 46 per cent of paid-for bulky collections and 41 per cent of fridge/freezers collections were booked online. However, just 16 per cent of benefits bookings were made online. This may indicate that households on means- tested benefits are less likely to order services and goods online, or a need for further communication with those households about accessing online services. This may inform the future development of the "My Account" service and uptake by these households.
- 1.3.3 Residents can also report a damaged or missing bin on-line, and the report goes direct to Veolia to action, saving on administration time. People moving into new properties can order their new bins on-line. A change of bin size can also be requested via the website. Any requests for the largest bin are sent to the Waste Services admin team for authorisation, but all other requests go direct to Veolia. During 2013/14, 11 per cent of bin orders were made via the online form, with a further 5 per cent by email.

- 1.3.4 Pest control services can also be requested online. Paid-for services are referred to the contractor, Monitor. Of the 166 requests referred since November, almost 30 per cent were made via the web form which goes direct to Monitor.
- 1.3.5 We will continue to develop these “channel-shift” initiatives, with orders for green boxes being the next priority for the service, as they form the highest volume of requests which are not yet directed straight to the contractor. Of the 1,794 requests made during 2013/14, 38 per cent were received by email. There is a potential for many of these, which had to be entered by Admin into the Lagan system, to be received as an online form which goes direct to Veolia for action.
- 1.3.6 We are also linking key pages of the website to the “My Account” service. Residents registering with the service are now able to receive automatic notifications about the Saturday Bulky Service, Bank Holiday collection arrangements and the Waste Services Update page, which we use to advise of any delays to collection services caused by bad weather, vehicle breakdowns or road conditions. We will continue to identify further opportunities for improved communication with residents via the “My Account” service.

1.4 Legal Implications

- 1.4.1 None

1.5 Financial and Value for Money Considerations

- 1.5.1 The costs associated with these arrangements and initiatives are contained within existing budgets.

1.6 Risk Assessment

- 1.6.1 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: Phil Beddoes
David Campbell-Lenaghan

Robert Styles
Director of Street Scene & Leisure

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 2014

Report of the Director of Street Scene and Leisure

Part 1- Public

Matters for Information

1 KENT RESOURCE PARTNERSHIP

Summary

The report provides an update of key initiatives being undertaken by the Kent Resource Partnership (KRP).

1.1 Background

1.1.1 All 13 Kent Councils (excluding Medway) comprise the KRP. It has been in place since 2007. Portfolio holders with responsibility for recycling, waste and street scene cleansing services form the KRP Board and meet three times a year. Heads of Service form the KRP Officer Advisory Group and have the aim of implementing cross-county initiatives.

1.1.2 A number of KRP led initiatives are shortly to be introduced and this report summarises these with particular reference to implications to the Council.

1.2 Increasing Recycling

1.2.1 The KRP are keen to support councils market the recycling services they provide. Increased awareness of our recycling services and focussed marketing aims to increase material recycled and reduce residual waste. We have been provisionally allocated £32,300 to spend before 1 April 2016 which will be released when our proposals are agreed by the KRP in June 2014. Specifically, our proposal must:

- be results orientated;
- relate to recycling performance;
- aim to increase residents' participation;
- improve quality of recyclates;
- aim to reduce contamination; and

- increase income from sale of material.

1.2.2 Our proposals are presently being prepared by officers. A verbal update will be given to the Board detailing our specific proposals and how this new, third party funding can be best used.

1.2.3 This initiative was ably driven forward by David Campbell-Lenaghan who chaired the KRP officer group leading on this work area.

1.3 Litter – Working Together

1.3.1 Littering remains an issue of concern to many residents and Members. The KRP are working together to improve the cleanliness of the county. Using the experience gained over many years, developing our well-respected approach to street cleaning, that is, pick it up efficiently, change behaviour and prosecute offenders, the Head of Waste and Street Scene has led the KRP's approach to how we work together in Kent.

1.3.2 A significant action will see June 2014 designated as a "Clean Kent" month. Initiatives involving all districts, KCC Waste Management, KCC Highways and Transportation, the Highways Agency, Clean Kent Enforcement Team, voluntary groups, Parish Councils etc. are planned. The KRP and KCC have jointly funded a local radio campaign through June and local media have supported the initiative across the county. We have a wide programme of activity at TMBC which is covered in more detail elsewhere on this Agenda.

1.3.3 Whilst the campaign aims to reduce litter, it also looks to increase general awareness of what councils have to do to deal with litter and the costs associated with litter clearance.

1.3.4 Also during June, the KRP are working with the Chartered Institute of Waste Management to deliver health and safety training for officers responsible for street cleansing. Again, TMBC has played a major part in the development of this important initiative with Dennis Gardner providing the planning group with extensive experience and energy to take this work forward.

1.4 Legal Implications

1.4.1 None.

1.5 Financial and Value for Money Considerations

1.5.1 KRP has provided significant funding to take county-wide initiatives forward at TMBC.

1.6 Risk Assessment

1.6.1 None.

Background papers:

contact: Phil Beddoes

Nil

Robert Styles

Director of Street Scene and Leisure

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 2014

Report of the Director of Street Scene & Leisure

Part 1- Public

Matters for Information

1 “LOVE WHERE YOU LIVE” CAMPAIGN

1.1.1 Background

1.1.2 This report details the past successes and future initiatives involved in the Love Where You Live (LWYL) campaign, which was launched in September 2011 in partnership with Keep Britain Tidy.

