

MEETING

ENVIRONMENT COMMITTEE

DATE AND TIME

TUESDAY 8TH MARCH, 2016

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF ENVIRONMENT COMMITTEE (Quorum 3)

Chairman: Dean Cohen

Vice Chairman: Brian Salinger

Claire Farrier

Graham Old

Agnes Slocombe

John Hart

Joan Scannell

Adam Langleben

Dr Devra Kay

Alan Schneiderman

Peter Zinkin

Substitute Members

Sury Khatri

Tim Roberts

Nagus Narenthira

Lisa Rutter

Andreas Ioannidis

Stephen Sowerby

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

Andrew Charlwood – Head of Governance

Governance Services contact:

Paul Frost 020 8359 2205 paul.frost@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the previous meeting	1 - 8
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 Item	
6a. Cllr Adam Langleben - Railway Services in Barnet		9 - 12
6b. Cllr Agnes Slocombe - Potholes		13 - 16
6c. Cllr Alan Schneiderman - Free Christmas Parking		17 - 20
6d. Cllr Claire Farrier - Burnt Oak Car Park		21 - 24
6e. Cllr Devra Kay - Dangerous Pavements		25 - 28
6f. Cllr Brian Salinger - Car Club Facilities		29 - 32
7.	Referred Item From the Chipping Barnet Area Committee	33 - 42
8.	Environment Commissioning Plan 2016/17 addendum	43 - 64
9.	Streetscene Enforcement	65 - 140
10.	Draft Street Cleansing Framework 2016 to 2025	141 - 182
11.	Commercial Waste Transformation	183 - 194

12.	Air Quality Action Plan	195 - 222
13.	Committee Forward Work Programme	223 - 228
14.	Any Other Items that the Chairman Decides are Urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Paul Frost 020 8359 2205 paul.frost@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

Decisions of the Environment Committee

11 January 2016

Members Present:-

AGENDA ITEM 1

Councillor Dean Cohen (Chairman)
Councillor Brian Salinger (Vice-Chairman)

Councillor Claire Farrier
Councillor John Hart
Councillor Dr Devra Kay
Councillor Graham Old

Councillor Alan Schneiderman
Councillor Agnes Slocombe
Councillor Laurie Williams
Councillor Sury Khatri (In place of
Councillor Joan Scannell)

Apologies for Absence

Councillor Joan Scannell

1. MINUTES OF THE PREVIOUS MEETING

The Chairman introduced the minutes of the last meeting. Councillor Alan Schneiderman informed the Committee that the detail regarding the motion in his name which had been referred to the Committee from the Council Meeting was missing from the minutes.

The Governance Officer in attendance noted that a Motion in the name of Councillor Scheniderman was reported to Full Council on 20 October 2015 and that as in accordance with Council Procedure Rule 23.5, as the Member's Motion was not dealt with by the end of the Full Council meeting, it was referred to the Environment Committee for consideration. The Governance Officer confirmed that the motion considered was as follows:

"Roads and Pavements:

Council notes the rising complaints over the state of the boroughs roads and pavements, and that roads and pavements are the number one issue of concern for residents according to the council's own Residents Perception Survey.

Council also notes the recent practice of 'road surface dressing' in Barnet which leaves tarmac road chippings loose on the road surface resulting in damage to vehicles from flying chippings and damage to homes from tar.

Council further notes that many residents have complained about this new approach to road repairs, and asks the Environment Committee to review the procedure, including any contingency for dealing with a deterioration in roads due to the approaching cold winter weather."

Councillor Alan Schneiderman noted that he had MOVED the following motions below, which had been unanimously AGREED by the Committee at their meeting on 10 November 2015:

1. That the Committee want to see an improved procedure for future work, including: better supervision and checks on contractors, more proactive sweeping of roads and pavements and prompt replacement of lines and road markings;
2. That the Committee wants consideration of whether other resurfacing options are more appropriate for certain roads;
3. That the Committee wants communication with residents to be improved.

RESOLVED that:-

- The Environment Committee noted the motion from Council dated 20 October 2015 and the motions moved in the name of Councillor Schneiderman as set out above.
- The Environment Committee noted that on 10 November 2015 the Committee approved the Highway Network Recovery Planned Maintenance Programme and LIP and Section 106 2015-16 Qtr. 2 Update.
- The Environment Committee approve the minutes of 10 November 2015 subject to the amendments as set out above as an accurate record and give instructions to the appropriate officer to make the appropriate amendments to the minute document of the meeting that took place on 10 November 2015.

2. ABSENCE OF MEMBERS

Apologies for absence were received from Councillor Joan Scannell, who was substituted for by Councillor Sury Khatri.

Apologies for lateness were received from Councillor John Hart.

3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

The Committee noted the details of a public question that had been submitted by Mr. Myk Tucker in relation to Agenda Item 10 (2015/16 Planned Maintenance). Mr. Tucker asked a supplementary question which was answered at the meeting.

Mr. Tucker addressed the Committee and made a public comment in relation to Agenda Item 10 (2015/16 Planned Maintenance). Following the comment, Members asked questions which were answered by Mr. Tucker.

Ms. Mary O'Connor addressed the Committee and made a public comment in relation to Agenda Item 12 (Highway Asset Management – Network Recovery Plan Whole Life Costing of Footway Maintenance Treatments). Following the comment, Members asked questions which were answered by Ms. O'Connor.

6. MEMBERS' ITEMS

None.

7. DRAFT MUNICIPAL WASTE AND RECYCLING STRATEGY 2016 TO 2030

The Commissioning Director for Environment, Mr. Jamie Blake, introduced the report, which set out the development of a municipal recycling and waste strategy for Barnet.

Mr. Blake informed the Committee that a consultation would be undertaken in relation to strategy and that he would circulate it to members of the Committee.

The Chairman moved to the vote on recommendations as set out in the report. Votes were recorded as follows:

For	11
Against	0
Abstentions	0

RESOLVED that:-

1. The Environment Committee note and consider the development of the draft Municipal Recycling and Waste Strategy 2016 to 2030.
2. That the Environment Committee agree the consultation on the draft Municipal Recycling and Waste Strategy.
3. That the Environment Committee note that the results of that consultation be reported to a future meeting of the Environment Committee along with the final Municipal Recycling and Waste Strategy for approval.

8. PARKS & OPEN SPACES STRATEGY: DRAFT FOR CONSULTATION

The Commissioning Director for Environment introduced the report.

Councillor Brian Salinger MOVED the following amendment to Recommendation 3 as set out in the report:

That the Environment Committee approve that authority be delegated to the Street Scene Director in consultation with the Chairman of the Environment Committee Commissioning Director for Environment to review and amendment of the Events in Parks Policy and that power to vary to policy on an experimental basis is granted six months to include providing for events in the park that might need more than 12 hours than is stipulated in the current policy, and to bring a report back to committee in six months.

