MEETING
ENVIRONMENT AND CLIMATE CHANGE COMMITTEE
DATE AND TIME
THURSDAY 9TH JUNE, 2022
AT 7.00 PM
VENUE
HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF ENVIRONMENT AND CLIMATE CHANGE COMMITTEE (Quorum 3)

Chair: Councillor Alan Schneiderman
Vice Chair: Councillor Geof Cooke

Joshua Conway	Giulia Innocenti	Emma Whysall
Laithe Jajeh	Paul Lemon	Rohit Grover
Rishikesh Chakraborty	Simon Radford	David Longstaff

Substitute Members

Ernest Ambe	Philip Cohen	Claire Farrier
Richard Cornelius	Alex Prager	Lucy Wakeley

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is **6th June at 10AM.** Requests must be submitted to Tracy Scollin Tel 020 83592315 tracy.scollin@barnet.gov.uk

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: Tracy Scollin Tel 020 83592315 tracy.scollin@barnet.gov.uk

Media Relations Contact: Tristan Garrick 020 8359 2454 Tristan.Garrick@Barnet.gov.uk

ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the previous meeting	5 - 12
2.	Absence of Members	
3.	Declarations of Members' Disclosable Pecuniary Interests and Non-Pecuniary Interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Questions and Comments (if any)	
6.	Members' Items	13 - 16
7.	Sustainability Strategy update	17 - 26
8.	Tackling Fly Tipping and Littering	27 - 40
9.	Parks and Open Spaces update To follow	
10.	Air Quality update	41 - 48
11.	Proposed monetary penalties relating to letting and property management agents To follow	
12.	Review of Ward Member Parking Permit arrangements To follow	
13.	Committee Forward Work Programme To follow	
14.	Any Other Items that the Chairman Decides are Urgent	

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text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

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Decisions of the Environment Committee

8 March 2022

AGENDA ITEM 1

Members Present:-

Councillor Dean Cohen (Chair)

Councillor Felix Byers
Councillor Geof Cooke
Councillor Alison Cornelius
Councillor Laithe Jajeh
Councillor Alan Schneiderman
Councillor Claire Farrier
Councillor Nizza Fluss (Substitute for Councillor Peter Zinkin)

Also in attendance

Apologies for Absence

Councillor Peter Zinkin
Councillor Laurie Williams

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on 13 January 2022 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Peter Zinkin who was substituted by Councillor Nizza Fluss.

3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND N PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEMS

None.

7. CONTROLLED PARKING ZONE PERMITS POLICY POSITION

Mr Mee, Executive Director, Environment introduced the report. He noted that the decision on the parking policy statement would need to be approved at Full Council.

Mr Hoare, Head of Parking, reported that the one-off fee would be put in place for future developments to cover the cost of the administration of CPZ permits. This is due to some new developments not having sufficient capacity for parking, resulting in public highway parking being the only option for some dwellings, often because of a former private road within a development becoming part of the public highway.

Cllr Fluss expressed concern that this could result in increased parking in areas such as the Foster Estate where parking was already a problem. Mr Hoare responded that the new policy statement was unlikely to alter the amount of parking but would help to enable planning permission to be decided.

Mr Mee would ask the Housing and Growth team to contact Cllr Fluss on the number of parking spaces to be proposed.
Action: Mr Mee

Cllr Jajeh asked why the charge proposed is £25 per dwelling. The Chairman noted that it is the administration charge and not a charge to cover the works or the statutory consultation.

Cllr Cooke asked whether a parking officer would be providing advice at planning meetings. Mr Hoare noted that the number of parking spaces is defined in the Local Plan and is not affected by this report.

Cllr Schneiderman asked whether a planning committee would be able to impose a condition on any application to limit the number of permits due to this policy. Mr Hoare responded that the planning committee could do so, allowing between 0-2 CPZ permits to be allocated per dwelling, bearing in mind the capacity for parking in each road.

Cllr Fluss stated that developers should be encouraged to include parking facilities within developments. Mr Mee responded that space is not always available. Planning committees can decide based on what they consider appropriate for the location.

The Chairman moved to the vote on the officer's recommendations, which were unanimously APPROVED.

The Committee RESOLVED

1. to note the proposed position on parking permits as outlined within the paper.

2. to recommend that Full Council approves the administration charge as part of the schedule of fees and charges and for this fee to be passed on to developers as outlined at paragraph 2.

8. SOCIAL DISTANCING MEASURES

Mr Mee reported that public opinion remained divided on the A1000 Experimental Traffic Order (ETO) Scheme, which would expire at the end of March 2022.

Mr Mee noted that the Government had ruled that the A1000 Scheme could neither be permanently instated nor removed without a full public consultation. Therefore, design changes had been made

to make the Scheme more useful whilst a new ETO is being reissued. This would allow sufficient time for a formal consultation to be carried out, to take place shortly after the Local Election on 5th May 2022. The design changes would be implemented over the next few weeks.

The Chairman requested a verbal update on the amendments to the Scheme.

Mr Ataie, Interim Strategic Lead Commissioner, Highways, added that the seven areas to be amended, highlighted in Section 4 of the report, are low-cost changes and we aim to fund them by the £100k remaining in the original scheme budget. The changes would provide some on-street parking, better movement of buses at certain junctions, and the addition of a pedestrian phase at Somersville Road, which will be funded by the Area Committee as it has already been approved.his change at Somersville Road should also allow cyclists to travel through the junction safely. Additional loading bays for businesses on the side roads and parking spaces outside St Martin's School as requested by the school have already been provided.

Cllr Byers asked whether a speed survey had been carried out and whether traffic calming would be added if there was found to be speeding in the 20mph limit. Mr Ataie responded that surveys on the volume and speed of traffic continue to be carried out. It had been recommended that the 20mph limit be extended to the Borough boundary, where there are non-segregated cycle lanes, based on national guidelines. He noted that there is not yet sufficient data on pollution and speed levels. This data will continue to be collated and form part of the final report to be presented to this Committee to approve whether the scheme is amended, kept or removed.

Cllr Cooke asked about the 'shared space' area on the pavement of the High Road, between pedestrians and cyclists, noting that pedestrians would feel uncomfortable without a segregated space. Mr Ataie responded that the 'shared space' would be marked on the footway and the shared area would only be from Sandringham Gardens to Somers Lane, which is a wide tree-lined footway. This would support the flow of cyclists as well as allowing for introduction of limited on street parking. Cllr Cooke suggested the use of colour coding on the footway to highlight the segregation.

Cllr Jajeh highlighted that the examples of trial schemes provided by the Department of Transport (page 30) did not necessarily reflect the Barnet area or residents. There had been strong opposition to the Scheme expressed by many Barnet residents.

Cllr Jajeh reported that he had received feedback about potential difficulties with emergency vehicle access in the section by the retail park if the proposed design changes go ahead. Mr Ataie noted that as part of the statutory consultation there is a requirement to request comments from the emergency services, and necessary adjustments would be made to ensure access.

Cllr Schneiderman asked what the consultation questions would be. Mr Mee responded that the consultation had not yet been drafted; he would share the questions as they emerge and would be happy to take account of suggestions to ensure that the questions elicit useful feedback.

Cllr Schneiderman reported that the Committee had previously been provided with research on usage of the cycle lane, traffic speeds and air quality. He asked whether there would be more data provided alongside the consultation. Mr Mee responded that it would, and that the council is constantly monitoring usage of the network, although he was concerned that due to the changes since the pandemic it was more difficult to interpret, with currently greater car use and more working from home, so the only baseline data available are from the pre-pandemic period.

Cllr Farrier requested that Ward Councillors as well as Environment Committee members be consulted on the questions. She added that changes are needed as the Scheme had been brought in too quickly. For example, as noted in a public comment that had been published with the agenda, many cyclists were unlikely to divert from the road onto the pavement. The Chairman noted that improvements had been made based on the comments received. Mr Ataie responded that many commuter cyclists prefer to use the main road whilst others feel more comfortable being segregated and may be travelling a short distance.

Cllr Fluss noted that there had been no consultation before implementation of the Scheme, so residents should be asked whether they prefer each aspect of the Scheme to stay or go. She had received many complaints about traffic chaos and pollution caused by the Scheme. The Chairman responded that the proposed changes were being brought in to reduce congestion and improve air quality.