1.1.3 The LWYL 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

1.2 Achievements in 2013/14

1.2.1 Litter Code of practice for businesses

A 'Litter Code' was initiated by committed Street Monitor, Mr Stuart Ollson of Larkfield Neighbourhood Watch in partnership with the council and Kent Police. The scheme recognises that there is a link between littering and anti-social behaviour and aims to encourage businesses to help reduce litter, using guidance from the DEFRA Code of Practice for 'Food on the Go'.

Larkfield are celebrating their second year of success in engaging and sustaining support from 25 local business outlets who have committed to the litter code. Businesses are awarded a certificate after one year of attained - and sustained - standards. The litter code model has so far been adopted in East Malling, Ditton

and Snodland. Members of the Snodland Goes Cleaner Campaign Team will be leading on the introduction of the scheme to the town. The Tonbridge Town Team are currently considering a similar scheme.

1.2.2 Bash the Trash events

In 2013/14 we supported 64 community bash the trash events across the borough from Wouldham and Burham, through to Igtham and Borough Green as well as Aylesford, East Peckham, Hildenborough, Hadlow. and Tonbridge. We supply all of the necessary equipment, such as litter pickers, high visibility tabards, reinforced sacks, handi-loops and gloves in addition to providing a free collection of litter gathered.

Volunteers and other users of this service include Hadlow College, Snodland Cub Scouts, East Malling Wombles, Longmead Primary School, Kent Police Community Support Officers, Kent Community Wardens, Ditton Churchyard Group, Hosanna Church Youth Group and the Medway Valley Countryside Partnership's River Rubbish Round-up. So far in 2014/15 we have supported events run by Burham volunteers, Tonbridge Canoe Club, Russet Homes in East Malling and Tonbridge Litter Catchers.

In recognition of the special efforts demonstrated by Tonbridge Canoe Club, with their invaluable support during the post-flood clean-ups, the council will be awarding a special one off 'Love Where You Live Gold Award' in June.

1.2.3 The Big Scoop in partnership with Dogs Trust

Following the success of last year's launch of the Big Scoop in partnership with Keep Britain Tidy and Dogs Trust, the borough council will be tackling dog fouling hotspots through the bag and flag campaign as part of this national programme in June. The hotspots are identified within Snodland, Wrotham, Hildenborough, Wouldham and Tonbridge. The Big Scoop encourages dog owners to be 'scooper heroes' and clean up after their dogs appropriately. Capes and badges are available to supporters who wish to get involved.

1.2.4 Yellow Dog campaign – for dogs that need space

The Yellow Dog Scheme was launched in 2013 as part of the councils 'Responsible Dog Ownership' programme. The scheme encourages owners who have dogs 'who need space' for whatever reason, be they in training, recovering from surgery or nervous to announce this to other dog owners by displaying a yellow ribbon on the lead. There is a limited supply of ribbons available through the dog warden, which are free; there is also the option to purchase yellow neckerchiefs and dog coats which read 'I need space' from the campaign's website.

The scheme was launched and welcomed at both the Snodland and East Malling Dog Shows. The team will be embedding the yellow dog message into the schools and youth talks we offer throughout the year.

1.2.5 Love Kent – Roadside Litter Campaign

The Kent Resource Partnership has agreed to match fund with Kent County Council Highways a dedicated pot of money to involve the whole of Kent in a roadside litter campaign in June. All local authorities, including the Highways Agency are committed to an action or activity. The campaign will feature a radio campaign on Heart FM from 3 June through to 4 July. Local action is strongly encouraged by volunteer groups and the Borough Council is working with local TV stations to feature to cover a Highways cleansing operation. This will focus attention on the high cost of cleansing our roadsides of litter, and the difficulty council's face in cleansing high-speed roads. Social media will play a major part in spreading the message using the hashtag '#LoveKent'.

1.2.6 Wild About Gardens and the Bee Friendlies

The Council continues to work in partnership with Kent Wildlife Trust and their sponsors to support the scheme to encourage wildlife-friendly gardening across the county. The scheme is free to enter, which includes special awards for schools, community gardens, water-wise and bee-friendly gardens. In addition, we are supporting Tonbridge and Malling Friends of the Earth group in their delivery of the 'Bee Friendlies' project. This initiative aims to encourage more bee-friendly planting across the borough in support of the national 'Bee Cause' campaign. The newly formed Angel Community Garden is an example of this work, which is situated outside of the Angel Centre in Tonbridge.

1.2.7 Educational Talks and Presentations

The team run a rolling programme of educational talks and presentations for all audiences throughout the year. In 2013/14 we have held presentations on the Love Where You Live initiative to a variety of groups, including Malling Rotary Club and Tonbridge Rotary Club, Wouldham All Saints Primary School, Lunsford Primary School, The Slade Primary School, Ditton Beaver Scouts and West Malling Scout groups.

