

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD**

**2 September 2014**

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

**Part 1- Public**

**Matters for Information**

**1 ENVIRONMENTAL PROTECTION TEAM UPDATE**

**Summary**

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

**1.1 Responding to Complaints**

1.1.1 The main focus of the work of the Environmental Protection Team (EPT) is in responding to complaints from members of the public on a variety of pollution issues. The summer months are inevitably the time of year that an increased number of complaints are recorded, particularly noise complaints. This summer has been no exception and Members might like to be aware that there has been an increase in the number of diary sheets being returned which unfortunately means that the original problem remains unresolved, despite the alleged 'offender' having been asked to address the problem. As a consequence, officers become involved in more detailed investigations, including site visits, to monitor potential nuisance or the installation of noise recording equipment. EPT officers have continued to investigate complaints of odour in Tonbridge as reported elsewhere on this agenda.

**1.2 M20 Noise Barriers**

1.2.1 Following the report to the last meeting of this Board on 27<sup>th</sup> May, a meeting was arranged with a representative of the Highways Agency (HA).

1.2.2 The HA officers agreed to the following actions:

- to check and report when the M20 J4-5 resurfacing is next due;
- to ask the Smart Motorways team to provide details of how they are assessing candidate sites, including how they will be assessing noise and other similar implications; and
- draw up a timetable and scoping for noise impact studies of Willow Road and Station Road for circulation by the end of August.

- 1.2.3 We expect to be updated sometime in the next few weeks and will inform Members and the MP as appropriate.

### **1.3 Dangerous Dogs Legislation**

- 1.3.1 The Anti-social Behaviour, Crime and Policing Act, which came into force on 13 May 2014 includes amendments to the Dangerous Dogs Act 1991.
- 1.3.2 The most significant change is that it is now illegal for dogs to be 'out of control in any place in England or Wales (whether or not a public place)'. This amendment extends the law to cover incidents on private property, that is, in an individual's home or in any area of their garden, whereas previously the law was restricted to dogs being 'out of control in a public place.'
- 1.3.3 The implication of this amendment means all visitors to a private property, including postal workers and utility providers have the protection of the law should they feel afraid, threatened or are bitten. The enforcement position is that the Police take the lead, with support from our Dog Warden, in cases of dangerous dogs, including dogs that are out of control or that have bitten a person. Dog on dog attacks are dealt with by the Council with our Dog Warden taking the lead in any investigation that follows a reported incident.
- 1.3.4 Members may recall that officers have a Memorandum of Understanding (MOU) in place with the Police, in respect of addressing the shared duties and responsibilities for both organisations, in investigating issues relating to dangerous dogs. As a result of the recent changes to the legislation, revisions will be required to the MOU and these will be reported at a future meeting of this Board.

### **1.4 Hop Farm Music Festival**

- 1.4.1 The Hop Farm Music Festival was held on the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> July. The event was attended by approximately 5,500 people and passed off without incident. Officers monitored music noise over the Festival, the outcome of which established that the relevant noise conditions attached to the Premises Licence were being complied with throughout the event. On a positive note the Council did not receive any noise complaints throughout the course of the event.

### **1.5 Blaise Farm**

- 1.5.1 At the most recent meeting of the Liaison Group, it was reported that:
- work on the Anaerobic Digester (AD) plant is progressing. With respect to the gas which will be generated from the AD plant, it is now proposed that this gas will be injected with propane, to boost its calorific value, which will then be fed directly into the National Grid;

- odour complaints continue to be recorded by the Environment Agency and New Earth Solutions (NES) at Blaise Farm with 18 being recorded between January and July 2014, compared to 43 for the same period in 2013
- one odour complaint was received by TMBC, at the end of July, which was referred to the EA and NES for investigation.

## **1.6 Private Water Supplies**

- 1.6.1 The provisions of the Private Water Supply Regulations allow for the owner of a dwelling, which is served by its own private water supply, to request that the supply be monitored and tested by the Council, for which there is a charge.
- 1.6.2 Such a request was received by the EPT, earlier this year, from the new owner of a property who was concerned about the quality of water from their private supply. Officers carried out a risk assessment of the supply and took samples of the water for analysis, which indicated both chemical and microbiological contamination of the supply.
- 1.6.3 Subsequently a notice was served requiring the owners to carry out works to prevent contamination and I understand that these works are nearing completion.

## **1.7 Legal Implications**

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

## **1.8 Financial and Value for Money Considerations**

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

## **1.9 Risk Assessment**

- 1.9.1 The broad principles of risk assessment are applied to all areas outlined in the report and assist in determining priorities and resources allocated to each aspect.

Background papers:

Nil

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