That the Environment Committee approve that authority be delegated to the Commissioning Director for Environment to review and vary the Events in Parks Policy on an experimental basis for six months for events in the parks that might need more than the 12 hours than is stipulated in the current policy, and to bring a report back to the committee in six months.

Votes were recorded as follows:

For	6
Against	5
Abstentions	0

The motion was CARRIED.

RESOLVED that:-

1. The Environment Committee note the draft Parks and Open Spaces Strategy.
2. That the Environment Committee approve and instruct that the Commissioning Director for Environment to release the draft Parks and Open Spaces Strategy for public consultation.
3. That the Environment Committee approve that authority be delegated to the Commissioning Director for Environment to review and vary the Events in Parks Policy on an experimental basis for six months to include providing for events in the parks that might need more than the 12 hours than is stipulated in the current policy, and to bring a report back to the committee in six months.

9. FEES AND CHARGES 2016/17

The Commissioning Director for Environment introduced the report.

The Commissioning Director referred to line 6 of Appendix A and noted that the renewal charge for expired skip license should be considered as £28 per week with £56 minimum and £26 per week thereafter.

The Committee noted that the charges marked for Hendon Car Park were inclusive of VAT.

Councillor Salinger MOVED the following amendment to Recommendation 1 as set out in the report.

That the Committee consider and approve the fees and charges for 2016/16 as detailed in Appendix A subject to the removal of the wedding photographs in park charge, and noting the points as set out above in relation to a. skip license renewal and b. Hendon Car Park VAT.

Votes were recorded as follows:

For	11
Against	0
Abstentions	0

The motion was carried.

The Committee RESOLVED following consideration to approve the fees and charges for 2016/16 as detailed in Appendix A subject to the removal of the wedding photographs in park charge, and noting the points as set out above in relation to a. skip license renewal and b. Hendon Car Park VAT.

10. 2015/16 PLANNED MAINTENANCE: Q3 UPDATE

The Commissioning Director for Environment introduced the report, which updated the Committee on progress during the first 9 months delivering the 2015-16 Network Recovery Plan Highways Planned Maintenance.

During the consideration on this report, Councillor Sury Khatri declared a non-pecuniary interest in relation to Devonshire Road

The Committee put questions to the Commissioning Director for Environment on the following matters, who undertook to provide a full response to Members outside of the meeting:

- Aerodrome Road
- Gradient of Footway Crossing
- Devonshire Road
- Perryfield Way
- ETZ Chaim School
- Lodge Lane

The Chairman moved the vote on the recommendations as set out in the report.

The Committee RESOLVED to:

- 1. Note the list of carriageway and footway planned maintenance schemes completed in the first three quarters of the financial year, shown in Appendix A.**
- 2. Note the list of Section 106 schemes completed in the first three quarters of the financial year, shown in Appendix B.**
- 3. Note the list of Local Implementation Plan (LIP) schemes completed in the first three quarters of the financial year, shown in Appendix C.**

11. HIGHWAYS PLANNED MAINTENANCE PROGRAMME 2016-17

The Commissioning Director introduced the report, which sought the Committee's approval for the delivery of the 2016-17 Highway Planned Maintenance Work Programme as set out in Appendix A of the report.

The Committee considered the report. Members noted that there was a numbering error in the original recommendations and for clarity noted that the recommendations would be considered as numbers 1-5 in order for the purpose of the vote.

Councillor Zinken moved the following amendments to recommendation one and two:

- 1. That the Committee approves the 2016/17 planned maintenance work programme consisting of carriageway / footway renewal and other highway maintenance works as listed in Appendix A of this report at a cost of £13**

million subject to final to final consultation with ward members to be funded from the Year 2 allocation of the already agreed £50 million five year Network Recovery Plan agreed in December 2014 and noting the operational difficulties regarding the surface dressing programme during 15/16 the proposed programme for years 3,4,5 for the surface dressing be postponed until such time as this committee is satisfied with the existing 15/16 works as well as 16/17 programme of surface dressing.

- 2. That the Committee notes that the Policy & Resources Committee Performance and Contract Management Committee will be requested to consider a carry forward into 2016/17 of the 2015/16 Capital allocation of £2 million for footway works at their February 2016 meeting.**

Votes were recorded as follows:

For	11
Against	0
Abstentions	0

The motion was CARRIED and became the substantive motion.

The Chairman moved to the vote on the amended recommendations one and two, and on recommendations three and four as set out in the report. Votes were recorded as follows:

For	11
Against	0
Abstentions	0

The Chairman moved to the vote on recommendation five as set out in the report. Votes were recorded as follows:

For	0
Against	11
Abstentions	0

RESOLVED that:-

- 1. The Committee approves the 2016/17 planned maintenance work programme consisting of carriageway / footway renewal and other highway maintenance works as listed in Appendix A of this report at a cost of £13 million subject to final to final consultation with ward members to be funded from the Year 2 allocation of the already agreed £50 million five year Network Recovery Plan agreed in December 2014 and noting the operational difficulties regarding the surface dressing programme during 15/16 the proposed programme for years 3,4,5 for the surface dressing be postponed until such time as this committee is satisfied with the existing 15/16 works as well as 16/17 programme of surface dressing.**
- 2. The Committee notes that the Policy & Resources Committee will be requested to consider a carry forward into 2016/17 of the 2015/16 Capital allocation of £2 million for footway works at their February 2016 meeting.**
- 3. That the Committee agrees the proposed investment proportions detailed in paragraph 5.2.3 of the report.**

4. That subject to the overall costs being contained within agreed budgets, the Commissioning Director for Environment be authorised to instruct Re to :
- i.) Give notice under Section 58 of the New Roads and Street Works Act 1991 of the Council's intention to implement the highway works shown in Appendix A by advertising and consulting as necessary with public utility companies and Transport for London (TfL) for schemes proposed to be implemented during 2016/17.
 - ii.) Implement the schemes proposed in Appendix A by placing orders with the Council's term maintenance contractors or specialist contractors appointed in accordance with the public procurement rules and or the Council's Contract Procedure Rules as appropriate.

12. HIGHWAY ASSET MANAGEMENT - NETWORK RECOVERY PLAN WHOLE LIFE COSTING OF FOOTWAY MAINTENANCE TREATMENTS

The Commissioning Director for Environment introduced the report, which explained the concept of whole life costing highway asset management, and referenced a "toolbox" of standardised construction designs.

Following a question from a Member, the Commissioning Director for Environment undertook to discuss gradients and crossovers with engineers in relation to whole life costing of footways.

Councillor Brian Salinger MOVED the following motion:

"That two more roads be tried out, with one that it is a typical road with crossovers, and one without crossovers so that Committee Members can consider that before taking any decisions in principle, and that the decision on whole life principles can be deferred."

