

Minutes of the Meeting of the ENVIRONMENT COMMITTEE held at the Council Chamber, Epsom Town Hall on 16 July 2024

PRESENT -

Councillor Liz Frost (Chair); Councillor Alan Williamson (Vice-Chair); Councillors Arthur Abdulin, Christine Cleveland, Robert Leach (as nominated substitute for Councillor Tony Froud), Julie Morris and Kieran Persand

In Attendance: Councillor Steven McCormick

Absent: Councillor Tony Froud and Councillor Jan Mason

Officers present: Mark Shephard (Head of Property and Regeneration), Rod Brown (Head of Housing and Community), Richard Chevalier (Parking Manager), Paul Holliday (Principal Licensing Officer) (items 1 - 4 only), Oliver Nelson (Public Protection Manager), Sue Emmons (Chief Accountant), Vanessa Newton (Senior Accountant) and Dan Clackson (Democratic Services Officer)

1 QUESTIONS AND STATEMENTS FROM THE PUBLIC

No questions or statements were received from members of the public.

2 DECLARATIONS OF INTEREST

Allotment Working Group

Councillor Christine Cleveland, Other Interest: Councillor Christine Cleveland wished to declare she held an allotment. She stated there was no conflict of interest.

Councillor Julie Morris, Other Interest: Councillor Julie Morris wished to declare she held an allotment. She stated it was a non-prejudicial interest.

3 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 23 January 2024 and authorised the Chair to sign them.

4 PAVEMENT LICENCE FEES AND POLICY

The Committee received a report asking the Committee to review the application fee and policy in relation to pavement licences, following changes made to legislation.

The Committee considered the following matters:

- a) **Legislation and Charges.** In response to questions from a Member, the Principal Licensing Officer explained that the Government introduced the Business and Planning Act 2020 as a temporary measure to support businesses through the Covid pandemic. The Levelling Up and Regeneration Act 2023 had now permanently set in place the pavement trading provisions of the 2020 Business and Planning Act. He explained that processing applications is costly, involving Officer site visits, general administration, processing objections and communication with the businesses in question. He explained that the amount the Council can charge for pavement licences is capped by the legislation and that the report recommendation advised the highest amount be charged in order to cover the Council's costs to the greatest extent possible, elaborating that the highest amount the Council could charge under the legislation would not fully cover the Council's costs.
- b) **Referral of applicants to relevant guidance.** The Committee considered that it would be good practice for Licensing Officers to direct and refer applicants to the relevant Government guidance, rather than producing and adopting an Epsom & Ewell Pavement Licence Policy, as part of the application process. It was noted by the Principal Licensing Officer that the Government website gave full information.
- c) **Trading on private land.** Responding to a question from a Member, the Principal Licensing Officer explained that retailers only required a pavement licence if they intend to place furniture on the highway, and that trading on private land would instead require a lease agreement with the landowner.
- d) **Charge for licence renewals.** In response to a Member, the Principal Licensing Officer stated that a charge of £350 for licence renewals was justified due to the costs incurred by the Council in processing the renewal applications. He explained that the amount the Council can charge for renewals is capped at £350 by the legislation and that neither the capped £500 for new applications nor the £350 for renewals would fully cover the cost to the Council.

Following consideration, the Committee resolved (4 for, 2 against, and the Chair not voting) to:

- (1) **Set the fee for pavement licences as follows; -**

New applications £500

Renewal of licence £350

Unanimously resolved to:

(2) Dispense with the Epsom & Ewell Pavement Licence Policy.

5 FUTURE OF THE PEST CONTROL SERVICE

The Committee received a report to determine the future of the Council's pest control service.