On a separate but related subject. the Chairman reported that the response to the recent consultation regarding Booth Road and Greenaway on Neighbourhood Measures showed that residents, users, and stakeholders are opposed to it and therefore this won't proceed in its current form. Discussions would be held with Ward Members on the next steps. This update was not included in the written report due to the agenda publication being prior to the consultation results.

The Chairman moved to the vote on the officer's recommendations, which were unanimously APPROVED.

It was RESOLVED:

1. **that the Committee noted that the Executive Director, Environment will make arrangements for an engagement and consultation exercise, to commence by June 2022; and that the results would be brought back to Environment Committee in autumn 2022 for a final decision on whether to retain, modify or remove the Cycle Scheme.**
2. **That the Committee noted the introduction of new Experimental Traffic Management Orders reflecting feedback so far received in respect of the Scheme.**

9. HIGHWAYS INFRASTRUCTURE SAFETY INSPECTION MANUAL

Mr Edser, Director of Highways and Transportation reported that the Barnet Highways Infrastructure Safety Inspection Manual is a key guide for Barnet staff and the new contractor. It outlines intervention levels and is the main guide that highways inspectors operate to. The manual had last been reviewed in 2013 and changes had been made to the risk and asset management framework as part of the Network Recovery Plan since that time, so it was felt it would be timely to review this.

Mr Ataie noted that currently the Barnet policy on intervention is 25mm on footways and 40mm on carriageways and the manual outlines the criteria for monitor or repair. The new manual maintains the same intervention levels.

Cllr Cornelius reported that some zebra crossings and junctions were barely noticeable due to faded markings. Mr Mee reported that a lot of these would be repaired by the new contractor, and a portion of the 2022-23 budget had been set aside for this. The optimal time to carry this out is May-September. Cllr Cornelius noted that she had attended site visits with Dane McKnight, Member Liaison Officer to point out specific problem areas. Mr Edser would contact Mr McKnight to pick these up.
Action: Mr Edser

Cllr Cooke requested assurance that the cost of damage caused by developers would be picked up by them. The Chairman responded that a report was due to be presented at Environment Committee on this and would be added to the Forward Plan.
Action: Governance Officer

Cllr Jajeh enquired what would happen if the work isn't completed within budget. Mr Mee noted that the work is covered under the NRP budget and that using the asset management approach there should be stability, as planned maintenance reduces the amount of reactive work needed.

Cllr Jajeh asked how Tarmac Kier would continue to be incentivised to meet targets. Mr Edser responded that currently the contractor is meeting the criteria in the KPIs and there are mechanisms to incentivise the contractor to perform. He would bring a report back to the Committee on their

performance, and a report would also go to the next Financial Performance and Contracts Committee.
Action: Mr Edser

Cllr Jajeh requested that future reports show data more clearly, for example in the colour-coded section in the Operational Hierarchy Review document on page 198 the colours are not clear.
Action: Mr Edser, Mr Ataie

Mr Mee reported that the Chairman had recently signed a Charter for utility companies to work together with the council, the first time this had been done in a London Borough. Utility companies had been enthusiastic about signing up.

Cllr Schneiderman asked why so few potholes are being picked up despite ongoing review, and why residents and Members were asked to report them. Mr Mee responded that potholes could appear overnight so it was helpful to have additional reporting from residents so that they could be dealt with quickly. Inspectors would also pick them up but had fewer opportunities to discover them immediately. He stressed that residents must take care to remain safe and must never enter the carriageway to try to measure potholes.

Cllr Schneiderman asked for an explanation of Recommendation 2 in the report and whether policy changes would be delegated to officers. Mr Ataie responded that this does not include policy changes and is intended to allow flexibility to make minor changes to the network hierarchy.

The Chairman moved to the vote on the officer's recommendations, which were unanimously APPROVED.

It was RESOLVED:

1. **that the Committee approved the 2022 LBB Highway Infrastructure Safety Inspection Manual (HISIM) as part of the Authority's overall Highway Infrastructure Asset Management system.**

2. **that the Committee delegated authority to the Executive Director for Environment to review the Operational Network Hierarchy as required, in consultation with the Chairman of the Environment Committee, to ensure a risk-based approach to highway safety inspection is maintained.**

10. FLOOD AND WATER MANAGEMENT

Mr Mee introduced the report. He stated that part of the problem with foul water and flooding had been due to water companies' sewers overcharging. One of his statutory duties is as Lead Local Flood Risk Authority, being responsible for coordinating work with the Environment Agency, Thames Water, and other utilities. Mr Mee added that Ms Rushi Sayal, Senior Flood Risk Engineer, and Mr Ali had secured funding of £6million in a joint bid with the London Borough of Harrow, to mitigate some of the issues. In a few months' time a detailed flood management strategy would be presented to the Committee, which included changing some of the Borough's watercourses.

The Chairman noted that the table in Appendix 3 was provided in response to Cllr Schneiderman's comments at the last meeting, and detailed current issues and how they were being dealt with.

Cllr Cooke requested that the Committee be updated by email on ongoing issues, as these can be serious incidents that Ward Members need to get involved with.

Cllr Cooke requested greater detail in future reports, to include the specific location of incidents, such as a postcode or description of the section of road affected.

Mr Edser would provide an update after the meeting on the items at Section 4.1 and flood risk management plan measures to be put in place.
Action: Mr Edser

The Chairman moved to the vote on the officer's recommendations, which were unanimously APPROVED.

It was RESOLVED:

1. **that the Committee noted the background regarding flooding and drainage issues within the Borough and the action plan being delivered in line with the Councils Flood Risk Management Plan Measures (2021-27)**.

11. HIGHWAY MATERIAL PALETTE

Mr Edser reported that Tarmac Kier, Barnet's partner, is one of largest providers of highway materials in the country. The new contracted presented an opportunity to review how the council assesses the materials used on the highways and improve sustainability, including the supply chain and its carbon footprint. He noted that Barnet has a duty as an authority to drive down its carbon footprint, without reducing the quality of operations.

Mr Edser reported that he chairs a Joint Working Group with the contractors. Every role in the programme is 'buddied' so that the council and other operators are providing true joint delivery.

Mr Edser noted that the programme and material palette would be rolled out from 1st April 2022.

The Chairman moved to the vote on the officer's recommendations, which were unanimously APPROVED.

It was RESOLVED:

1. **that the Committee considered and agreed to the introduction of a Highway Material Palette as defined in the report for use in the delivery of the Council's Reactive and Planned Maintenance activities including the NRP and CIL programme from 1 April 2022.**

12. HIGHWAYS FUTURE SERVICE DELIVERY STRATEGY

Mr Mee reported that the Highways service would be provided in-house by September 2023, which is the time the Capita contract will end. The exclusivity clause has been taken out of the contract with Tarmac Kier, allowing more flexibility to cover high or low demand, and to provide a more agile set up to enable the use of specialist contractors and call-off contracts.

Cllr Jajeh commended officers for learning from previous contracts.

Cllr Cooke agreed with the principle but asked what percentage of the work would be carried out by the primary provider. Mr Mee responded that the bulk of the NRP would be undertaken by Tarmac Kier, with some requirement for design and specialist work outside this. Mr Mee estimated that around 75% of the work would be carried out by the primary contractor.

The Chairman moved to the vote on the officer's recommendations, which were unanimously APPROVED.

It was RESOLVED:

1. **that the Committee noted the analysis undertaken in the development of the proposed service delivery strategy options.**

2. **that the Committee delegated authority to the Executive Director, Environment to progress with the implementation of the "Mixed Economy" service delivery model as set out in Section 2.6 of this report.**

3. **that the Committee agreed to receive future reports on progress with the implementation of the glide path workstream programme as set out in Section 4.1 of this report.**

13. COMMITTEE FORWARD WORK PROGRAMME

The Forward Plan was noted. The Chairman noted that the following items would be added:

- Construction damage to highways – progress report
- Update on flood risk management.

The Forward Plan was approved.

14. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

The Chairman reported that the meeting was Mr Mee's last prior to retirement. He thanked Mr Mee for his work for the Committee and the environment portfolio and wished him an enjoyable retirement.

Cllr Cornelius spoke in the absence of the Vice Chairman to thank the Chairman for his excellent chairmanship over the past year.

Cllr Schneiderman thanked all the officers and all Members for informative debates over the past year.