Votes were recorded as follows:

For	11
Against	0
Abstentions	0

The motion was CARRIED and became the substantive motion.

The Committee RESOLVED to instruct that two more roads be tried out, with one that it is a typical road with crossovers, and one without crossovers so that Committee Members can consider that before taking any decisions in principle, and that the decision on whole life principles can be deferred.

13. SCHOOLS PERMIT ENGAGEMENT

The Commissioning Director for Environment introduced the report, which set out the results of consultation with residents and permit holders on the introduction of an experimental school permit scheme.

Responding to a question from a Member, The Commissioning Director for Environment advised the Committee that Members could have an input into the schools that are considered for the scheme.

A Member requested that individuals are made aware of tax implications that the permit might have.

The Chairman moved to the vote on the recommendations as set out in the report. Votes were recorded as follows:

For	11
Against	0
Abstentions	0

The Committee RESOLVED to:-

- 1. Note the results of the consultation.**
- 2. Agree to the implementation of a School Permit pilot scheme in NW7 and NW2, starting 1st April 2016 for 6 months.**
- 3. Agree to the introduction of a new experimental School Permit at a cost of £190 per permit per year.**
- 4. Agree the undertaking of a statutory consultation and the amendment of all relevant Traffic Management Orders to enable the issuing of the above permits.**
- 5. Agree the selection criteria set out in paragraph 1.9 of the report for the issue of a School Permit.**

14. COMMITTEE FORWARD WORK PROGRAMME

The Chairman introduced the Committee's Forward Work Programme, as set out in the report.

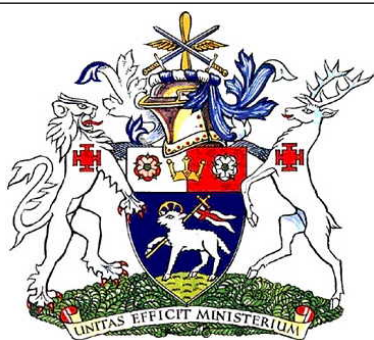
RESOLVED that the Committee note the Forward Work Programme.

15. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 9:45

AGENDA ITEM 6a



Environment Committee

8 March 2016

Title	Member's Item – Railway services in Barnet – Councillor Adam Langleben
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Paul Frost, Governance Service Team Leader Email: Paul.Frost@Barnet.gov.uk Tel: 020 8359 2205

Summary

The report informs the Environment Committee of a Member's Item and requests instructions from the Committee.

Recommendations

1. That the Environment Committee's instructions in relation to this Member's item are requested.

1. WHY THIS REPORT IS NEEDED

Councillor Langleben has requested that a Member's Item be considered on the following matter:

'Recent surveys have shown that Thameslink and Great Northern, which operate rail services through Barnet, are among the most unpopular railway lines in the country with some of the highest levels of delays and cancellations

I therefore call on the Committee to write to the train operator, Govia Thameslink Railway, to demand improvements and to invite a representative to attend an Environment Committee meeting. I also call on the Committee to write to the Department of Transport urging them to speed up the planned transfer of London's suburban rail services to Transport for London.'

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 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.

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

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution (Meeting Procedure Rules, Section 6) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members' items must be

within the term of reference of the decision making body which will consider the item.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 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 equalities and diversity implications.

5.6 Consultation and Engagement

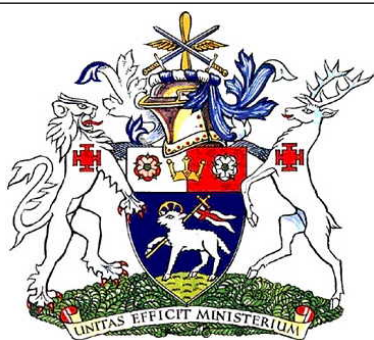
5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None.

This page is intentionally left blank

AGENDA ITEM 6b



Environment Committee

8 March 2016

Title	Member's Item – Potholes – Councillor Agnes Slocombe
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Paul Frost, Governance Service Team Leader Email: Paul.Frost@Barnet.gov.uk Tel: 020 8359 2205

Summary

The report informs the Environment Committee of a Member's Item and requests instructions from the Committee.

Recommendations

1. That the Environment Committee's instructions in relation to this Member's item are requested.

1. WHY THIS REPORT IS NEEDED

Councillor Slocombe has requested that a Member's Item be considered on the following matter:

'An increasing number of residents are complaining about the number of potholes on Barnet's roads, the time taken to make repairs and the poor quality of many of those repairs. We also note that this is leading to many insurance claims against the Council that could be avoided.

I request a report on the methods used to repair potholes, the number of potholes reported each quarter in 2015/16 and the time taken for repairs to be made. In addition, how many insurance claims have so far been made for damage caused by potholes in 2015/16 and how much money has been paid out?'

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 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.

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

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution (Meeting Procedure Rules, Section 6) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members' items must be

within the term of reference of the decision making body which will consider the item.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 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 equalities and diversity implications.

5.6 Consultation and Engagement

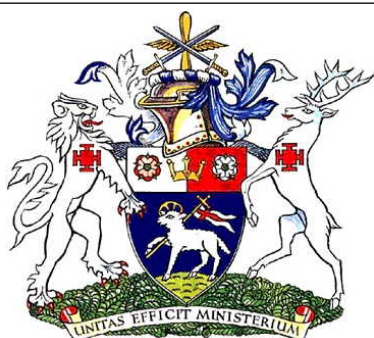
5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None.

This page is intentionally left blank

AGENDA ITEM 6c



Environment Committee

8 March 2016

Title	Member's Item – Free Christmas parking – Councillor Alan Schneiderman
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Paul Frost, Governance Service Team Leader Email: Paul.Frost@Barnet.gov.uk Tel: 020 8359 2205

Summary

The report informs the Environment Committee of a Member's Item and requests instructions from the Committee.

Recommendations

1. That the Environment Committee's instructions in relation to this Member's item are requested.

1. WHY THIS REPORT IS NEEDED

Councillor Schneiderman has requested that a Member's Item be considered on the following matter:

'To request an update on Free Christmas Parking. The update should include details of:

- how much money was paid by motorists to park in Barnet Council car parks and on streets with pay to park bays on weekends in December 2015 when parking was free.*
- what the process was for arranging refunds, when refunds were completed, and if all of this money has not yet been refunded, how much has been refunded to date, how much if any is outstanding and when the refunds will be completed.*
- how publicity and signage can be improved for the free Christmas parking weekends in 2016 to encourage more shoppers to use Barnet's high streets and ensure that motorists are aware when parking is free.*
- how parking meters can be programmed to not accept payment during the time when parking should be free.'*

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 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.

