

Minutes of the Meeting of the ENVIRONMENT COMMITTEE held on 30 January 2018

PRESENT -

Councillor John Beckett (Chairman); Councillors Richard Baker, Steve Bridger, Lucie Dallen, Rob Geleit, Mike Teasdale and Tella Wormington

Absent: Councillor Peter O'Donovan and Councillor Jane Race

Officers present: Fiona Cotter (Democratic Services Manager), Damian Roberts (Chief Operating Officer), Rod Brown (Head of Housing and Community), Joy Stevens (Head of Customer Services and Business Support) (For items 18 - 26), Richard Chevalier (Parking Manager) (For items 18 - 26), Sue Emmons (Senior Accountant), Oliver Nelson (Environmental Health Team Leader) (For items 18 - 20) and Jon Sharpe (Trade & Waste Services Manager) (For items 18 - 24)

18 QUESTION TIME

No questions had been submitted or were asked by members of the public.

19 DECLARATIONS OF INTEREST

No declarations of interest were made by councillors regarding items on the Agenda.

20 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Environment Committee held on 10 October 2017 were agreed as a true record and signed by the Chairman.

21 ENVIRONMENTAL OFFENCES - FIXED PENALTY AMOUNTS

The Committee received and considered a report that proposed levels for fixed penalty fines for a range of environmental offences.

Legislation set out fixed penalty notice provisions for specified offences. Despite being restricted in the level of fine the Council could impose, fixed penalty notices were proving successful in addressing low levels of environmental crime such as fly tipping, littering and waste duty care offences. The proposals sought to regularise the level of fixed penalty fines for specified offences to ensure that fines were in step with surrounding areas and provided the Council with the flexibility to deal with, and deter future, offences.

Regulations were due into effect in April 2018 that would increase the maximum and minimum levels of fine for certain offences. The proposals set out in the report reflected these and the proposed fines had been set at the maximum level. It was noted that, where possible, a 20% reduction would be applied for early payment of a fine to provide an incentive for early settlement. Such incentives were common practice in most other authorities.

Accordingly, the Committee approved the levels of fixed penalties set out below:

Description of offence	Legislation	Full amount of penalty £	Early payment amount £	Maximum penalty on conviction £
Depositing Litter	s.87/88 Environmental Protection Act 1990	100 (from 1/4/18)	80 (from 1/4/18)	2,500
Illegal dumping of waste (flytipping)	s.33 Environmental Protection Act 1990	400	320	unlimited
Failure to produce waste documents	s.34 Environmental Protection Act 1990	300	240	unlimited
Failure to produce authority to transport waste	s. 5 Control of Pollution (Amendment) Act 1989	300	240	unlimited
Failure to comply with a s.47 waste receptacles notice	s.47ZA Environmental Protection Act 1990	100	80	1,000
Failure to comply with a Community Protection Notice	s.52 Antisocial Behaviour Crime & Policing Act 2014	100	80	2,500 unlimited for incorporated bodies
Failure to comply with a Public Spaces Protection Order	s.68 Antisocial Behaviour Crime & Policing Act 2014	100	80	1,000
Criminal Damage (Graffiti and flyposting)	s.43 Antisocial Behaviour Act 2003	100 (from 1/4/18)	80	2,500

Description of offence	Legislation	Full amount of penalty	Early payment amount	Maximum penalty on conviction
Parking of two or more vehicles exposed for sale on the road	s.3 Clean Neighbourhoods and Environment Act 2005	100	80	2,500
Repairing vehicles on the road by a business	s.4 Clean Neighbourhoods and Environment Act 2005	100	80	2,500

22 FEES AND CHARGES 2018/19

The Committee received and considered a report that proposed new fees and charges for services with effect from 1 April 2018.

The report highlighted that the proposed charges would generate an additional estimated income of £219k, offset by a reduction in income of £87k because of other changes, such as change in volumes. This resulted in a net additional income of £132k. The total changes had resulted in Environment Committee being £66k short of the targeted budget. This was mainly attributable to the changes in arrangements with Surrey County Council in 2018/19 in respect of recycling credits received. These had previously been based on volumes of recycling but would be replaced by fixed payments based on the number of residents in each Waste Collection Authority.

The report also highlighted that the majority of increase within Planning budgets was due to updated national planning fee regulations allowing a 20% increase in fees. The reduction in budget of £30K due to other changes related to a reduction in building control income, which was under pressure due to local authorities in general losing market share to external Approved Inspectors.

The following points were noted at the meeting:

- It was understood that the fees and charges in relation to dealing with abandoned vehicles had not been increased as these were statutory charges not at the Council's discretion. (Postscript: this was subsequently confirmed. The Removal, Storage and Disposal of Vehicles Regulations 2008 refer);
- It was confirmed that no changes were proposed to the parking fees and charges considered and agreed in principle by this Committee in October last year of which the proper statutory notice had already been given. The report highlighted that these had not met the increase in income required by the Medium Term Financial Strategy but subsequent alignment of 2018/19 parking income budgets to actual income received in 2017/18 had resolved this shortfall;

- Trade Waste charges reflected changes in controlled waste legislation. An exercise had been undertaken to ensure that charges were in line across the County. Certain anomalies in relation to certain exemptions had also been corrected.