The meeting finished at 9.35 pm

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AGENDA ITEM 6

Environment and Climate Change Committee

9th June 2022

Title	Members' Items Councillor Simon Radford **REVERSING THE DECLINE IN SWIFTS**
Report of	Head of Governance
Wards	All Wards
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Tracy Scollin, Tel 020 8359 2315 tracy.scollin@barnet.gov.uk.

Summary

A Member's Item has been received for the Environment and Climate Change Committee. The Committee is requested to consider the item and provide instructions.

Officer's Recommendation

That the Environment and Climate Change Committee's instructions in relation to the Member's Item is requested.

1. WHY THIS REPORT IS NEEDED

1.1 Members of the Committee have requested that the item tabled below is submitted to the Environment and Climate Change Committee for consideration and determination. The Environment and Climate Change Committee is requested to provide instructions to Officers of the Council as recommended.

Cllr Simon Radford	Swifts have declined all across the UK and are now on the Red list of Birds of Conservation Concern. This includes Barnet where fewer and fewer have been spotted arriving back in the spring after spending the winter in Africa. The RSPB have stated that a key reason for the decline in the number of swifts is a lack of safe places to nest. This is a result of the important nooks and crannies that have been lost in modern buildings or as buildings are refurbished or demolished. I therefore ask that action to help reverse the decline in swifts should form part of the council's new biodiversity strategy as this is developed. In particular, this could include installing swift boxes on council buildings and using the planning process to require developers to include swift nesting bricks in planning proposals for new developments.

2. REASONS FOR RECOMMENDATIONS

2.1 No recommendations have been made. The Committee is therefore requested to give consideration and provide instruction.

2.2 **ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

N/A

3. POST DECISION IMPLEMENTATION

3.1 Post decision implementation will depend on the decision taken by the Committee.

4. IMPLICATIONS OF DECISION

4.1 **Corporate Priorities and Performance**

4.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

4.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

4.2.1 None in the context of this report.

4.3 **Legal and Constitutional References**

4.3.1 A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a committee or Sub-Committee on which s/he serves. The matter must be relevant to the terms of reference of the committee.

4.3.2 The referral of a motion from Full Council to a committee will not count as a Member's Item for the purposes of this rule.

5. Social Value

5.1 **Risk Management**

5.1.1 None in the context of this report.

5.2 **Equalities and Diversity**

5.2.1 Members' Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equality and diversity implications.

5.3 **Consultation and Engagement**

5.3.1 None in the context of this report.

6. ENVIRONMENTAL IMPACT

6.1 None in the context of this report.

7. BACKGROUND PAPERS

7.1 None.

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	Environment & Climate Change Committee **09 June 2022**
Title	**Sustainability Strategy Update**
Report of	Chair of Environment and Climate Change Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Deputy Chief Executive – Cath Shaw Cath.shaw@barnet.gov.uk Director of Growth – Stephen McDonald (stephen.mcdonald@barnet.gov.uk) (Interim) Assistant Director for Sustainability – Yogita Popat (yogita.popat@barnet.gov.uk)

Summary

Following the Declaration of a Climate Emergency at Council on 24th May 2022, this report provides an update on next steps in meeting the commitment to achieve Net Zero in council operations by 2030, and in the wider Borough by 2042.

Officers Recommendations

1. **The Committee notes the Climate Emergency declaration at Council on 24th May 2022**
2. **The Committee instructs officers to draw up proposals for a Citizens Assembly to inform the development of a Sustainability Strategy and Climate Action Plan and the delivery of agreed commitments, and delegates authority to the Deputy Chief Executive in consultation with the Chairman of the Environment & Climate Change Committee to establish the Assembly.**

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3.	**The Committee are asked to approve the appointment of Councillor Schneiderman, as the Lead Member for Climate Change and approve the appointment of Director of Growth as the Lead Officer for Climate Change.**
4.	**The Committee note a full update will be taken to the next meeting Environment & Climate Change Committee including a roadmap to achieve our commitments to Sustainability and commitments in the manifesto**
5.	**The Committee notes existing delegations to officers to develop and implement initiatives to deliver reductions in carbon emissions and confirms that this work should continue.**
6.	**The Committee notes the formation of the Sustainability Team and the creation of a substantive post of Assistant Director for Sustainability and authorises recruitment to that role.**

1. Why this report is needed

1.1 Council on 24th May 2022 declared a climate emergency, confirming the target of ensuring that council operations are Net Zero by 2030, and set a new target of ensuring that the borough is Net Zero by 2042. This report provides an interim update on the response to the declaration and targets, and initiates a number of new workstreams in addition to work already underway to deliver the Sustainability Strategy Framework adopted on 9 December 2021.

1.2 The Framework identified work under seven key headings:

- Renewable energy
- Business skills and partner organisations
- Natural environment and biodiversity
- Council operations
- Supply chain
- Housing and buildings
- Transport

1.3 An initial series of engagement workshops with residents have already taken place, and an update provided to a future Environment and Climate Change committee.

1.4 The formation of a Citizens Assembly on Climate Change and Biodiversity, will provide a platform to co-produce and monitor the delivery of our Strategy and Action Plan, ensuring all residents benefit from green growth, and no one person is left behind in our pursuit of being more sustainable, considering Social and Economic Sustainability, as well as Environmental. The work of a Climate Assembly will be invaluable in shaping Barnet's future sustainability work and securing the buy in necessary for the entire community to be involved in meeting our net zero targets.

1.5 The Sustainability Strategy and Climate Action Plan will serve to outline the council's moral and legal duty to reduce the impact of climate change and pollution on the residents of Barnet. The council also recognises the recommendations of the recent 'Climate Change 2022: Impacts, Adaptation and Vulnerability' report published by the Intergovernmental Panel on Climate Change (IPCC) in May 2022, which found that

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the average annual global greenhouse gas emissions from 2010 to 2019 were at their highest levels in human history. The report also notes that the next few years are critical in limiting warming to around 1.5°C; it added that to achieve net zero requires global greenhouse gas emissions to peak before 2025 at the latest and be reduced by 43% by 2030.

1.6 In order to build on, expand and amplify the work already taking place across the Council and deliver against these commitments through the development of an ambitious and rigorous strategy and associated Climate Action Plan, engagement with residents, partners and communities will be fundamental; this will be achieved through the introduction of a Citizens Assembly on Climate Change and Biodiversity

1.7 In order for this work to continue at an accelerated pace and with appropriate rigour, we look to introduce a central Sustainability Team and Assistant Director with responsibility for Sustainability to work across all service areas, embed the necessary change across the organisation and the borough, and drive the work forward on this agenda, recognising Sustainability to be at the heart of everything we do as a council. This will also allow for the creation a dedicated Lead Officer with specific responsibility for Climate Change and Biodiversity across the Organisation.

2. Reasons for recommendations

2.1 Recommendation 1: the committee are asked to note the Climate Emergency as declared at Full Council on 24 May 2022.

2.2 Recommendation 2: introducing a Climate Assembly will ensure that the range of views and insights from Barnet residents can be incorporated into the planning of our activities against this agenda. The output from the assembly will provide local knowledge and lead to Barnet-specific actions and policies that can directly address the challenges and harness the opportunities that this programme presents.

2.3 Recommendation 3: the committee are asked to approve the appointment of Councillor Schneiderman as the Lead Member for Climate Change and the appointment of the Director of Growth as the Lead Officer for Climate Change

2.4 Recommendation 4: the Sustainability Strategy Framework outlines the council's ambitious net zero targets and proposes a high-level roadmap to allow the organisation and the borough to meet them; further development of the workstreams will enable us to go further and faster in achieving our commitments. It is recognised that in achieving our Sustainability goals these will have a wider health, economic and social benefits, as well as environmental ones. Much work has already taken place in achieving our net zero ambitions (a fuller report will be provided to Environment & Climate Change Committee in July), and a more ambitious programme of activity will enable the council to maintain its momentum in this area, as well as demonstrating its wider intentions to residents, businesses and partner organisations.

2.5 Recommendation 5: the implementation of these commitments and the development of a Sustainability Strategy may require further work, such as bidding for external funding, and spending in line with the objectives of this funding; repurposing existing delegated budgets across the organisation; and advancing corporate resources in line with financial regulation and the objectives set out in the Sustainability Strategy

Framework, Chief Officer approval will enable the programme to remain agile in its deliver of our commitments.