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

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution (Meeting Procedure Rules, Section 6) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members' items must be within the term of reference of the decision making body which will consider the item.

5.4 Risk Management

- 5.4.1 None in the context of this report.

5.5 Equalities and Diversity

- 5.5.1 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 equalities and diversity implications.

5.6 Consultation and Engagement

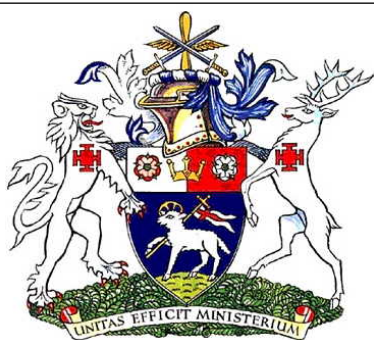
- 5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

- 6.1 None.

This page is intentionally left blank

AGENDA ITEM 6d



Environment Committee

8 March 2016

Title	Member's Item – Burnt Oak car park – Councillor Claire Farrier
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Paul Frost, Governance Service Team Leader Email: Paul.Frost@Barnet.gov.uk Tel: 020 8359 2205

Summary

The report informs the Environment Committee of a Member's Item and requests instructions from the Committee.

Recommendations

1. That the Environment Committee's instructions in relation to this Member's item are requested.

1. WHY THIS REPORT IS NEEDED

Councillor Farrier has requested that a Member's Item be considered on the following matter:

'Residents in roads around Burnt Oak station, where there are no parking restrictions, are facing the problem of commuter parking on weekdays when Burnt Oak car park, where charges apply, is almost empty. At the weekends when the car park is free, it is often full. Residents have mounted a successful campaign against introducing a controlled parking zone in Burnt Oak. I therefore ask officers to investigate the usage of Burnt Oak car park, the pressure of parking on roads surrounding Burnt Oak station and to prepare a report on options for removing parking charges from Burnt Oak car park.'

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 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.

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

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution (Meeting Procedure Rules, Section 6) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members' items must be within the term of reference of the decision making body which will consider

the item.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 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 equalities and diversity implications.

5.6 Consultation and Engagement

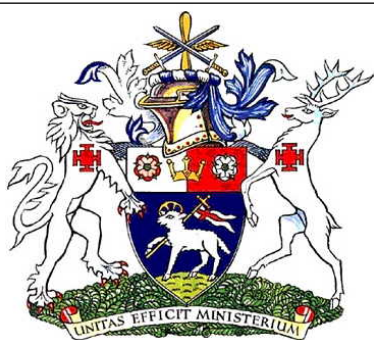
5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None.

This page is intentionally left blank

AGENDA ITEM 6e



Environment Committee

8 March 2016

Title	Member's Item – Dangerous pavements – Councillor Devra Kay
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Paul Frost, Governance Service Team Leader Email: Paul.Frost@Barnet.gov.uk Tel: 020 8359 2205

Summary

The report informs the Environment Committee of a Member's Item and requests instructions from the Committee.

Recommendations

1. That the Environment Committee's instructions in relation to this Member's item are requested.

1. WHY THIS REPORT IS NEEDED

Councillor Kay has requested that a Member's Item be considered on the following matter:

'The poor state of many of Barnet's pavements is causing injuries to residents. I request a report on the scale of this problem, including the number of injuries reported to be caused by trips and falls on Barnet's pavements, the time taken to respond to reports of damaged pavements, the number of insurance claims and the amount of money paid out for such claims in the year to date and in the each of the last three years.'

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 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.

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

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution (Meeting Procedure Rules, Section 6) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members' items must be within the term of reference of the decision making body which will consider the item.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 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 equalities and diversity implications.

5.6 Consultation and Engagement

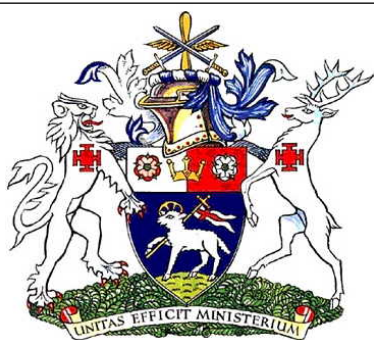
5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None.

This page is intentionally left blank

AGENDA ITEM 6f



Environment Committee

8 March 2016

Title	Member's Item – Cllr Brian Salinger 'Car Club' Facilities
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Paul Frost, Governance Service Team Leader Email: Paul.Frost@Barnet.gov.uk Tel: 020 8359 2205

Summary

The report informs the Environment Committee of a Member's Item and requests instructions from the Committee.

Recommendations

1. That the Environment Committee's instructions in relation to this Member's item are requested.

1. WHY THIS REPORT IS NEEDED

Councillor Brian Salinger has requested that a Member's Item be considered on the following matter:

'I would like the Committee to consider and to agree to instruct the Commissioning Director for Environment to bring forward to the next Committee meeting scheduled for 12th May 2016 a report that will outline the opportunities, benefits and costs of introducing 'car club' facilities to roads within the Borough.'

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 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.

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

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution (Meeting Procedure Rules, Section 6) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members' items must be within the term of reference of the decision making body which will consider the item.

5.4 Risk Management

- 5.4.1 None in the context of this report.

5.5 Equalities and Diversity

- 5.5.1 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 equalities and diversity implications.

5.6 Consultation and Engagement

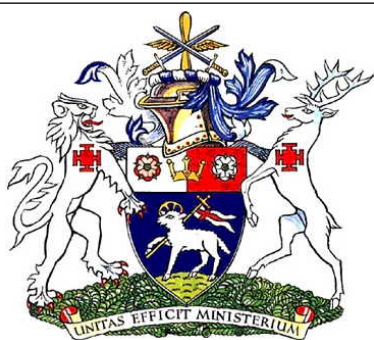
- 5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

- 6.1 None.

This page is intentionally left blank

AGENDA ITEM 7



Environment Committee

8 March 2016

Title	Referred Item from the Chipping Barnet Area Committee - 'Parking Restrictions on Whitehouse Avenue Petition'
Report of	Head of Governance
Wards	All
Status	Public
Enclosures	Appendix A – Report submitted to the Chipping Barnet Area Committee, 13 January 2016
Officer Contact Details	Paul Frost, Governance Service Team Leader Email: Paul.Frost@Barnet.gov.uk Tel: 020 8359 2205

Summary

This item provides Members of the Environment Committee with information relating to various petitions that have met the requisite number of signatures in order to be considered by the Committee.

Recommendations

1. That the Chipping Barnet Area Committee determine the petition as outlined at section 5.3.2 of the report
2. That the Environment Committee's instructions in relation to this Member's item are requested.

1. WHY THIS REPORT IS NEEDED

1.1 The Head of Governance was notified of the petition containing 103 signatures and therefore in accordance to the Council's Constitution the petition was reported to the Chipping Barnet Area Committee on 13 January 2016.