Accordingly, the Committee:

- (1) Authorised the Chief Finance Officer to vary fees and charges for items generating income under £1,000 per annum and/or for one-off services or items; and
- (2) Subject to the approval of Council:
 - a) Agreed the fees and charges for 2018/19 as set out in Annexe 1 to the report and
 - b) Noted the parking fees and charges agreed by this Committee on 10 October 2017 as set out in Annexe 3.

23 CAPITAL PROGRAMME 2018/19

A report was presented to the Committee that set out its proposed Capital Programme for 2018/19.

The Chairman clarified that in order to slow the depletion of reserves, the Financial Policy Panel had only supported the possibility of using any surplus revenue funds, arising principally from dividend income received from the Epsom & Ewell Property Investment Company (EEPIC) to fund the capital programme in 2018/19.

The report set out that the Financial Policy Panel had recommended the following schemes for inclusion in the capital programme, £489,000 to be funded from capital reserves and £35,000 to be funded from revenue subject to the risks associated with Government proposals currently out to consultation in relation to changes to Minimum Revenue Provision (MRP):

- Health and Safety improvements at Ashley Centre Car Park (£165,000 to be funded from capital reserves). It was noted that a cost/benefit analysis/risk assessment had been undertaken in relation to the extent of fencing works to be undertaken as part of this overall project;
- Repairs to St. Mary's Churchyard flint faces wall (£77,000 to be funded from capital reserves). This was the statutory responsibility of the Council.
- The upgrade of levels 4a and 4b of the Ashley Centre Car Park with deck shield waterproof coverings (£227,000 to be funded from capital reserves)
- Energy improvements to the lighting at Hudson House (£20,000 to be funded from capital reserves). It was noted that this was also an investment to the benefit of residents.

- The upgrade of Car Park credit card machines (£35,000 to be funded from revenue subject to any changes in the MRP).

Accordingly, the Committee:

- (1) Submitted the Capital Programme for 2018/19 as identified in section 4 of the report to Council for approval on 20 February 2018;
- (2) Agreed that if the Department for Communities and Local Government (DCLG) implemented Minimum Revenue Provision (MRP) changes that reduced the level of revenue funds available to support the Capital Programme, any affected scheme should proceed but revert to funding from capital receipts as set out in section 9 of the report.

24 REVENUE BUDGET 2018/19

The Committee received a report that set out estimates for income and expenditure on its services for 2018/19.

The report highlighted that the probable outturn for this Committee in 2017/18 was an over spend of £233,000 as at Q2. This was the result of some significant adverse variations due to a shortfall in building control fees, additional costs arising from the Aldi planning appeal and public inquiry, and a drop in Epsom town centre market and cemetery income. This had been taken into account in setting the 2018/19 budget.

The report set out a summary of the Committee's revenue estimates for 2018/19, giving an overall base position of £1,948K. This included additional income from discretionary fees and charges of £132K. However, the report highlighted that income in this service area was particularly vulnerable to the volatility of market demands.

Accordingly, the Committee recommended the 2018/19 service estimates for approval at the budget meeting of the Full Council on 20 February 2018.

25 PROCEDURE FOR BODY WORN VIDEO CAMERAS

A report was presented to the Committee proposing the use of body worn video cameras by Civil Enforcement Officers and car park staff as a deterrent to threatening and abusive behaviour.

The report highlighted that the Council had to have regard to the 12 guiding principles for system operators set out in the Surveillance Camera Code of Practice and that these had been considered in the production of the policy and operational procedure. These documents also took into consideration the requirements of data protection and that the Surveillance Code of Practice required that access to retained images and information ought to be restricted and that there ought to be clearly defined rules on who could gain access to this information and for what purpose such access was granted. It was noted that a successful trial of equipment had taken place.

Accordingly, the Committee approved:

- (1) the Code of Practice for the use of body worn cameras attached at Annexe 1 to the report;
- (2) the Operational Procedures for body worn cameras attached as at Annexe 2 to the report;
- (3) the use of body worn video cameras by Civil Enforcement Officers and car park staff.

26 RICHARDS FIELD CAR PARK

The Committee received and considered a report proposing the change of use of Richards Field Car Park. The proposal entailed the creation of 17 resident only permit parking bays and 14 free to use bays, the latter limited to 3 hours maximum stay between 08:30 hours and 18:30 hours Monday – Friday.

The report highlighted that, should the Committee approve the proposals in the report, the Epsom & Ewell Borough Council Off-Street Parking Places Traffic Order would need to be amended, subject to a 28-day public consultation period. The Environment Committee would be asked to consider any representations received within the 28-day period.

Accordingly, the Committee agreed:

- (1) The introduction of 17 permit only bays in Richards Fields Car Park charged as set out in paragraph 3.3 of the report;
- (2) The introduction of 14 maximum stay bays limiting parking to a maximum of three hours on a Monday to Friday between 08:30 hours and 18:30 hours
- (3) The introduction of double yellow lines and necessary signage to prevent parking on the pavement of the Richards Fields access road.

27 EXCLUSION OF PRESS AND PUBLIC

The Committee resolved to exclude the Press and Public from the meeting in accordance with Section 100A (4) of the Local Government Act 1972 on the grounds that the business involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended). Pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

28 EPSOM CEMETERY

The Committee agreed a way forward as set out in the Minutes.

Note: The details were considered officially sensitive at this time and the Minute for this item will be exempt from publication.

The meeting began at 7.30 pm and ended at 8.12 pm

COUNCILLOR JOHN BECKETT (CHAIRMAN)