The Committee considered the following matters:

- a) **Number of requests in 2024/25.** The Public Protection Manager confirmed that the table at section 2.6 of the report, listing the number of control requests for 2024/25 as 0, was still accurate as at the time of the meeting.
- b) **Marketing of the service.** In response to a question from a Member, the Public Protection Manager confirmed that the Council's pest control service was advertised on the Council's website and the marketing had not changed over the last year.
- c) **Statutory pest control responsibilities.** Following a question from a Member, the Public Protection Manager explained that the Council's statutory pest control duties are defined under legislation from 1949, requiring the Council to investigate complaints with respect to, and enforce the control and destruction of, rats on private land.
- d) **Low service usage and competition.** In response to a question from a Member, the Chair suggested that since the initial inception of the Council's pest control service, public access to information and to alternative service providers had increased, resulting in a lot of commercial competition that did not exist at the time the service was started.

Following consideration, the Committee resolved (6 for, 1 against) to:

- (1) Discontinue the service and agree that suitable signposting to an authoritative trade body be substituted on the Council's website.**

6 HOOK ROAD CAR PARK - ENVIRONMENTAL SURVEY

The Committee received a report proposing the Council and the developer of the SGN Site work collaboratively to investigate the level of contamination and consequent environmental implications for development on any part of the wider gas works site.

The Committee considered the following matters:

- a) **Releasing in Principle.** In response to a question from a Member, the Head of Property and Regeneration explained that the report was not requesting for Committee to make the decision now to release the site for redevelopment, but rather, to acknowledge that the site could be recommended for release in the future as a result of the ground investigations and to facilitate the wider redevelopment of the gas holder site.
- b) **Reasoning behind the report recommendation(s).** In response to questions from Members, the Head of Property and Regeneration stated that the wider site owned by the Council and the adjacent site owned by Southern Gas Networks (SGN) together formed what used to be the entirety of the former gas works site. He explained that in the event that redevelopment was proposed on either one of the two sites, the Environment Agency (EA), as a statutory consultee, would very likely require full decontamination on both sites on account of the historical use of the larger site, and the associated drinking water safety concerns (due to its close proximity to the water works). He advised that the developer for the SGN site was likely to put forward an application to develop on its site in the near future. Should any contaminants be confirmed on either site, it is likely that no development could proceed until the whole former gas works site had been decontaminated. He suggested it was highly likely that a ground investigation survey on the Council's site would identify the presence of ground contaminants, and advised, in the interest of being a responsible landowner, the Council ought to proactively investigate its land.
- c) **Cost of the investigation.** The Head of Property and Regeneration stated that the proposed ground investigation survey was procured at a competitive rate in compliance with the Council's Contract Standing Orders.
- d) **Contamination on the Council site.** In response to Members, the Head of Property and Regeneration explained the site was concrete capped as a safety measure c. 30 years ago in order to ensure that any contamination was contained and unable to escape. The Head of Housing and Community explained contamination duties are set out in Government guidance, and that town gas sites are considered as possibly contaminated land under statute. He explained that the site used to burn hydrocarbons back in 1800s, and that people historically were less aware of the risks and dangers associated with the works. He stated that it is very common for town gas sites to be highly contaminated and suggested that a survey on the site would identify the presence of polyaromatic hydrocarbons, and heavy metals.
- e) **Current contamination risk on the site.** In response to a Member, the Head of Property and Regeneration explained that until development took place on the site, there was no risk of contamination and the site remained entirely safe. He stated, however, that once the EA became aware of the contamination risks associated with the site (as a statutory

consultee to any planning application) then, they could potentially require full remediation of the wider site regardless of any development proceeding or not.

- f) **Concerns surrounding the cost.** Members considered the cost that would be incurred by conducting a ground investigation survey and queried the necessity to act pre-emptively and conduct a survey prior to being required to do so by the EA.

Following consideration, the Committee voted (3 for, 4 against) against the recommendation to:

- (1) *Recommend to Strategy & Resources Committee to:*
- a) *Agree to undertake a Ground Investigation (GI) survey of the Council's car park site at a cost of up to £30,000 (includes £7,000 contingency as detailed in this report), to be funded from the Property Maintenance Reserve.*

and recommendation (1) a) was not carried.