1.3 Initiatives for 2014/15

- 1.3.1 The team will continue to promote Love Where You Live in communities throughout the Borough, and will continue to promote & support the Street Monitors scheme. The latter will also be adapted for Parishes to assist them in reporting street scene-related issues to the relevant body.
- 1.3.2 We will continue to target litter & fouling hot spots with enforcement and engagement activities. We will continue to work with PCSOs, Community

Wardens, social housing providers and Paris Councils to increase public awareness of the legal & social implications of littering & fouling.

- 1.3.3 We will work with the Youth Forum in order to increase youth engagement with Cleaner Borough initiatives and will continue to promote the Eco-Schools scheme.

1.4 Legal Implications

- 1.4.1 None.

1.5 Financial and Value for Money Considerations

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

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:

Nil

contact: Tamsin Ritchie
David Campbell-Lenaghan

Robert Styles
Director of Street Scene & Leisure

TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 REVIEW OF NOISE ATTENUATION M20 JUNCTIONS 4 TO 5

Summary

This report details the reply received from the Highways Agency(HA) to comments sent to them in May 2013, in response to their consultation on the identification of the M20, Junctions 4 to 5 being an 'Important Area' for the purposes of noise action planning.

1.1 Background

- 1.1.1 Following the original round of noise mapping in 2006, measures were put in place by the HA to reduce the impact of road traffic noise on local residents between Junctions 4 and 5 of the M20. These measures included resurfacing the carriageway with low noise material and the installation of noise barriers along the most seriously affected parts of the locality.
- 1.1.2 In 2012 the H A carried out a further review of this area as part of a national review and sought comments from the Council on the proposed outcomes
- 1.1.3 As detailed in the report to the meeting of this Board in May 2013, in preparing our response we consulted local Members, Tracey Crouch MP as well as reviewing the position of the existing barriers against the location of properties that were identified as continuing to be adversely affected by road traffic noise from the M20.
- 1.1.4 We identified the following locations, where residents continue to suffer from motorway noise and responded to the H A requesting additional barriers be provided to improve protection to residents in:
- Willow Road;
 - Lunsford Lane;
 - Cygnet Close;
 - New Hythe Lane (including 249 and 251);

- the Greenacres Estate;
- west of Station Road, Aylesford and
- the future residents on the Preston Hall and Royal British Industries sites.

A map showing these locations is provided in **[Annex 1]**.

1.2 Highways Agency Response

- 1.2.1 A letter was received from the HA in October 2013 acknowledging that our comments had been formally recorded and stating that it was their aim to complete their reviews of the responses submitted by the end of December 2013.
- 1.2.2 In February 2014, the HA advised that their investigations were completed before Christmas, but their Chief Highways Engineer had raised some additional queries, in respect of this “Important Area”, which were currently being finalised and they would reply in full imminently.
- 1.2.3 The letter detailing the HA’s response to our letters in May 2013 was received on 1 April 2014. A copy of the letter is attached to this report **[Annex 2]**.
- 1.2.4 In summary, the letter states:
- The HA conclude that Location1, Willow Road, is the only site identified by this review as a potential suitable location for an additional noise barrier. The map provided by the HA detailing the exact location is attached to this report **[Annex 3]**.
 - In response to our query about maintenance of the existing barriers, the letter advises that this issue has been referred to the area Asset Team who confirms that this stretch of the M20 is due to be resurfaced in 2016. The team are looking into whether this work can be brought forward due to the current condition of the carriageway.
 - Funding is being sought to carry out repairs to the barriers in 2016/17.
 - No consideration has been given to our request for an additional barrier west of Station Road in Aylesford.
- 1.2.5 On 11 April a response was sent to the HA, a copy is attached at **[Annex 3]**.
- 1.2.6 Further to our letter, a reply was received from the HA on 2 May, a copy is attached at **[Annex 4]**.

1.2.7 In summary, the letter states:

- In respect of Station Road West, the outcome of their investigation is that it is unclear whether the erection of a barrier in this location would provide benefit to the residents.
- Wider investigations are being undertaken for the two “Important Areas” 5977 and 5986. They are being considered as potential locations for a smart motorway. A ‘smart motorway’ uses the hard shoulder as a permanent running lane and, combined with pioneering technology, its aim is to reduce congestion and ease traffic flow.
- A master plan is currently being compiled for 2015 – 2021 by the HA. Further clarification on future works will be provided once the details of this master plan are confirmed, in about six months’ time.

1.3 Legal Implications

1.3.1 There are not any specific legal implications for the Council in completion of this work, but it is our role to endeavour to protect our residents from adverse environmental impacts.

1.4 Financial and Value for Money Considerations

1.4.1 None arising from this report.

1.5 Risk Assessment

1.5.1 By not continuing to make the H A aware of the continuing adverse impacts to residents, the opportunity to influence further improvements to this section of the M20 may be lost.