2.6 Recommendation 6: the formation of a dedicated resource within the council will ensure the implementation of any actions at pace and with appropriate rigour, whilst remaining agile and recognising the importance of a changing landscape. A dedicated team with specific responsibility for this agenda will ensure there is horizon scanning and partnership working, which is essential for coordinating cross-cutting streams of work, identifying any risks and opportunities for delivery, and providing support for service areas.

3. Alternative options considered and not recommended

3.1 This paper notes the work already taken place and recognises the need to go further faster; the development of a Sustainability Strategy and Climate Action Plan will enable us to achieve our ambitious targets, therefore, alternative options have not been considered in this paper.

4. Post decision implementation

4.1 Work will commence to design and introduce a borough-wide Citizen's Assembly for Climate Change and Biodiversity, in consultation with the Chair of the Committee.

4.2 Work to deliver existing carbon reduction and sustainability initiatives will continue; recognising the need to go further faster; the development of a Sustainability Strategy and Climate Action Plan will enable us to achieve our ambitious targets.

4.3 Work will continue in developing appropriate role profiles and team structure; recruitment to the substantive post of Assistant Director for Sustainability and the wider team will commence at pace.

5. Implications of decision

5.1 Corporate Priorities and Performance

- Following the declaration of a climate emergency, delivering and implementing the Sustainability Strategy and Climate Action Plan is a key corporate priority for the council.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- Finance & Value for Money: funding for the proposals noted within this report will be considered further in the development of detailed action plans.

- Feasibility studies and delivery plans will be developed as part of this work; but will not be a barrier to us delivering our ambitious plans, at pace and with rigour. These will include estimated project costs, staffing and other resource requirements, and potential sources of funding.

- There are a range of funding opportunities, including CIL and s106, in addition to the grant funding that the government is expected to make available. The Council has already secured a number of external funding sources and grants, as outlined in previous reports. However, resource requirements will be further explored throughout the development of any actions.

- Procurement: any procurement proposals identified within this report in support of delivery will be subject to procurement in accordance with the Council's Contract Procedure Rules. Additional procurement requirements arising from the development of the workstreams will be authorised in accordance with value and as appropriate under the delegated authority of the Deputy Chief Executive, subject to the approval of this report; the full cost of this will be analysed further following approval of this report and will be detailed in the forthcoming detailed programme and action plan which will be brought back to Environment and Climate Change Committee for noting.

- Staffing: Resources will be required post approval of this report, to develop the proposals, manage projects and support with the development and implementation of any actions. This will be undertaken via delegation to the Deputy Chief Executive.

- IT: at this time there are no implications

- Property: at this time there are no implications.

- Sustainability: the report specifically notes the positive impact on all three aspects of Sustainability (Social, Economic and Environmental). The implications of individual proposals noted within this report will be considered further in the development of the Sustainability programme and action plan, and feasibility studies and delivery plans, which will follow the approval of this report.

5.3 Legal and Constitutional References

National Legislation:

5.3.1 The Climate Change Act 2008 introduced a legally binding target for the UK to reduce greenhouse gas emissions by 80% by 2050 compared to a 1990 baseline. In June 2019, the target was updated to reach net zero by 2050. In April 2021, the UK government committed to reducing emissions by 78% by 2035 compared to 1990 levels. The Environment Act 2021 gained Royal Assent on 9th November 2021 with an aim to develop similar legally binding targets for biodiversity, air quality, water, and waste.

5.3.2 Section 40 of the Natural Environment and Rural Communities Act 2006 places a general duty on the Council to conserve and enhance biodiversity and it must from time to time consider what action the authority can properly take, consistent with the proper exercise of its functions, to further the general biodiversity objective. After that consideration the authority must (unless it concludes there is no new action it can properly take), determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective, and take such action as it considers appropriate, in the light of those policies and objectives, to further that objective.

5.3.3 The Localism Act 2011 includes a 'general power of competence' which gives

local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited

5.3.4 In London, the Mayor is required to prepare and publish a London Environment Strategy by the Greater London Authority Act 1999 (as amended).

International Legislation

5.3.5 The Paris Agreement set the international target to limit global temperature rise to well below 2°C with the aim of 1.5°C above pre-industrial levels. The IPCC's follow up report stated that this requires a global reduction in greenhouse gas emissions of 45% by 2030[1].

5.3.6 Legal challenges to governmental policies on carbon management have been made in the European Court of Human Rights, particularly by Dutch environmental pressure groups, relying on provisions in the European Convention on Human Rights which are given effect to in UK domestic law by the Human Rights Act 1998, particularly the provisions relating to the right to life, private and family rights, and the right to effective remedies. The European Court on Human Rights has consistently rejected the proposition that the European Convention on Human Rights confers general rights to environmental protection (Kyrtatos v Greece and Fadeyeva v Russia). The Dutch Supreme Court has, however, found that the state is responsible for excessive emissions, triggering positive emissions reduction obligations, based on the provisions in the European Convention on Human Rights relating to right to life and privacy and family life. Such a position has not yet been established in the UK, although it has been found that the establishment of a direct 'causal nexus' between a 'real and immediate threat' to individual rights may trigger a positive obligation on a state to take action (Osman v UK).

Council Constitution

5.3.7 The Council's Constitution, Article 7 Committees, Forums, Working Groups and Partnerships, sets out the functions of the Environment and Climate Change Committee:

(1) Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, littering, fly-tipping, fly-posting, graffiti, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health.

5.4 Insight

- The council will take an evidence-driven approach to ensure that we are taking the most impactful action. Therefore, data and insight will be used to develop our action plan and monitoring thereof of it.

5.5 Social Value

- The Council must take into account the requirements of the Public Services (Social

[1] https://www.gov.uk/government/news/uk-becomes-first-major-economy-to-pass-net-zero-emissions-law

Value) Act 2012 to consider how what is to be procured might improve the social, economic and environmental wellbeing of the area and how it might act to secure such improvement in conducting procurement. Environmental wellbeing is a core part of social value considerations and the Sustainability Strategy Framework will seek to maximise the sustainability impact of the forthcoming Social Value Policy.

5.6 **Risk Management**

- The Council has an established approach to risk management, which is set out in the Risk Management Framework. Managing risk will be an essential part of programme management and will be considered in the development of the action plan and Strategy. Risk will also be considered at the feasibility stage for specific projects.

5.7 **Equalities and Diversity**

- Equality and diversity issues are a mandatory consideration in the decision making of the Council. Decision makers should have due regard to the public sector equality duty in making their decisions. The Equality Act 2010 and the Public-Sector Equality Duty require elected Members to satisfy themselves that equality considerations are integrated into day-to-day business and that all proposals emerging from the business planning process have taken into consideration the impact, if any, on any protected group and what mitigating factors can be put in place. The equalities duties are continuing duties they are not duties to secure a particular outcome. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

- A public authority must, in the exercise of its functions, have due regard to the need to:

  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

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- Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

  - Tackle prejudice, and
  - Promote understanding.

- Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:

  - Age
  - Disability
  - Gender reassignment
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
  - Marriage and Civil partnership

- This is set out in the Council's Equalities Policy together with our strategic Equalities Objective - as set out in the Corporate Plan - that citizens will be treated equally with understanding and respect; have equal opportunities and receive quality services provided to best value principles.

- Progress against the performance measures we use is published on our website at: www.barnet.gov.uk/info/200041/equality_and_diversity/224/equality_and_diversity

- We are in the process of producing an Equalities Impact Assessment, which will be presented to Committee with the Sustainability Strategy. Each proposal will consider equalities and be cognisant of the fact that some protected characteristics could be affected more than others. Due to the breadth of issues and projects covered in this report, it is not possible to provide all the necessary impacts and information at this time. As appropriate, individual Equalities Impact Assessments will be undertaken as the proposals are developed.

5.8 **Corporate Parenting**

- In line with Children and Social Work Act 2017, the Council has a duty to consider Corporate Parenting Principles in decision-making across the Council. The outcomes and priorities in the refreshed Corporate Plan, Barnet 2024, reflect the Council's commitment to the Corporate Parenting duty to ensure the most vulnerable are protected and the needs of children are considered in everything that the Council does. To this end, great attention has been paid to the needs of children in care and care leavers when approaching business planning, to ensure decisions are made through the lens of what a reasonable parent would do for their own child.