1.2 The Chipping Barnet Area Committee referred the 'Parking Restrictions on Whitehouse Avenue Petition' to the Environment Committee with the following supporting narrative:

"In relation to the petition 'Parking Restrictions in Whitehouse Way', the lead petitioner was not in attendance at the meeting. Having notified the Chairman in advance of the meeting, Councillor Kathy Levine spoke to the petition. The Committee noted that the Environment Committee had at their 10 November 2015 included in the agenda a list of 71 roads where footway parking was permitted. The item had subsequently been withdrawn from the agenda and was due to be considered at a future meeting of the committee. Councillor Levine requested Whitehouse Avenue be included in the list of 71 roads. The Chairman requested that Lincoln Avenue also be included.

1.4 The Chipping Barent Area Committee on 13 January 2016 Resolved:

- that matter be referred to the Environment Committee who are requested to consider the inclusion of Whitehouse Avenue and Lincoln Avenue in the Footway Parking Scheme Programme 2015/16."

1.5 The Environment Committee is therefore requested to consider the petition and determine within the remit of its terms of reference as highlighted at 5.3.2 of this report.

2. REASONS FOR RECOMMENDATIONS

2.1 The Committee requested to give consideration to the petition and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

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

5. IMPLICATIONS OF DECISION

5.1 **Corporate Priorities and Performance**

5.1.1 As and when issues raised via the petitions progress, they will need to be evaluated against the Corporate Plan and other relevant policies.

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

5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

5.3.1 The Council's Constitution outlines how the Council is able to process a petition. Furthermore the Council's Constitution provides ability for Area Committees to formally refer items to its parent Committee in order for a decision to be made.

5.3.2 The Council's Constitution allows the Environment Committee to determine this petition in the following way:

- Take no action
- Note the petition
- Agree a recommended course of action
- Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised

6. Risk Management

6.1.1 None in the context of this report.

7. Equalities and Diversity

7.1.1 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 equalities and diversity implications.

8. Consultation and Engagement

8.1.1 None in the context of this report.

9. Insight

The Council Constitution, Public Participation and Engagement provides a function that enables residents to engage with the Council. This process offers the opportunity for residents to bring a matter to the attention of the Council and therefore requests that an action be considered and determined

10. BACKGROUND PAPERS

- 10.1 <http://barnet.moderngov.co.uk/ieListDocuments.aspx?Cld=711&Mld=8315&Ver=4>

	<p style="text-align: center;">Chipping Barnet Area Committee</p> <p style="text-align: center;">13 January 2016</p>
<p style="text-align: right;">Title</p>	<p>Petitions for the Committee's Consideration</p>
<p style="text-align: right;">Report of</p>	<p>Head of Governance</p>
<p style="text-align: right;">Wards</p>	<p>Various within Chipping Barnet Constituency</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	
<p style="text-align: right;">Officer Contact Details</p>	<p>Email: jan.natynczyk@barnet.gov.uk Tel: 020 8359 5129</p>

Summary

This item provides Members of the Chipping Barnet Area Committee with information relating to various petitions that have met the requisite number of signatures in order to be considered by the Committee.

Recommendations

1. That the Chipping Barnet Area Committee note the petition received by the Council.
2. That following consideration of the petitions highlighted at 1.1 of the report the Chipping Barnet Area Committee are requested to give instructions as outlined at section 6.5.1.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Head of Governance was notified of two petitions that which have over 25 signatures have been received relating to the Chipping Barnet constituency. Details of the petitions are as follow:

Title of petition	Ward	Lead petitioner	Detail/text of petition	No. of signatures
Petition to: for a KEEP CLEAR box at junction Oakleigh North Road by Kendal Close N20 0SU	Oakleigh	Sean Davarnia	<p>We are experiencing congestion at the above junction and it is very difficult to access Kendal Close.</p> <p>A KEEP CLEAR box will help with access, improve road safety and improve visibility for cyclists and keep pedestrians safe from cars blocking the pavement and coming into contact with them.</p>	27
Parking Restrictions in Whitehouse Way	Brunswick	William Macken	<p>We, the residents of Whitehouse Way Southgate N14 have noted that parking warning tickets were issued on all cars that were partially parked on the pavement in the road. Since the residents have tried parking solely on the road there have been incidents whereby lorries could not get down the road and people have found it difficult to get in/out of their drives.</p> <p>The road has traditionally had vehicle parked partially on the</p>	102

			pavement for many years with no inconvenience to pedestrians/ road users and we should be allowed to continue to do this.	
--	--	--	---	--

- 1.2 In accordance with the Council's Constitution, Public Participation Rules, petitions which receive 25 signature and over but less than 2,000 will be considered by the relevant Area Committee.

2. REASONS FOR RECOMMENDATIONS

- 2.1 It is a constitutional requirement for Area Committees to consider petitions which receive 25 signature and over but less than 2,000.
- 2.2 There are no recommendations contained in this report. The instruction of the Area Committee is therefore requested.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 4.1 Not applicable.

5 POST DECISION IMPLEMENTATION

- 5.1 The Area Committee decisions will be minuted and any actions arising implemented through the relevant Commissioning Director or Committee as appropriate at a future meeting.

6 IMPLICATIONS OF DECISION

- 6.1.1 As and when issues raised through petitions are received such relating issues will need to be evaluated against the Corporate Plan and other relevant policies.
- 6.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**
- 6.2.1 None in the context of this report.
- 6.3 **Social Value**
- 6.3.1 Petitions provide an avenue for Members of the Public to request the Council to take an appropriate action. It is therefore and as identified within this report appropriate for the Chipping Barnet Area Committee to consider this petition

which may lead to a future determination by the relevant Commissioning Director or Committee as appropriate at a future meeting.

6.4 Legal and Constitutional References

6.4.1 Council Constitution, Public Participation and Engagement – section 7.6 outlines that;

Petitions which receive over 25 signatures will be referred to the relevant Area Committee. The following actions are available to the Committee:

- Note the petition
- Ask officers to present a report to a future meeting of the Area Committee
- Formally refer to a relevant Committee
- Formally instruct an officer (within their powers) to take action
- To bring the matter to the attention of the Ward Councillors (who will consider and respond to the issue individually)

6.5 Risk Management

6.5.1 Failure to deal with petitions received from members of the public in a timely way and in accordance with the provisions of the Council's Constitution carries a reputational risk for the authority.

6.6 Equalities and Diversity

6.6.1 Pursuant to the Equality Act 2010 ("the Act"), the council has a legislative duty to have 'due regard' to eliminating unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advancing equality of opportunity between those with a protected characteristic and those without; and promoting good relations between those with protected characteristics and those without. The 'protected characteristics' are age, race, disability, gender reassignment, pregnancy, and maternity, religion or belief and sexual orientation. The 'protected characteristics' also include marriage and civil partnership, with regard to eliminating discrimination.