Background papers:

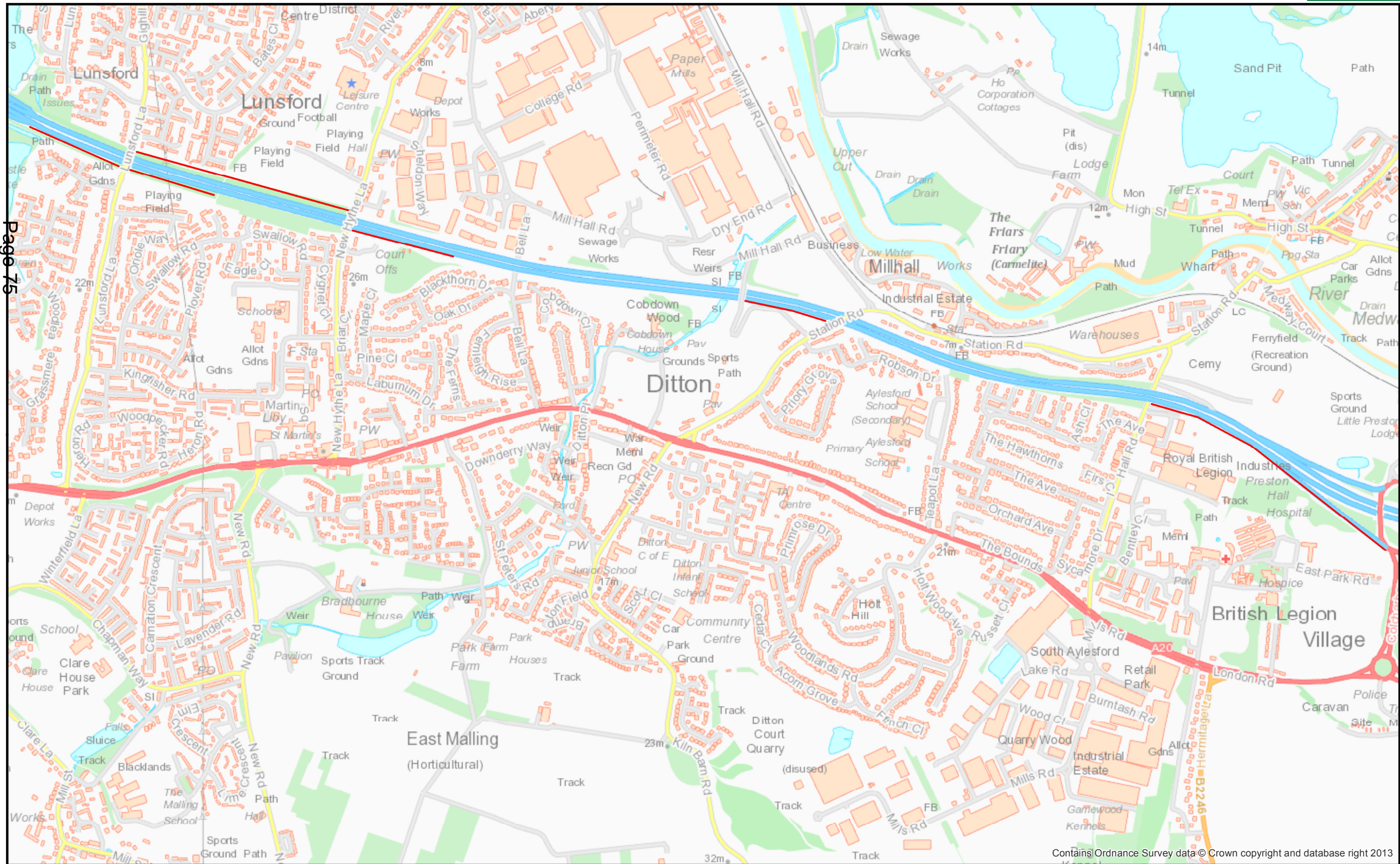
Nil

contact: Jacqui Rands
Jane Heeley

Steve Humphrey
Director of Planning, Housing and Environmental Health

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M20 NOISE BARRIERS - SUGGESTED LOCATIONS.



Page 75

Contains Ordnance Survey data © Crown copyright and database right 2013



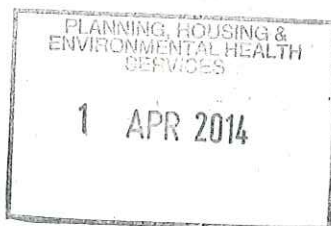
Scale: 1:10,000

Map Dated: 08 May 2014

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Safe roads, reliable journeys, informed travellers

Our ref:
 Your ref:



Ms Rands
 Environmental Protection Team Manager
 Gibson Building, Gibson Drive
 King's Hill
 West Malling
 Kent ME19 4LZ

Mike Wilson
 Chief Highways Engineer
 2/26K
 Temple Quay House
 2 The Square, Temple Quay
 Bristol BS1 6HA

Direct Line: 0117 372 8001

28 March 2014

Dear Ms Rands

NOISE FROM M20 JUNCTIONS 4 to 5 – IMPORTANT AREA 5977 AND 5988

Further to my letter dated 18th October 2013 I am writing to inform you of the findings of our review of Tonbridge and Malling Borough Council's consultation response undertaken as part of our Noise Action Planning process.