- Climate change will hold greater implications for children and young people, and future generations than it does current adults residing in Barnet. Our surveys of children and

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young people highlight the strength of feeling they have around climate action. The Corporate Parenting Principles have been considered in the development of this report and will continue to be considered in the development of the strategy; they will also be considered in the development of the Equalities Impact Assessment

5.9 **Consultation and Engagement**

- The formation of a Citizens Assembly on Climate Change and Biodiversity will engage with all relevant sectors of the Barnet community and will be undertaken in line with the council's corporate guidelines.

5.10 **Environmental Impact**

- The delivery of an ambitious sustainability action plan will enable us to deliver on our commitment to climate change; this work will have a positive impact on our borough and the environment in which we live, work and visit. The proposals included in this report aim to improve the sustainability of Barnet's environment and will have wide ranging environmental impacts which should provide a net positive impact. The potential benefits of the proposals are detailed throughout the report, and their environmental impact will be assessed on a project-by-project basis when conducting feasibility studies and delivery plans

6. Background papers

6.1 Update on Barnet Sustainability Strategy – Environment Committee, 11 March 2021
https://barnet.moderngov.co.uk/documents/s64151/Sustainability%20Strategy%20Update.pdf

6.2 Sustainability Strategy Framework – Policy & Resources Committee, 9 December 2021
https://barnet.moderngov.co.uk/documents/s69067/Sustainability%20Strategy%20Framework.pdf

6.3 London Borough of Barnet Air Quality Annual Status Report for 2021, May 2021
Barnet Air Quality Annual Status Report 2020 (ODT, 835KB) | Barnet Council

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AGENDA ITEM 8

Environment and Climate Change Committee

9th June 2022

Title	Tackling Fly Tipping and Littering
Report of	Chair of Environment and Climate Change Committee
Wards	All
Status	Public
Urgent	No
Key	Non key
Enclosures	Appendix 1: Fly tipping and littering current and proposed Fixed Penalty Notice sums
Officer Contact Details	Clair Green -Executive Director of Assurance Declan Khan – Assistant Director of Counter Fraud, Community Safety and Protection Matt Leng - Community Safety Manager,

Summary

Following the May 5th 2022, Barnet Local Government Elections the Council has a new Labour Administration. The new administration has made several commitments, which officers now need to develop a work programme to deliver - one of the commitments is 'take tough enforcement action against those that dump rubbish or commit other enviro-crime' this commitment is in line with the community safety restructure and the revised approach and proposals as set out within the report to tackle fly tipping and littering

The new administration has also made a commitment to 'bring back community skips' - this commitment is also one that also now requires officers within street scene service to consider how the introduction of community skips might be used as an opportunity to raise public awareness of the importance of, and options for, disposing of waste and litter properly, to

develop options and proposals with a with a further paper brought back to this committee in due course and prior to implementation.

This report provides an update on the Council's revised approach to tackle fly tipping and littering. This follows a review and restructure of the Community Safety Team, previously agreed at Constitution and Purposed Committee in January 2022, and implemented in April 2022.

Following the Community Safety Team (CST) restructure the responsibility for all such environmental waste enforcement reverted to the in house expanded Community Safety Team. The necessary, and by mutual consent, legal contract exit notification was issued and implemented to previous contractor accordingly.

The report therefore sets put the background, rationale, and proposed amendments to the Fixed Penalty Notice process and amounts - which it seeks to implement as soon as practicable following committee.

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Officers Recommendations

1. That the Committee acknowledge the changes to the structure of Community Safety Team and the subsequent impact upon the environmental waste enforcement contract.
2. That the Committee consider and approve the amendments to the sums for environmental crime offences Fixed Penalty Notices (FPN's) as at Appendix 1 of this report.
3. To reintroduce the early payment option for FPNs for the offences detailed in Appendix 1.
4. To introduce a scaled approach to the level of FPN fine applied to S33 and S34(2) of the Environmental Protection Act 1990fly tipping type offences as at Appendix 1 of this report.
5. To request the Director of Street Scene to develop options for Community Skips – to be brought back at a future meeting.

1. WHY THIS BRIEFING IS NEEDED

Community Skips

1.1 The new administration has made a commitment to 'bring back community skips' - this commitment is one that now requires officers to consider how the introduction of community skips might be used as an opportunity to raise public awareness of the importance of, and options for, disposing of waste and litter properly, develop options and proposals with a with a further paper brought back to committee in due course and prior to implementation.

Fly Tipping and Littering

1.2 At the Environment Committee on the 13th September 2018 the Environment Committee resolved to:

i. Instruct officers to urgently examine the option to provide a lower rate for a first offences for occupants of residences for FPN issued for littering/fly tipping in the vicinity of their home.
ii. The availability of a review process for members to review any FPN issued to residents.

1.3 In accordance with the then Strategic Director of Environment's 2018 report titled 'Responding to fly tipping and littering in Barnet'; and the decisions agreed by the Environment Committee on the 28th November 2018; an interim solution was implemented regarding the majority of the recommendations agreed. However due to the impact of Covid19 item 1.1 (i) above remains unresolved and this report seeks to address this.

Internal Case Review Process

1.4 Item 1.1 (ii) above (Internal Case Review Process) was introduced and remained in place and since 1st April 2020 all fly tipping offences must be subjected to an internal case review by the Community Safety Team prior to any FPN being issued. This internal process has been developed in line with relevant legislation and standard investigate process and procedures.

1.5 The previous tri-borough contractor for environmental waste enforcement was Kingdom Services Group (now Kingdom Local Authority Support known as LAS) which commenced in February 2019. Barnet, Ealing, and Harrow were the tri-borough partners in this contract and Ealing was the contract lead authority.

i. In Barnet this contract was suspended on 23rd March 2020 due to the impact of the Covid19 pandemic on the authority of the Director of Assurance.

ii. In Barnet this contract was reinitiated on the 5th July 2021 on the authority of the Director of Assurance. The contract has resumed on the pre-existing terms and conditions for FPN sums.

iii. In Barnet the contractor was not issuing any FPNs for fly tipping unless the case has been investigated by a Community Safety Team officer and the use of an FPN has been approved by the Community Safety Team Manager and countersigned by the Assistant Director Counter Fraud, Community Safety and Protection.

iv. Following the Community Safety Team restructure approved by the Council' General Purposes Committee on 5th January 2022 the responsibility for all such environmental waste enforcement reverted to the Community Safety Team. The necessary, and by mutual consent, legal contract exit notification was issued and implemented to Kingdom Services accordingly. The contract with the Council and Kingdom/LAS ended on the 28th February 2022.

v. Effective 1st April 2022 all environmental crime waste enforcement has been operated and managed by the Council's Community Safety Team.

1.6 All enforcement activity for waste and littering must be carried out in accordance with the Council's Corporate Prosecution and Enforcement Policy agreed at the Policy and Resources Committee on the 21st March 2017.

1.7 The Community Safety Team restructure approved by the Council's General Purposes Committee on 5th January 2022 has introduced a named Investigation and Enforcement officer for each ward in the borough. These 21 officers will be responsible for the neighbourhood management of their wards which includes tackling all forms of anti-social behaviour including environmental crime in all its manifestations. These officers will now deploy Monday through Sunday and are fully uniformed and patrol with body worn cameras.

1.8 Now that we have developed an in house multi-disciplinary Community Safety Team we are able to ensure that they are focused on tackling the most serious of offenders/offences whilst have the capability and relevant powers and training to deal with all environmental crime of any level. We also aim to use the team to engage, educate and warn those locally of the potential consequences of committing waste offences and inform the public how to report offenders to the Council.

Littering, Fly Tipping, Duty of Care - what is the difference?

1.9 'Dropping litter in an open area to which the public have access is an offence. Litter is everything from food packaging to cigarette butts and chewing gum. This offence is a criminal offence and is classified under Sections 87 and 88 of the Environmental Protection Act 1990[1]. Because such an offence is witnessed at the time it is considered an absolute offence.

1.10 The Act describes the depositing waste, liquid or solid as the legal term for what the Council and public most often referred to as Fly tipping. It can vary in scale significantly, from a bin bag of rubbish to larger bulky waste items being dumped, such as mattresses or white goods. This offence is a criminal offence and is classified under Sections 33 and 34(2) of the Act.