The Committee voted (3 for, 4 against) against the recommendation to:

- (2) *Note that the Director of Environment, Housing & Regeneration and Head of Property & Regeneration, in consultation with the Chief Finance Officer and Chief Legal Officer, have express authority to take all necessary actions further to the above decisions being made that commit resources, as is necessary and appropriate.*

and recommendation (2) was not carried.

The Committee resolved (5 for, 1 against, and 1 abstaining) to:

- (1) **Recommend to Strategy & Resources Committee to:**
- b) **Recommend to Strategy & Resources Committee to release (in principle) the Hook Road Car Park to facilitate the wider redevelopment of the gas holder site.**

7 CAR PARK OPTIONS - HOOK ROAD

The Committee received a report setting out interim payment options for Hook Road multi-storey car park users prior to any redevelopment.

The Committee considered the following matters:

- a) **Accessibility.** The Committee considered that many people do not own smart phones and/or use bank cards, and that a Ringo-only payment option, as set out at option C in the report, may disadvantage people who are only able to pay with cash. The Committee considered that a hybrid

approach, offering Ringo and a pay-and-display option such as option B set out in the report, might be more appropriate.

- b) **Current payment options at Hook Road car park.** In response to a Member, the Parking Manager confirmed that there were currently two payment machines at Hook Road car park, with one being cash only, and one being cash and card.
- c) **Enforcement.** Following a question from a Member, the Parking Manager explained that effectually there would not be much difference between option B and C of the report in terms of the amount of enforcement resources that would be required.
- d) **Resource and time efficiency.** Following comments from Members, the Chair explained that option C would be the most resource-efficient solution as there would be no requirement for Council staff to visit the car park to collect and transport cash. The Chief Accountant elaborated that option C was also the most time-efficient option in terms of administration and payment-processing costs.

Following consideration, the Committee resolved (0 in favour of option A, 4 in favour of option B, and 3 in favour of option C) to:

- (1) **Authorise officers to proceed with Option B, as highlighted in Section 3 of the report.**

8 CAR PARK WORKING GROUP

The Committee received a report seeking agreement on continuation of the Councillor car park working group and to agree the terms of reference for the group.

The Committee considered the following matters:

- a) **Conservative member position on the working group.** The Chair confirmed that, following the publication of the agenda, Councillor Kieran Persand had been nominated for the Conservative member position (listed as TBC in the report) on the working group. This was noted by the Committee.

Following consideration, the Committee unanimously resolved to:

- (1) **Agree to the continuation of a Car Parking Working Group.**
- (2) **Approve the Terms of Reference for the Car Park Working Group as set out at Appendix 1 of the report.**
- (3) **Agree to appoint members to the working group as set out below:**
 - **The Chair of the Environment Committee (to preside as Chair of the working group) – Councillor Liz Frost**

- **The Vice-Chair of the Environment Committee – Councillor Alan Williamson**
 - **Residents’ Association members – Councillors Christine Cleveland, Arthur Abduin, Jan Mason**
 - **Conservative member – Councillor Kieran Persand**
 - **Labour member – Councillor Rob Geleit**
 - **Liberal Democrat member – Councillor Julie Morris**
- (4) **To authorise the Chair, and in their absence the Vice Chair, to invite Councillors, stakeholders and officers to the Car Park Working Group as required.**

9 ALLOTMENT WORKING GROUP

The Committee received a report seeking approval to form of an Allotment Working Group and proposing a draft Terms of Reference for comment.

The Committee considered the following matters:

- a) **October Environment Committee report on the work of the 2023-2024 Allotments Working Group.** The Chair proposed that an additional recommendation be added to the report agreeing that a report on the work of the 2023-2024 Allotments Working Group be brought to the October meeting for the Environment Committee’s consideration. The wording of the proposed additional recommendation was as follows:

(5) Agree that a report on the work of the 2023-2024 Allotments Working Group be brought to the October 2024 meeting of the Environment Committee.

Councillor Christine Cleveland seconded the proposal. The Committee voted unanimously in favour of the addition of the recommendation.