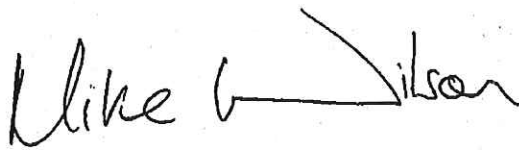
We have now investigated all of the proposed barrier locations you identified in your original letter and accompanying map. We have taken into account the distance from residential areas to the M20, how effective a barrier could be and land ownership when considering the feasibility of installing noise mitigation. This is the same approach that has been applied consistently for all responses to Local Authorities at this stage of the noise action planning process. A summary of our conclusions for each location is provided in Annex A. Location 1, Willow Road, on the enclosed map that you provided, is the only site identified under this review as a suitable location for a barrier. We will therefore change the advice on the Noise Action Plans Outcome Supporting Documentation (OSD) to support this proposal. With regards to your request to increase the height of some of the existing barriers, we are not able to support this action at this time as they currently provide some level of noise mitigation. The rationale here is that there are currently other locations across our network that experience high levels of noise where no noise mitigation measures are in place, and addressing these remains our first priority.

You also raised a query in relation to maintenance regimes that might influence noise on this section of the motorway. I have contacted our area Asset Team who have confirmed that the carriageway along this section of motorway is scheduled for resurfacing in 2016. Because of the condition of the existing carriageway the team is looking into whether this can be brought forward. The team are also aware of the condition of some of the barriers and funding is being sought to repair the barriers in 2016/17.

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Whilst this decision may be disappointing I hope that you understand that the HA's Noise Action Planning Process has been applied in a consistent way to identify and prioritise resources towards the very worst locations on a national basis. I would add however that our regional operational teams do have some discretion in the use of their funding allocations to address locally identified issues, where funds are available. Should you wish to explore this further I suggest you contact the Area 4 Kent Asset Development Manager, Kevin Bown to discuss this further. His contact details are: kevin.bown@highways.gsi.gov.uk

Yours sincerely



Mike Wilson

Email: mike.wilson@highways.gsi.gov.uk

Safe roads, reliable journeys, informed travellers

Annex A - Review of proposed barrier sites on M20 J4-5

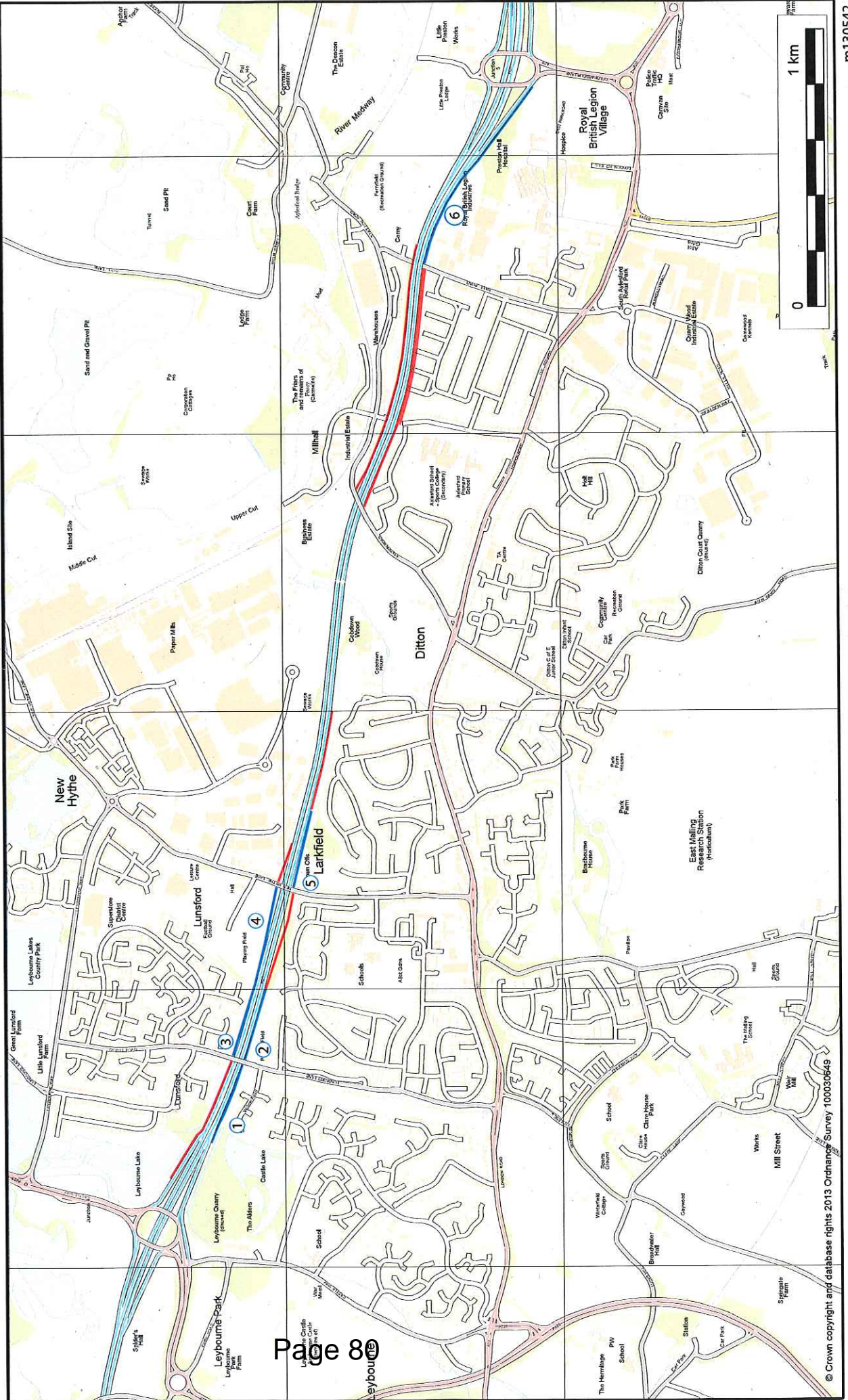
A review of the locations proposed by Tonbridge and Malling District Council has been undertaken. These have been numbered in accordance with the locations identified on on the enclosed map.