1.11 Businesses have a duty of care to ensure their waste is removed by a licensed waste carrier. If we suspect a business is not disposing of their waste correctly, we can issue a notice requiring the production of waste transfer documents. Failure to produce the documents results in the issue of a fine. This offence is a criminal offence and is classified under Section 34 of the Act.

[1] The Principal Act being Environmental Protection Act 1990 subsequently referred to in this report as 'The Act'

Use of Fixed Penalty Notices (FPNS) for the offences of Littering and Fly tipping.

1.12 The Act introduced the use of FPNs for Local Authorities and there are no formal grounds of appeal against a FPN. It is an invitation for an individual to discharge their liability to prosecution. In essence, this means that whilst this is not an admission of an individual's guilt, it is an agreement that the individual accepts that an offence has been committed and that by paying the sum of money specified, no further action will be taken by, or on behalf of the Council.

1.13 This method of dealing with offences not only saves time involved for everyone in prosecuting cases at court, but the cost associated with an FPN is likely to be substantially lower than any fine imposed by the courts and seeks to support compliance by all parties in their duty of care to control their waste either as an individual or as a business.

1.14 Adhering to the Council's Corporate Enforcement and Prosecution Policy an FPN should only be cancelled in the following circumstances:

- Upon review of the FPN the reviewing officer is satisfied that an offence did not take place e.g. the FPN was issued as the result of a missed waste collection or;
- There is a material defect in the FPN for example the name of the individual the FPN was issued to is misspelt by comparison to the evidence the name was secured upon or the date/time of the offence on the FPN does not match the photo evidence secured by the officer at the time of the offence therefore creating an administrational error.

2. REASONS FOR RECOMMENDATIONS

2.1 For reasons stated in section 1.2 through to 1.8 of this report the Environment and Climate Change Committee is asked to agree the officer's recommendations to address the outstanding action for the Committee and introduce a scaled approach for first time fly tipping offenders.

2.2 As requested by the Environment and Climate Committee of officers, this adjustment would ensure that as a Council the sanction imposed for a minor infraction is proportionate to impact upon the area affected. The person(s) being held accountable for the offence will still be offered the opportunity to avoid their liability to a criminal prosecution in minor fly tipping incidents.

2.4 The Committee is asked to approve the reintroduction of the discounted early payment option for FPNs for Environmental Enforcement in order to further encourage offenders to discharge their liability at their earliest opportunity.

2.5 The Council reserves it's right in cases of fly tipping to not use the FPN process and refer the matter for prosecution through the courts for serious or persistent offenders involved in the illegal dumping of waste.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 **Do nothing**
This option is not recommended as it would not meet the requirements agreed by the Environment Committee prior to the Covid 19 Pandemic's impact.

3.2 **Amending the first-time offence of residential fly-tipping to one of littering.**
This option is not recommended as the offences are clearly defined by the act and the offence of littering must be witnessed at the time of the offence.

4. POST DECISION IMPLEMENTATION

4.1 If the Environment and Climate Change Committee agrees the recommendations within this report The Community Safety Team will complete the steps in 4.1 and 4.2 above and update the Council's website and FPN correspondence by no later than the 31st March 2022.

4.2 The changes to the FPN sums will thus take effect from 10th June 2022.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 After the May 5th, 2022 elections the Council has a new Labour administration. The new Administration has made several commitments, one of which 'take tough enforcement action against those that dump rubbish or commit other enviro-crime' is in line with the revised approach as set out in this paper.

5.1.2 The new administration has also made a further commitment to 'bring back community skips' - this commitment is one that now requires officers within street scene to consider how the introduction of community skips might be used as an opportunity to raise public awareness of the importance of, and options for, disposing of waste and litter properly, develop options and proposals with a with a further paper brought back to committee in due course and prior to implementation.

5.1.3 The changes being proposed to the FPN sums and re-introduction of the early payment options reflects the Council's commitment in seeking to reduce the levels of anti-social behaviour related to littering and fly tipping.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 By the introduction of these changes the FPN income/monies paid will be solely the income of the Council to financially support the ongoing action and activities of the Community Safety Team enforcement functions.

5.2.2 There are no property implications.

5.2.3 There are no staffing implications as the required staffing to support this change in environmental enforcement functions has been achieved by the increase in officers following Community Safety Team restructure (from 6 to 21 Investigation and Enforcement officers).

5.3 Social Value

5.3.1 Not relevant for this report

5.4 Legal and Constitutional References

5.4.1 Litter offences are criminal offences and are classified under Sections 87 and 88 of the Environmental Protection Act 1990.

5.4.2 Fly tipping (not a legal term) is the illegal dumping of waste (liquid or solid) and is a criminal offence as classified under Sections 33 and 34 of the Environmental Protection Act 1990.

5.4.3 If a business fails to produce their licensed carrier of waste documents, they commit a criminal offence and as classified under Section 34 of the Environmental Protection Act 1990.

5.4.4 Under the Barnet Constitution, the Environment and Climate Change Committee has 'Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, littering, fly-tipping, fly-posting, graffiti, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health.

5.5 Risk Management

5.5.1 A risk highlighted is the potential for the Council's corporate reputation being brought into disrepute in how it deals with low level fly tipping first time offences. This risk is partially mitigated by the case investigation adopted as described in section 1.4 (iii, iv and v) of this report.

5.6 Equalities and Diversity

5.6.1 If the recommendations in this report are agreed, pursuant to the Public Sector Equality Duty under section 149 of the Equality Act 2010, the current equalities impact assessment (EIA) will be required to be reviewed to ensure the approach does not have a disproportionate adverse impact on persons, particularly those with protected characteristics under the Equality Act 2010.

5.6.2 Being fair and giving equal chances to all our residents and businesses is central to the council's strategic equalities objective, (SEO), that "Citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the taxpayer". Barnet and

organisations acting on its behalf are committed to fair treatment for all our citizens balancing their different needs and rights as we support our more vulnerable residents and incorporate the principles of equality into everything we do as a Council.

5.6.3 The public sector equality duty is set out in Section 149 of the Equality Act 2010. A public authority must, in the exercise of its functions, have *due regard* to the need to:

(a)Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b)Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c)Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.7 Corporate Parenting

5.7.1 The decisions are not considered to have a direct or indirect impact on children in care.

5.8 Consultation and Engagement

5.8.1 Not relevant for this report as the actions are those agreed by way of the Environment and Climate Change Committee as detailed within this report.

5.9 **Insight data**

5.9.1 Not relevant for this report

5. BACKGROUND PAPERS

Recent papers to various committees on enforcement and some examples of web links to the council's service specific enforcement actions are listed below.

Environment Committee link Item 6; dated 13th September 2018
https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=695&MId=9477&Ver=4

Environment Committee link Item 14; dated 28th November 2018
https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=695&MId=9478&Ver=4

Environmental Protection Act 1990 (and amendments).
http://www.legislation.gov.uk/ukpga/1990/43/contents

Barnet Council Corporate Enforcement and Prosecution Policy approved at the Policy and Resources Committee on 21st March 2017.
https://barnet.moderngov.co.uk/documents/s38749/Appendix%203%20-%20Barnet%20Enforcement%20and%20Prosecution%20Policy.pdf

Environmental Crime – Fixed Penalty Notices.
https://www.barnet.gov.uk/citizen-home/parking-roads-and-pavements/Street-cleaning/litter-enforcement/fixed-penalty-notice.html

Street Scene Enforcement Policy and Procedure.
https://barnet.moderngov.co.uk/documents/s30193/Streetscene%20Enforcement.pdf

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Appendix 1: Current and proposed FPN sums **As of 17/02/2022**