6.7 Consultation and Engagement

6.7.1 None in the context of this report.

6.8 Insight

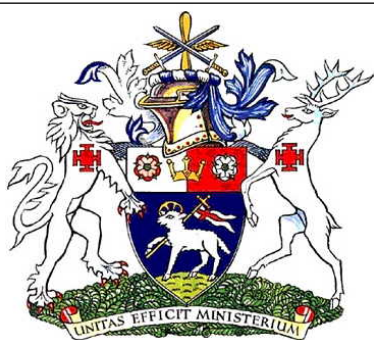
6.9 The Council Constitution, Public Participation and Engagement provides a function that enables residents to engage with the Council. This process offers the opportunity for residents to bring a matter to the attention of the Council and therefore requests that an action be considered and determined as outlined at section 5.1 of this report.

7 BACKGROUND PAPERS

7.1 The submitted petitions to the Council.

This page is intentionally left blank

AGENDA ITEM 8



Environment Committee

8th March 2016

Title	Environment Commissioning Plan 2016/17 addendum
Report of	Commissioning Director - Environment
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix 1: Environment Commissioning Plan 2016/17 addendum
Officer Contact Details	<p>Kitran Eastman – Strategic Lead – Clean and Green Tel: 0208 359 2803. Email: Kitran.Eastment@Barnet.gov.uk</p> <p>Tom Pike – Strategic Lead, Programmes and Performance Tel: 0208 359 7058. Email: Tom.Pike@barnet.gov.uk</p> <p>Stephen Evans - Director of Strategy & Communications Tel: 020 8359 3021 Email: Stephen.Evans@barnet.gov.uk</p>

Summary

In March 2015, the Environment Committee approved a five year Commissioning Plan for the period 2015-20, which sets out the Committee's priorities and outcome performance measures across its core areas of responsibility – including Highways, Parking and Streetscene. All Theme Committees agreed five year Commissioning Plans.

This report presents updated targets for 2016/17 in an addendum to the Commissioning Plan (Appendix 1).

Recommendations

1. That the Committee review and approve the addendum to Environment Committee Commissioning Plan for 2016/17 (Appendix A).

1. WHY THIS REPORT IS NEEDED

1.1 The council's **Corporate Plan** 2015-20 was agreed by full Council in April 2015. It sets the strategic priorities and direction for the Council to 2020 and targets against which progress is measured. These targets will be refreshed for 2016/17 and will be presented to Full Council in April for agreement. The Corporate Plan is structured around the council's priorities of:

- **Responsible growth and regeneration** – which is essential for the borough, to revitalise communities and provide new homes and jobs– and for the council to generate revenue to spend on local services. The council will approach regeneration in a responsible way – replacing what needs to be replaced and protecting the things that residents love about the borough, such as its green spaces/
- **Managing demand for services** – with a growing population, demand for services is increasing which puts pressure on resources. Since 2010, we've successfully met a 25% budget gap largely through efficiency savings and delivering services differently; in order to meet a further 25% budget gap to 2020, we'll focus on doing more to manage demand for local services.
- **Transforming services and doing things differently** – we will continue to look at how local services can be redesigned to make them more integrated and intuitive for the user, and more efficient to deliver.
- **Community resilience** – as the council does less in some areas, residents will need to do more. We're working with residents to increase self-sufficiency, reduce reliance on statutory services, and tailor services to the needs of communities.

1.2 Last year, each Theme Committee agreed a five year Commissioning Plan covering the period 2015-20. Commissioning plans set out the strategic priorities and outcome performance measures for each Committee, with targets to be refreshed annually. On 10 March 2015, the Environment Committee agreed its five year Commissioning Plan, which set out the following priorities:

- a) Driving an increase in overall resident satisfaction with Barnet as a place to live to amongst the highest of any Outer London borough
- b) Increasing recycling rates and minimising tonnages collected
- c) Meaningful and on-going engagement with residents across the borough around waste minimisation activity resulting in changing resident behaviour and high levels of satisfaction with the service
- d) With the help of residents protecting, conserving and enhancing green space and the leafy character of Barnet for current and future generations

- e) Supporting and improving the health and wellbeing of the population, by providing safe green spaces to play, participate in sports and physical activity, walk and cycle
- f) Ensuring that Highway services in the borough – including both roads and pavements – are maintained to a high quality, and that improvements in quality and capacity are focused on areas where highest growth is expected, and of highest strategic importance. Always focusing on safety in every aspect of service delivery
- g) Making Regulatory services high quality and efficient, whilst prioritising attention on key risks to health and safety, so that they do not impose unnecessary costs or burdens on businesses who want to grow or relocate to the Borough
- h) Delivering Cemeteries and Crematoria Services that are high quality and efficient, and respond to changing resident preferences in dealing with the deceased respectfully.

1.3 As we move into the second year of delivery of these Plans, each Theme Committee will be asked to agree a 2016/17 addendum to their plans, which sets out the Q3 position against 2015/16 targets and updated targets for 2016/17. This will give Committees the opportunity to review and consider their priorities for the year ahead and the associated targets against which progress will be measured. The addendum to the Environment Committee Commissioning Plan for 2016/17 is provided at Appendix 1.

1.4 Following the Chancellor's Autumn Budget Statement in November 2015 and the provisional Local Government Funding Settlement in December 2015, the council's overall budget forecast to 2020 worsened slightly. The updated 2016/17 targets, therefore, reflect the need for the Committee to make a more significant contribution to the council's overall savings in the next four years than previously anticipated.

1.5 The Committees top priorities for 2016/17, and what we are doing about them, are:

- We're **investing in our parks and open spaces** to put in place **better governance**, while exploring opportunities for **more sustainable funding** and **using parks as community assets**
- We're **making it easier for businesses and residents in all types of accommodation to recycle**, while listening to the their concerns in order to **maintain high levels of satisfaction with waste collection services**
- We're **using new technology to clean the streets more efficiently** and make it **easier for residents to tell us where to focus our efforts**, and keeping them clean through **increased use of enforcement** with a particular focus on town centres
- We're **improving the management of traffic flows and parking across the borough**, which will also help to maintain road safety and air quality, and working at regional and national level to **improve radial routes for public transport**

- **Highways and Network Management** within Barnet delivers a **high quality, responsive service that optimises travel times** across the borough
- We will work with the **Barnet Group** to ensure senior management capacity is available to **explore all options for the Streetscene ADM**

Summary of Q3 position against 2015/16 targets

- 1.7 In quarter three many indicators are on target within Highways and Parking, but trending below target within Streetscene. Within Highways the annual programmes are on or ahead of target. Satisfaction with services within Streetscene although some of the highest in the Council is below target by between four and six percentage in a number of areas. Further work will be done to analysis the trends in these areas. Recycling rates are below target having plateaued at around 38%, this is a national trend in areas where changes to waste and recycling schemes are not being made.