IA 5977	
Location	
1	A barrier does appear to be suitable in this location and would be beneficial to local residents in Willow Road. But it should be limited to the residential area and not run behind the allotments. The vegetation is mature and a site survey would have to be undertaken to ascertain the suitability of the location.
2	There is a small playing field adjacent to the carriageway with residential properties behind. A barrier in this location would be ineffective as the residential properties are too distant from the carriageway.
3	A barrier could possibly be installed along the top of the existing bund and would be beneficial to local residents. However, this bund is not within our ownership. There is also an electricity pylon, within a compound, along the line of the bund.
4	The embankment runs alongside a large playing field which forms part of the local leisure centre. It is not an appropriate location for a barrier as there are no adjacent residential properties.
5	There are commercial properties and green open space in the immediate locality. Residential properties are set further back and therefore this is not a suitable location for a barrier due to the distance to the housing.

IA 5986	
Location	
6	The local planning authority should ensure that any development plans should include suitable noise mitigation measures before planning permission is granted. Such measures should be within the boundary of the development, or secured by agreement with adjacent landowners. The HA would not normally expect to be involved in providing such mitigation

M20 Noise barriers

- 2 metre noise barrier
- 4 metre noise barrier
- Suggested locations of additional barriers





Environmental Health
& Housing Services

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Contact **Jacqui Rands**
Direct line **01732 876184**
Email **Jacqui.rands @tmbc.gov.uk**
Fax 01732 841421
Your ref
Our ref PHEH/EP/JR/HA
Date 11 April 2014

Dear Mr Wilson,

Noise from M20 Junctions 4 to 5 – Important Areas 5977 and 5988.

Thank you for your letter dated 28 March 2014, which detailed the findings of the Highways Agency's review of the Council's consultation comments on the above Important Areas, as part of your Noise Planning Process.

I make the following comments on your findings:

1. A further letter, from John Batty, was submitted to the Highways Agency on 29 April 2013, asking that an additional location, where there is currently no noise barrier, that he felt should be considered for Acoustic Protection within Important Area 5977. This location was described as being to the west of Station Road on the London-bound carriageway, Aylesford. I attach a copy of John's letter and a map of the location.

This additional location does not seem to have been considered by the Highways Agency, in their recent response/letter. I have received recent complaints from local residents through the local Members and the local MP, that noise from the M20 continues to adversely impact on their lives.

I ask that the Borough Council's comments for this location, in response to your consultation be addressed.

2. We welcome the outcome by the Highways Agency that they identified Willow Road as being a suitable location for a noise barrier. However, I have received a representation from local Members, this week, that residents feel the extent of the barrier should include going behind the allotments and up to Lunsford Lane.



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



INVESTOR IN PEOPLE

The noise has been described to me as 'deafening' in this location. I would ask that the length of the barrier be reviewed.

3. I note from looking at the Outcome Support document that the likely year to start the work is 2014/15 with the likely year of completion stated to be 2020/21. Are you able to provide a more specific timetable as to when the noise barrier is to be constructed, now? If not the local Members and MP ask that once any decisions have been made about the timetable, the Borough Council be informed, to enable the information to be forwarded to all interested parties.

Please contact me if you have any questions.

Yours sincerely



Jacqui Rands
Environmental Protection Team Manager.

Our ref:
Your ref:

Ms J Rands
Environmental Protection Team Manager
Tonbridge & Malling Borough Council
Gibson Building,
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Kevin Bown
Asset Manager Area 4 (Kent)
Highways Agency
Wing 4C
Federated House
London Road
Dorking RH4 1SZ

Direct Line: 01306 878621
2 May 2014

By Email Only

Dear Ms Rands

NOISE FROM M20 JUNCTIONS 4 to 5 – IMPORTANT AREA 5977 AND 5986

Thank you for your letter dated 11 April 2014, concerning the request made in April 2013 by David Batty for an additional barrier adjacent to properties 113-131(inclusive) Station Road, Aylesford. Our Chief Highways Engineer, Mike Wilson, has asked me to reply directly as I represent the area team covering this part of M20 in Kent.

The Agency has reviewed this location, using the same criteria applied to all the other First Priority Locations and Important Areas identified by Defra through the Noise Action Plans. Our investigations show that it is far from clear whether a barrier would provide the benefits local residents seek. This is due to the angle of the properties to the M20, the distance to the road and the topography, with part of the M20 at this location being in a cutting and therefore providing some existing benefit to local residents.