Offence	Known As	Current value/sum	New value/sum	Early payment 14 days minimum sum)
Environmental Protection Act 1990, Section 87/88 *Minimum - £65.00* *Maximum - £150.00*	Littering	£100	£100	£70
Environmental Protection Act 1990, Section 46 Default amount - £60.00 FPN Range £40-£80 *Specific statutory procedure on how to issue FPN – must be notice of intent and final notice issued and right of appeal to 1st tier tribunal. Any issue of FPN must be compliant with s.46A-D EPA 1990*	Domestic Waste Presentation Notices	£100	£60 FPN Range £60-£80	£42
Environmental Protection Act 1990, Section 47 *Minimum - £75.00* *Maximum - £110.00* *Reduced amount – not less than £60.00 (Reg 9 - 2017 Regulations)*	Business and Commercial Waste Presentation Notices	£100	£100	£70
Environmental Protection Act 1990, Schedule 3A, paragraph 7 *Not less than £50.00 (Reg 8 – 2017 Regulations)*	Distributing Free Literature without Consent	£80	£50	£35
Control of Pollution (Amendment) Act 1989, Section 5B *Amount of FPN is £300.00 (s.5B(9) CoP(A)A 1989)* *Reduced Amount – not less than £180.00 (Reg 11 – 2017 Regulations)*	Failing to Produce Authority	£300	£300	£210
Environmental Protection Act 1990, Section 34 Minimum - £150.00 Maximum - £400.00 (s.34ZA(8) EPA 1990) Reduced Amount – not less than £180.00 (Reg 11 – 2017 Regulations)	Failing to Produce Waste Transfer Notes	£300	£300	£210

Offence	Known As	Current value/sum	New value/sum	Early payment 14 days minimum sum)
Payment of reduced amount period = 10 days (s.34ZA(9) EPA 1990)				
Environmental Protection Act 1990, Section 34 (2A)	Household Duty of Care Breach - Unauthorised Deposit of Waste	£400	1st Offence - **£200** 2nd Offence - £400 3rd Offence	£140 £280 Automatic court based prosecution referral
Anti-Social Behaviour, Crime and Policing Act 2014, Section 48 *Not more than £100.00 (s.52(7) 2014 Act)* section 52(8)	Community Protection Notices	£100	£100	£70 Requiring payment of lesser amount is paid before the 14 days.
Anti-Social Behaviour, Crime and Policing Act 2014, Section 63 and 67 *Not more than £100.00 (s.68(6) 2014 Act)*	Public Spaces Protection Orders	£100	£100	£70 Requiring payment of lesser amount is paid before the 14 days.
Refuse Disposal (Amenity) Act 1978, Section 2A – Abandoned Vehicles *Amount of FPN = £200.00 s.2A(8) RD(A)A 1978* *Reduced Amount – not less than £120.00 (Reg 10 – 2017 Regulations)*	Abandoned Vehicles	£200	£200	£140
Anti-Social Behaviour Act 2003, Section 43 *Minimum - £65.00* *Maximum - £150.00* *Reduced Amount – not less than £50.00 (Reg 8 – 2017 Regulations)*	Graffiti and Fly Posting	£80	£100	£70
Cleaner Neighbourhoods and Environment Act 2005, Section 3 & 4 *Amount of FPN is £100.00 (s.6(9)*	Nuisance Vehicles S.3)	£100	£100	£70

Offence	Known As	Current value/sum	New value/sum	Early payment 14 days minimum sum)
CNaEA2005) *Reduced Amount – not less than £60.00 (Reg 9 – 2017 Regulations)*	Exposing vehicles for sale upon a road; (S.4) Repairing vehicles upon the road.			
Environmental Protection Act 1990, Section 33(1)(a) *Minimum - £150.00* *Maximum - £400.00* *(s.33ZA(9) EPA 1990)* *Reduced Amount – not less than £120.00 &* *payment of reduced amount period = 10 days (s.33ZA(10) EPA 1990)*	Unauthorised deposit waste (Fly tipping)	£400	1st Offence £200 2nd Offence £400 **3rd Offence**	£140 £280 **Automatic court based prosecution referral**
Highways Act 1980 Section 137 (1)	Wilful obstruction of the highway	£100	£100	£70
Highways Act 1980 Section 148(c)	Interruption of user	£100	£100	£70
Health Act 2006 Section 7 Amount of FPN is *£50.00.(29 days to pay)* *Reduced Amount = £30.00 and payment of reduced amount period = 15 days* *[Payment periods within s.9 and Schedule 1 of HA 2006]*	Smoking in Smoke free premises or Business vehicle	£50	£50	£50

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	Environment & Climate Change Committee **Date 9th June 2022**
Title	**Air Quality Update**
Report of	Chair of Environment and Climate Change Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Deputy Chief Executive – Cath Shaw Cath.shaw@barnet.gov.uk Director of Growth – Stephen McDonald (stephen.mcdonald@barnet.gov.uk) (Interim) Assistant Director for Sustainability – Yogita Popat (yogita.popat@barnet.gov.uk)

Summary

This report sets out the approach to producing a new Air Quality Action Plan, and proposes joining the Idling Action London Campaign and participating in National Clean Air Day. It also provides the Committee with an overview of the findings of recent air quality monitoring.

Officers Recommendations

1. **The Committee agree to produce a new Air Quality Action Plan, including the commitments set out in paragraph 1,3.**
2. **The Committee agrees to the following immediate steps to be taken ahead of the development of the new Air Quality Action Plan:**
   - **participation in National Clean Air Day on 16th June 2022; and**
   - **joining the Idling Action London Campaign.**
3. **The Committee instructs officers to draw up proposals to engage residents and community groups in development of a Clean Air for Barnet Pledge, and**

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delegates authority to the Deputy Chief Executive in consultation with the Chair of the Committee to commence work to develop this Pledge.
4. Notes the consultation being undertaken by TfL on proposals to expand the Ultra Low Emission Zone (ULEZ) London-wide on 23 August 2023, and authorises the Deputy Chief Executive, in consultation with the Chair of the Environment and Climate Change Committee, to submit a response on behalf of the council.

1. Why this report is needed

1.1 Barnet's Air Quality Action Plan 2017-2022 was produced as part of the council's duty to contribute to London Local Air Quality Management. It outlined the action the council would take to improve air quality across the borough between 2017-2022 and replaced the previous action plan which ran from 2003-2016. It identified actions under six broad topics:

- Emissions from developments and buildings
- Public health and raising awareness of causes of pollution
- Delivery servicing and freight
- Borough fleet actions
- Localised solutions
- Cleaner transport

1.2 The Committee is asked to agree that a new Air Quality Action Plan should be developed to draw together and improve upon the various actions that will be taken to address air quality across the borough, as well as outlining the council's approach to air quality monitoring and reporting. Officers will develop this Action Plan throughout 2022 informed by engagement with residents and stakeholders. The Action Plan will be presented to Environment and Climate Change Committee for approval and adoption later in the year.

1.3 The Action Plan will encompass a wide range of actions undertaken by different services, and will have strong links to the emerging Sustainability Strategy. The Committee is asked to agree that it should include proposals to:

- **Increase the range and quantity of air-quality enhancing wildlife** by:
  - Creating a boroughwide biodiversity strategy
  - Looking at woodland and rewilding opportunities
  - Working towards zero neighbourhoods without greenspace
- **Encourage active travel**, including by:
  - Ensuring that a new Long Term Transport Strategy focuses on encouraging walking and cycling and improved road safefy
  - Supporting and promote park runs, walking groups, and cycling groups
  - Improving signage for walkways and green spaces
- **Reduce the impact of vehicle use**, through measures such as:
  - Increasing the availability of electric vehicle car clubs
  - Increasing the installation of electric vehicle charge points
  - Joining the Idling Action London campaign
  - Introducing 20mph zones where residents want them

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    - Working towards 100% of schools with STARS (Sustainable Travel: Active, Responsible, Safe) accredited travel plans
    - Introducing delivery hubs and a zero-emission last mile delivery service
- **Improve data collection and use**, for example:
    - Exploring boroughwide real time monitoring of air quality

1.4 The Action Plan will be developed working with residents and community groups. As well as informing development of the Plan, this this process of engagement will explore further ways in which the Barnet community are able to get involved and support a reduction in air pollution, including the development of a 'Clean Air for Barnet' pledge. Following Committee, further work will be undertaken to design this engagement process, and it is recommended that the once process has been developed the Deputy Chief Executive be authorised, in consultation with the Chair of the Committee, to commence that engagement work.

1.5 It is recommended that there are some early actions that do not need to wait for the development of the Air Quality Action Plan to be implemented. The Committee is therefore asked to agree that the council join the Idling Action London Campaign and participate in Clean Air Day on 16th June 2022.

1.6 Idling Action London, jointly led by City of London Corporation and Camden Council, is a multi-year Mayor's Air Quality Fund project currently involving 30 local authorities and the City Corporation working together to tackle engine idling as a source of avoidable air pollution. The project offers virtual and in-person education and targeted behaviour change interventions for schools, businesses, local authorities, hospitals and other organisations.