- b) **Membership and work of the 2023/24 working group.** In response to comments from a Member, the Chair confirmed that at the time of the formation of the allotment working group, an invitation was extended to all Members of the Council for nominations to the group. She stated that the working group had made achievements throughout the year, which would be detailed in the report to the October meeting as mentioned at recommendation 5.
- c) **Officer attendance at meetings of the working group.** Following a question from a Member, the Chair confirmed that Officers were not present at the 2023/24 meetings of the working group as there was not enough resources at the time. The Vice-Chair confirmed that there would be Officers present at the meetings of the working group for 2024/25, and

that meetings of the group would be arranged as and when required when there was specific business to be discussed.

- d) **Stakeholder invitations to attend meetings.** A Member wished to express that they felt it was important that allotment site representatives be invited to attend meetings of the working group.

Following consideration, the Committee unanimously resolved to:

- (1) **Approve the continuation of the Allotment Working Group.**
- (2) **Approve the Terms of Reference for the Allotment Working Group as set out at Appendix 1 of the report.**
- (3) **Agree to appoint members to the working group as set out at section 3.1 of the report:**
 - **The Vice-Chair of the Environment Committee (to preside as Chair of the working group), Councillor Alan Williamson**
 - **Councillor Christine Cleveland**
 - **Councillor Steven McCormick**
 - **Councillor Julie Morris**
- (4) **To authorise the Vice Chair, and in their absence the Chair, to invite Councillors, stakeholders and officers to the Allotment Working Group as required.**
- (5) **Agree that a report on the work of the 2023-2024 Allotments Working Group be brought to the October 2024 meeting of the Environment Committee.**

10 ENVIRONMENT AND SUSTAINABILITY WORKING GROUP

The Committee received a report recommending the continuation of a Councillor Working Group to oversee the implementation of the Council's Climate Change Action Plan. It proposed terms of reference for the group to be approved.

The Committee considered the following matters:

- a) **Conservative member position on the working group.** The Chair confirmed that, following the publication of the agenda, Councillor Kieran Persand had been nominated for the Conservative member position (listed as TBC in the report) on the working group. This was noted by the Committee.

Following consideration, the Committee unanimously resolved to:

- (1) **Agree the continuation of the Environment and Sustainability Working Group.**
- (2) **Approve the terms of reference for the Working Group as set out at Appendix 1 of the report.**
- (3) **Agree to appoint members to the working group as set out below:**
 - **The Vice-Chair of the Environment Committee (to preside as Chair of the working group) – Councillor Alan Williamson**
 - **Residents' Association members – Councillors Christine Cleveland, Tony Froud, and Jan Mason**
 - **Conservative member – Councillor Kieran Persand**
 - **Labour member – Councillor Chris Ames**
 - **Liberal Democrat member – Councillor Julie Morris**
- (4) **To authorise the Vice Chair, and in their absence the Chair, to invite Councillors, stakeholders and officers to the Environment and Sustainability Working Group as required.**

11 URGENT DECISIONS

The Committee received a report on the decisions taken by the Chief Executive and Directors on the grounds of urgency, in compliance with the requirements of the Constitution.

The Committee considered the following matters:

- a) **Consultation with Committee Members via email.** Councillor Julie Morris proposed that an additional recommendation be added to the report to enable Members of the Committee to be consulted regarding urgent decisions via email if appropriate. The wording of the proposed additional recommendation was as follows:

(2) That if in future and if appropriate the Committee could be consulted by email if the meeting schedule does not permit time for decisions.

Councillor Kieran Persand seconded the proposal. The Committee voted unanimously in favour of the addition of the recommendation.

Following consideration, the Committee unanimously resolved:

- (1) **To note the urgent decisions taken and the reasons for those decisions, since the last meeting of the committee.**

- (2) That if in future and if appropriate the Committee could be consulted by email if the meeting schedule does not permit time for decisions.**

The meeting began at 7.30 pm and ended at 9.20 pm

COUNCILLOR LIZ FROST (CHAIR)