However, there are currently wider investigations being undertaken at this location as it was identified, alongside other places, in the Spending Review 2013 as a potential location for a smart motorway. We are currently pulling together a masterplan which will schedule all of the work in the programme. The only definitive statement we can make at the present time is that we have been tasked with delivering these schemes before 2021. We hope to have a more definitive programme in around 6 months time. When our masterplan is firmer, the implications for future noise mitigation in this locality and the location at Willow Road can be clarified.

Yours sincerely,

Kevin Bown

Kevin Bown
NDD South East Asset Development
Email: kevin.bown@highways.gsi.gov.uk

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 AIR QUALITY UPDATE

Summary

This report provides a summary of the current situation with regards to the Local Air Quality Management (LAQM) regime.

1.1 Background

- 1.1.1 This report details the current work on air quality being undertaken by the Environmental Protection Team and provides an update on the current situation concerning the ongoing DEFRA Local Air Quality Management review and recent developments on the subject of European Union (EU) fines to the UK for non-compliance with the Air Quality Objectives (Infractions).

1.2 Infractions

- 1.2.1 On March 6, DEFRA confirmed that the European Commission has formally launched infraction proceedings against the UK for breach of nitrogen dioxide limit values under the EU Air Quality Directive.
- 1.2.2 This will entail a detailed and lengthy legal process initiated by the European Commission. The current position is that the European Commission has formally written to the UK under article 258 of the Treaty on the Functioning of the EU to initiate the infraction proceedings. The UK has two months to respond to the Commission.
- 1.2.3 The formal process could take several years to complete. Throughout the process the focus is for all parties to work together to try to ensure compliance as soon as possible. To this end the Commission has stated that it would like “to achieve full compliance with existing air quality standards by 2020 at the latest”.
- 1.2.4 Part 2 of the Localism Act 2011 could be utilised in this scenario by the Government requiring responsible authorities to pay all or part of an infraction fine, which has been imposed. In this scenario it could be passed to local authorities, on the basis that they have responsibility for reviewing and assessing the air quality in its area and working towards achieving the AQ objectives, where they are not currently being met, that is, within AQMAs.

- 1.2.5 In their formal announcement, DEFRA acknowledge that the UK government is responsible for ensuring compliance with EU air quality obligations, although local authorities do play an important role in managing local air quality. Furthermore, DEFRA state that they strongly hope that through cooperative working between the Government, local authorities, the Greater London Authority and the Highways Agency, we will be able to meet the air quality limits, engage with the Commission and avoid the prospect of fines.
- 1.2.6 DEFRA have committed to keeping local authorities updated on all developments concerning the infraction proceedings.

1.3 Review of the Local Air Quality Management (LAQM) regime

- 1.3.1 In the Spring of 2013, DEFRA consulted with local authorities asking whether the requirement for them to produce a 'Further Assessment' report should be repealed. (This report has to be produced within 12 months of an AQMA being declared).
- 1.3.2 DEFRA published its findings to that consultation in April this year in a document entitled "A Strategic Reform Plan for DEFRA's Regulation." The document provides an overview of actions being taken by Government to reduce regulatory burdens on councils and businesses and includes the removal of the requirement for local authorities to carry out Further Assessments in relation to Air Quality Management Areas to supplement information they already have. This report is viewed as an unnecessary burden that impedes the speedy implementation of local action plans. The target date for implementation is 1 April 2015, but this is dependent on the passage of the Deregulation Bill through Parliament.
- 1.3.3 It is anticipated that a further, second stage on the consultation, reviewing the entire LAQM regime, will be published later this year and we will keep Members of this Board informed of the details.

1.4 LAQM Reports

- 1.4.1 DEFRA has confirmed their acceptance of the conclusions of our Annual Progress Report (APR) 2013 and made a number of recommendations relating to future reports, including the Air Quality Action Plan for the Borough Green AQMA, by April 2015.
- 1.4.2 The Annual Progress Report (APR) 2014 and Further Assessment for Borough Green are being prepared for submission to DEFRA.
- 1.4.3 Officers will include a progress update on the existing Air Quality Action Plan within the APR 2014.

1.5 Legal Implication

1.5.1 The Council has a statutory duty to review and assess the local air quality.

1.6 Financial and Value for Money Considerations

1.6.1 All reports will be completed within budget.

1.7 Risk Assessment

1.7.1 The failure of the EPT to meet its statutory obligations could result in criticism from DEFRA and potential financial penalties following completion of the infraction proceedings.

Background papers:

Nil

contact: Jacqui Rands
Mary-Anne Norton

Steve Humphrey
Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 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
02.04.14	Public Health England Consultation on the 2014-15 Sampling Programme.	Melanie Henbest
25.04.14	Food Standards Agency Impact Assessment on the review of the controls governing the sale and marketing of unpasteurized, or raw drinking milk and raw cream (RDM) in England	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:

contact: Melanie Henbest

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 2014

Joint Report of the Director of Planning, Housing and Environmental Health and Director of Street Scene and Leisure

Part 1- Public

Matters for Information

1 SERVICE OF STATUTORY NOTICES

The following notices have been served since the last Advisory Board

1.1 The Private Water Supply Regulations 2009

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

Two Notices detailing actions required to meet the standards for lead, E. coli and total coliforms in private water supply at the premises.