Summary of the 2016/17 priorities and targets

- 1.8 The 2016/17 targets continue to focus on the key priority areas with many of the targets remaining challenging. Customer satisfaction of between 72% and 80% are targeted in Streetscene With in recycling and waste tonnages are targeted to reduce, and recycling to increase. Within Highways full completion on the annual programme of works is targeted for carriage ways and footways, as well as 100% of defect made safe in the agreed timescale.

Next steps

- 1.9 The proposed addendum to the Environment Committee's Commissioning Plan, including updated targets for 2016/17, is set out in Appendix 1. Members are invited to review and agree the document.
- 1.10 1.8 Following agreement, the Committee will receive a progress report during the year against this Plan and associated in-year targets. The Committee will be asked to agree updated targets for 2017/18 in March 2017 and this process will continue through to 2020.

2 REASONS FOR RECOMMENDATIONS

- 2.1 A key element of effective strategic and financial management is for the council to have comprehensive business plans in place that ensure there is a clear strategy for addressing future challenges, particularly in the context of continuing budget and demand pressures (resulting from demographic and legislative changes), delivering local priorities and allocating resources effectively.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 There is no statutory duty to publish Committee Commissioning Plans but it is considered to be good practice to have comprehensive business plans in

place for each Committee – which set out priorities and how progress will be measured – to ensure that the council's vision for the future is clearly set out and transparent.

4 POST DECISION IMPLEMENTATION

- 4.1 Revisions to the Commissioning Plan will be communicated internally and with key stakeholders.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 This report invites Members to review and approve the addendum to the Commissioning Plan for 2016/17.

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

- 5.2.1 In addition to continuing budget reductions, demographic change and the resulting pressure on services pose a significant challenge to the Council. The organisation is facing significant budget reductions at the same time as the population is increasing, particularly in the young and very old population groups.
- 5.2.2 The Commissioning Plan has been informed by the council's Medium Term Financial Strategy, which sets out the need to make savings of £81m by 2020.

5.3 Social Value

- 5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

5.4 Legal and Constitutional References

- 5.4.1 All proposals emerging from the business planning process must be considered in terms of the council's legal powers and obligations, including its overarching statutory duties such as the Public Sector Equality Duty.
- 5.4.2 The Council's Constitution (Clause 15A, Responsibility for Functions, Annex A) sets out the terms of reference of the Environment Committee. This includes
- commissioning refuse and recycling, waste minimisation and street cleaning,

- approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources Committee.
- approve fees and charges for those areas under the remit of the Committee

1.5.1 This matter is not reserved to Full Council or to the Policy and Resources Committee as the Constitution specifically allocates matters of this type to the Environment Committee.

5.5 Risk Management

5.5.1 The council has an established approach to risk management. Key corporate risks are assessed regularly and reported to Performance and Contract Management Committee on a quarterly basis.

5.6 Equalities and Diversity

5.6.1 The general duty on public bodies is set out in section 149 of the Equality Act 2010.

5.6.2 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; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.6.3 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.

5.6.4 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.

5.6.5 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, the need to tackle prejudice; and promote understanding.

- 5.6.6 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.
- 5.6.7 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 5.6.8 It also covers marriage and civil partnership with regard to eliminating discrimination.
- 5.6.9 In agreeing the Corporate Plan, the council is setting an updated strategic equalities objective and reiterating our commitment to delivering this. The strategic equalities objective is as follows:
- Citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.

5.7 Consultation and Engagement

- 5.7.1 The original Corporate Plan and Commissioning Plans were informed by extensive consultation through the Budget and Business Planning report to Council (3 March 2015).
- 5.7.1 The consultation aimed to set a new approach to business planning and engagement by consulting on the combined package of the Corporate Plan, Commissioning Plans, and budget. In particular it aimed to:
- Create a stronger link between strategy, priorities and resources
 - Place a stronger emphasis on commissioning as a driver of the business planning process.
 - Focus on how the Council will use its resources to achieve its Commissioning Plans.
- 5.6.3 To allow for an eight week budget consultation, consultation began after Full Council on 17 December 2014 and concluded on 11 February 2015. Further consultation on the budget for 2016/17 will be undertaken following Policy and Resources Committee on 16 December 2015.

6 BACKGROUND PAPERS

- 6.1 Environment Committee, 10 March 2015. Item 9 Business Planning:
<https://barnet.moderngov.co.uk/Documents/s21836/Buiness%20Planning%20-%20201516%20to%20201920.pdf>

This page is intentionally left blank

ENVIRONMENT COMMITTEE

Commissioning Plan 2015 – 2020

2016/17 addendum & targets

This document is an addendum to the [Environment Committee Commissioning Plan 2015 – 2020](#), which sets out a revised narrative and updated indicators/targets for 2016/17. The full Commissioning Plan can be found here: [INSERT LINK]

1. CONTEXT FOR COMMISSIONING PLAN

Unlocking the opportunities of growth

Barnet is a growing borough, driven by a combination of a strengthening national and local economy and locally lead investment in regeneration, skills and economic development. Over the next five years, this growth will bring opportunities for residents, businesses and the council. The council will work to ensure that all residents can benefit from the opportunities that growth will bring – by helping people to help themselves – whilst protecting what people enjoy about Barnet: Its parks and open spaces; its excellent schools; and its diversity.

All parts of the public sector face the same challenges of reduced budgets and increasing demand for services. As the money received from Government reduces almost to zero over the next few key are through Council Tax, Business Rates and, where appropriate, by becoming more commercially minded. This means that growth – as well providing new homes, jobs, schools, transport infrastructure, parks, leisure centres and community facilities – is necessary to grow the local tax base and generate money to spend on local services.

Living within our means, with a renewed focus on managing demand for services

Most residents and businesses will benefit from a growing economy without too much interaction with the council. For those people, it is our responsibility to get the basics right: To provide an attractive environment; empty the bins; keep the streets clean; and make it as easier to make transactions such as requesting a parking permit online, at a time that suits them.

However, some residents will need a little extra help to take advantage of the opportunities of a growing economy and we're working more closely with our local partners, such as the NHS, Barnet Homes, Jobcentre Plus, and our local colleges and university, to provide that. By working more closely with other parts of the public sector, providing more homes and helping people into work, we can also help to manage demand for local services and relieve some of the pressure.

We tackled the £75 million budget gap we faced between 2010 and 2015 head on and managed the challenge without a big impact on frontline services. We embraced the need to do things differently and have made some bold decisions to live within our means. In order to close a further budget gap of £81 million by 2020 we will continue to look at how we can reduce bureaucracy but, increasingly, our focus will turn to how we can help manage demand for services.