1.7 Clean Air Day is the UK's largest campaign on air pollution. In its sixth year, Clean Air Day helps to drive a positive shift in public knowledge and action; is a chance to find out more about air pollution, share information, and make the air cleaner and healthier for everyone. The theme for this year's campaign is: "Air pollution dirties every organ in your body. Take steps to improve your health this Clean Air Day."

1.8 On 20 May 2022, Transport for London (TfL) published a consultation document seeking views on proposals to expand the Ultra Low Emission Zone (ULEZ) to the whole of Greater London, to help improve air quality, tackle the climate emergency and reduce traffic congestion. The consultation also seeks views on a range of related issues, such as the basis of future road user charging. The consultation can be found at **https://haveyoursay.tfl.gov.uk/cleanair**. As the consultation closes on 29th July, before the next meeting of this Committee, the Committee is asked to authorise the Deputy Chief Executive, in consultation with the Chair of the Committee, to submit a response to the consultation on behalf of the council.

1.9 The Annual Air Quality Status Report 2021 highlights the recent action taken to ensure the borough becomes more sustainable and the associated improvements in air quality across the borough; these improvements were further enhanced by the national lockdown during the COVID-19 pandemic. It highlighted that air quality has improved across Barnet in the following ways:

- At both automatic air quality monitoring sites, compliance with the annual mean Air Quality Objective (AQO) of 40 µg/m^3 for NO2 was achieved and both sites recorded zero hourly means >200 µg/m^3.
- Both sites measuring PM10 met both the annual and daily mean objectives.
- There were significant decreases in NO_2 levels at all monitoring locations.
- There has been a general improvement in air quality across the borough over the past seven years, and concentrations at all diffusion tube sites were significantly better in 2020 and 2021 when compared to 2018 and 2019.

2. Reasons for recommendations

2.1 Barnet has a statutory requirement to lower and monitor air pollution across the borough. It is therefore important that we look go as far and as fast as possible in addressing poor air quality and meeting the targets outlined by DEFRA and WHO.

3. Alternative options considered and not recommended

3.1 While the production of an Air Quality Action Plan is a statutory requirement, we could go slower and take less ambitious action in addressing air pollution. However, this is not recommended due to the effect that poor air quality has on the health of residents, particularly those from less advantaged backgrounds.

3.2 We could choose not to participate in the national campaign and continue with local air quality campaigns. However, this would miss an opportunity to take advantage of national attention and media on this year's theme of air pollution and health.

4. Post decision implementation

4.1 Officers will continue to develop a new Air Quality Action Plan through community engagement; this will be presented to Environment & Climate Change Committee later this year.

5. Implications of decision

5.1 Corporate Priorities and Performance

5.1.1 Delivering Quality Services is a key area of focus in the Corporate Plan 2021-2025. Within the 'Keeping the borough Clean and Green' priority there is a commitment to achieve the highest possible standards of air quality. Barnet has a Corporate Performance indicator to monitor and review trends for air quality in Barnet annually.

5.1.2 The air quality action plan is aligned to the Health and Wellbeing Strategy and its stated priorities and themes.

5.1.3 The air quality action plan links with the existing Sustainability Strategy, Long Term Transport Strategy, Growth Strategy and Local Plan, and air quality issues will be taken into account as these plans and strategies are reviewed.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 None at this time

5.3 Legal and Constitutional References

5.3.1 Sections 82-84 of the Environment Act 1995 imposes obligations on a local authority to periodically review air quality in its area and requires the issue of an air quality action plan once an Air Quality Management Area (AQMA) has been designated.

5.3.2 The delegated powers of the legislation fall within the remit of the Deputy Chief Executive in line with the Scheme of delegation for officers and are delivered through Re, Environmental Health Team.

5.3.3 Because of Brexit, regulations have come into force to ensure that existing regulatory standards on air quality will be maintained. The Environment Bill 2019-2021 is processing parliament this year and will have implications for the LAQM process and what is required for new and updated air quality action plan. The bill will implement key parts of the government's Clean Air Strategy and include target for tacking air pollution in the UK. However, the specifics are still being debated and discussion on air quality was largely omitted from the most recent debate in Parliament, on 26 May 2021. The Bill has completed its Committee Stage, Report Stage and Third Reading in the House of Commons and has now proceeded to the House of Lords (https://bills.parliament.uk/bills/2593).

5.3.4 Article 7 of the Council's Constitution states that the Environment and Climate Change Committee has responsibility for all borough-wide or cross-constituency matters relating to street scene, including environmental health. The Environment and Climate Change Committee's terms of reference include receiving reports on relevant performance information and risk relating to the services under the remit of the Committee.

5.4 Insight

5.4.1 Not applicable at this stage, insights and data will be used to inform and monitor the delivery of an Air Quality Action Plan.

5.5 Social Value

5.5.1 The existing and additional work on improving air quality has wide environmental and social benefits, particularly for residents and children living working or going to school near to busy roads

5.6 Risk Management

5.6.1 The risks of exceedances of air pollution in Barnet is managed by the following processes: an annual review and assessment of air quality; a five-year air quality action plan, reviewed annually; and an interdepartmental steering group to promote improved air quality minimises the risks below.

5.6.2 The national government, through DEFRA and GLA, check the effectiveness of local authority reports. If exceedances occur that can be deemed to be the fault of poor management of Council controlled highways, then local authorities may be held directly responsible for a proportion of the fine.

5.6.3 The GLA operate a Cleaner Air Borough status accreditation which Barnet currently has. This accreditation can be removed if there is not deemed to be sufficient progress

5.7 Equalities and Diversity

5.7.1 Work to improve air quality will reflect our Strategic Equalities Objective (SEO), which is: "All our communities will be treated equally, with understanding and respect. Both our council and our borough will be places where diversity is celebrated, and inequality is actively tackled, where people have equal opportunities and equal access to quality services''.

5.7.2 The air quality of Barnet affects all residents and workers and does not differentiate between persons of different culture, religion, wealth, sex or physical ability, therefore the improvement sought in the on-going work to improve air quality will affect every part of society.

5.7.3 However poor air quality does not affect everybody equally. Poor air quality is likely to have greater effect on the very young, the very old or people with certain other disabilities or conditions who may be more prone to suffering as a result of poor air quality.

5.7.4 Poor air quality may also adversely affect poorer residents, who may be disproportionately likely to be from Black, Asian and Minority Ethnic backgrounds, as they are more likely to be living nearest to busy congested roads.

5.8 Corporate Parenting

5.8.1 In line with Children and Social Work Act 2017, the Council has a duty to consider Corporate Parenting Principles in decision-making across the Council. The outcomes and priorities in the refreshed Corporate Plan, Barnet 2024, reflect the Council's commitment to the Corporate Parenting duty to ensure the most vulnerable are protected and the needs of children are considered in everything that the Council does. To this end, great attention has been paid to the needs of children in care and care leavers when approaching business planning, to ensure decisions are made through the lens of what a reasonable parent would do for their own child.

5.8.2 The Corporate Parenting Principles have been considered in the development of this report and will continue to be considered in the development of the strategy; they will also be considered in the development of the Equalities Impact Assessment

5.9 Consultation and Engagement

5.9.1 The Council's current Air Quality Action Plan 2017-2022 went through the formal Prior to a new Action Plan being presented to Committee we will seek to listen to, and consult with, residents to ensure the Action Plan is community led and is coproduced in coordination with the community and the relevant stakeholders. The results of this engagement will be presented to Committee alongside the Action Plan.

5.10 Environmental Impact

5.10.1 The environmental benefits of good Air Quality have a positive impact on our borough

and the environment in which we live, work and visit. The proposals included in this report aim to improve the Air Quality across the borough and will have wide ranging environmental impacts which should provide a positive impact. The potential benefits of the proposals are detailed throughout the report, and their environmental impact will be assessed on a project-by-project basis when conducting feasibility studies and delivery plans.

6. Background papers

6.1 Barnet's Air Quality Action Plan
https://www.barnet.gov.uk/sites/default/files/assets/citizenportal/documents/EnvironmentalHealth/ScientificServices/AirQualityActionPlan2017consultationdocument.pdf

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