1.1.2 Long Mill Lane, Plaxtol, Kent. TN15 0RA.

Initial Notice to confirm failure to meet the standards for nitrate and total coliforms in private water supply at the premises.

1.2 Local Government (Miscellaneous Provisions) Act 1982

1.2.1 Pembury Road, Tonbridge, Kent TN9 2JL

Notice requiring unoccupied property to be secured against unauthorised entry.

1.3 Food Safety and Hygiene (England) Regulations 2013

1.2.1 Kinara, 1-3 Church Walk, East Malling, Kent ME19 6AG

One hygiene improvement notice requiring sealing of holes in the cellar walls to prevent pest entry.

1.2.2 The Fancy Goat, 19-21 Swan Street, West Malling, Kent ME19 6JU

Two hygiene improvement notices requiring hygiene training for food handlers and a documented food safety management system.

1.4 Health and Safety at Work etc. Act 1974 & associated regulations

1.3.1 Kinara, 1-3 Church Walk, East Malling, Kent ME19 6AG

Three improvement notices requiring repair to damaged floor surface, maintenance of gas appliances and maintenance of electrical equipment.

1.3.2 Bombay Cuisine, 61 High Street, West Malling, Kent ME19 6NA

One improvement notice requiring maintenance of gas appliances.

1.3.3 Larkfield Tandoori, 40 Martin Square, Larkfield, Kent ME20 6QJ

Six prohibition notices (two notices served on three responsible persons) requiring immediate cessation of the use of gas appliances due to a gas leak.

1.5 Street Scene

1.5.1 Enforcement notices since the previous Advisory Board report on 3 March 2014:

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

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

Other Offences

Three Fixed Penalty Notices for Dog Control Orders and one for Dog Fouling have been issued.

1.6 Legal Implications

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

1.7 Financial and Value for Money Considerations

1.7.1 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.

1.8 Risk Assessment

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

Background papers:

Nil

Steve Humphrey
Director of Planning, Housing & Environmental Health

contact:
Jacqui Rands
Melanie Henbest
David Campbell-Lenaghan

Robert Styles
Director of Street Scene &
Leisure

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TONBRIDGE & MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 May 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 **Jordan Chan – littering offence, section 87 Environmental Protection Act 1990**

1.1.2 On 17 July 2013 an officer of the Council witnessed the male driver of a vehicle throw a cigarette end from the driver's window, at Ashton Way, West Malling.

1.1.3 The matter was reported to an environmental enforcement officer who made enquiries with the DVLA as to the registered keeper of the vehicle. The DVLA advised that Mr Jordan Chan of Minster-on –Sea was the registered keeper. As a result the officer issued Mr Chan with a fixed penalty notice for the littering offence, requiring payment of £80 or reduced to £50 if paid within 10 days.

1.1.4 Mr Chan advised that he was the driver of the vehicle on the date of the offence but denied committing the offence and lodged an appeal against the notice. However, the appeal was refused.

1.1.5 The fixed penalty notice remained unpaid and, as a result, Mr Chan was summonsed to appear before Sevenoaks Magistrates Court on 18 March 2014. Mr Chan failed to attend the hearing but submitted a guilty plea by post. The court imposed a fine of £100, ordered that he pay a contribution of £100 towards the Council's costs and a victim surcharge of £20.

1.2 **Sandra Palmer –littering offence, section 87 Environmental Protection Act 1990**

1.2.1 On 14 September 2013, whilst on duty at Barden Road, Tonbridge, an environmental enforcement officer, observed a female throw a lit cigarette end from the passenger window of a Ford Mondeo, marked as a taxi.

1.2.2 The officer spoke to the female about the littering offence, who identified herself as Sandra Palmer of Trench Road, Tonbridge, The officer issued a fixed penalty

notice to Ms Palmer for the offence requiring payment of £80 or reduced to £50 if paid within 10 days.

- 1.2.3 The fixed penalty notice remained unpaid and, as a result, Ms Palmer was summonsed to Sevenoaks Magistrates Court on 22 April 2014, for the offence. Ms Palmer failed to attend the hearing but submitted a written plea of guilty. The Court imposed a fine of £135, ordered that she pay a contribution of £100 towards the Council's costs and a victim surcharge of £20.

1.3 Colin Batney – failing to provide information –section 110 of the Environment Act 1995

- 1.3.1 On 25 November 2013 an environmental enforcement officer served by first class post a notice under section 108 of the Environment Act 1995 on Colin Batney of Dunkery Road, London, SE9 4HW, regarding an alleged littering offence outside Tonbridge rail station on 23 July 2013, as she had reasonable cause to believe that he may be able to give information relevant to the investigation.
- 1.3.2 The request for information stipulated that reply should be received within 14 days. However, no reply was received.
- 1.3.3. Mr Batney was summonsed to Sevenoaks Magistrates Court on 22 April 2014, for the offence. He failed to attend the hearing and the case was proved in his absence by reading the witness statements. The court duly recorded a conviction and imposed a fine of £200, ordered that he pay a contribution of £100 towards the Council's costs and a victim surcharge of £20.

Adrian Stanfield

Director of Central Services