Transforming local services

Our 'Commissioning Council' approach means that we're not bound by the status quo. Our focus is less on who provides a service – the council, a private company, a national charity or group of local volunteers – and how it is provided, and more on ensuring that each service is necessary, meets the needs of residents and represents value for money. For every service, we will consider the case delivering them differently, focusing on the best outcomes for our residents.

For some services, this approach to service transformation has resulted in partnerships with the private sector, such as our contracts with Capita to provide our 'back office' and customer services,

and create a Joint Venture to provide our developmental and regulatory services – a model which sees a proportion of income generated by trading those services returned to the Barnet Taxpayer.

For other services, transformation means doing things differently with our in-house services, such as increasing the size and effectiveness of our foster care service to reduce the need for costlier residential care, or working in partnership with other parts of the public sector to deliver more intuitive services for residents which save us money, such as our joint employment programmes.

Investing for the future

Despite needing to reduce our day to day spending, we will continue to invest in the essential infrastructure of the borough. Our financial strategy will see £565 million of capital investment between 2016 and 2020, funded from capital receipts, borrowing, revenue and external grants.

Resources will be invested in transport (including roads, pavements and a new Thames Link station at Brent Cross); housing – with 20,000 to be built over the next decade, the most in outer London; schools – to ensure we continue to provide places for those that need them, building on the 7,500 new places created over in the last six years; leisure facilities – with new leisure centres built at Church Farm and Copthall – and the creation of 3 new ‘community hubs’ across the borough.

More resilient communities

Doing things differently will require the council to change its relationship with residents over the next few years. Where it will not be possible for the council to do as much as it has done in the past, we will support residents and community groups to be more resilient and do more for themselves and their neighbours. Across all of our services, we will look at opportunities for residents to get more involved – whether it’s helping to maintain the borough’s parks and green spaces, or volunteering in one of the borough’s libraries.

2. OUR APPROACH TO MEETING THE 2020 CHALLENGE

The council’s Corporate Plan sets the framework for each of the Theme Committees’ five year commissioning plans. Whether the plans are covering services for vulnerable residents or about universal services such as the environment and waste, there are a number of core and shared principles which underpin the commissioning outcomes.

The first is a focus on fairness: Fairness for the council is about striking the right balance between fairness towards the more frequent users of services and fairness to the wider taxpayer and making sure all residents from our diverse communities – young, old, disabled, and unemployed benefit from the opportunities of growth.

The second is a focus on responsibility: Continuing to drive out efficiencies to deliver more with less. The council will drive out efficiencies through a continued focus on workforce productivity; bearing down on contract and procurement costs and using assets more effectively. All parts of the system need to play their part in helping to achieve better outcomes with reduced resources.

The third is a focus on opportunity: The council will prioritise regeneration, growth and maximising income. Regeneration revitalises communities and provides residents and businesses with places to live and work. Growing the local tax base and generating more income through growth and other

sources makes the council less reliant on Government funding; helps offsets the impact of budget reductions and allows the council to invest in the future infrastructure of the Borough.

Planning ahead is crucial: The council dealt with the first wave of austerity by planning ahead and focusing in the longer-term, thus avoiding short-term cuts and is continuing this approach by extending its plans to 2020.

3. CORPORATE PLAN PRIORITIES

We apply these principles to our Corporate Plan priorities of: **growth and responsible regeneration; managing demand for services; transforming services; and more resilient communities.**

Fairness	<ul style="list-style-type: none"> Fairness for the council is about striking the right balance between fairness towards more frequent users of services and to the wider taxpayer Managing demand for services – since 2010, we've successfully met a 25% budget gap largely through efficiency savings and delivering services differently; in order to meet a further 25% budget gap to 2020, we'll focus on doing more to manage demand for local services. This will require a step change in the council's approach to early intervention and prevention, working across the public sector and with residents to prevent problems rather than just treating the symptoms 	<ul style="list-style-type: none"> Investing in our roads and footways infrastructure on a prioritised basis. Balancing the needs of motorists with the need to develop sustainable transport Developing policies that support the Borough's need for a greater level of Air Quality. Sweeping streets on a prioritised needs basis Focusing our resources on hotspots ie. areas of high footfall and traffic.
Responsibility	<ul style="list-style-type: none"> More resilient communities – as the Council does less in some areas, residents will need to do more. We're working with residents to increase self-sufficiency, reduce reliance on statutory services, and tailor services to the needs of communities. In doing so, the council will change its relationships with residents, with residents becoming more resilient and doing more to keep Barnet a great place. All parts of the public service system must play their part in helping to achieve priority outcomes with reduced resources. 	<ul style="list-style-type: none"> Encouraging engagement on sustainable modes of travel and providing the infrastructure to support these. Encouraging communities to become involved in their local area ie. Friends of Parks groups and Adopt a Place schemes Giving residents the tools to recycle high levels of their waste
Opportunity	<ul style="list-style-type: none"> The council will capitalise on the opportunities of a growing economy by prioritising regeneration, growth and maximising income. 	<ul style="list-style-type: none"> Maximising income streams from non-statutory services by offering businesses and residents a greater suite of

	<ul style="list-style-type: none"> • Growth, housing and responsible regeneration is essential for the borough – revitalising communities, providing new homes and jobs, while protecting the things residents love – and for the Council, generating more money to spend on local services • As we continue to deal with budget reductions to 2020, we will explore the opportunity this presents to transform local services and redesign them, delivering differently and better. We will focus on making services more integrated and intuitive for the user, and more efficient to deliver for the Council. 	<ul style="list-style-type: none"> • service than they would otherwise have access to. • Engaging and influencing our partners to provide the best possible transport infrastructure in Barnet to support, housing and employment opportunities • Ensure that our parks and open spaces maximise economic, environmental and health benefits they bring to the Borough
--	--	---

4. VISION FOR THE ENVIRONMENT

- Barnet is a green and leafy borough and this is one of the reasons people want to live here
- Ensuring that our parks and open spaces are among the best in London will help to attract more people to the borough
- We will meet the needs of our growing population by minimising waste for disposal and ensuring that collections are sustainable
- We will support the prosperity of our growing borough by keeping the streets consistently clean and safe, day and night
- Highways are maintained to a high standard and areas of high growth and strategic importance being progressively upgraded and improved

5. COMMISSIONING PRIORITIES

Summary

- We're **investing in our parks and open spaces** to put in place **better governance**, while exploring opportunities for **more sustainable funding** and **using parks as community assets**
- We're **making it easier for businesses and residents in all types of accommodation to recycle**, while listening to their concerns in order to **maintain high levels of satisfaction with waste collection services**
- We're **using new technology to clean the streets more efficiently** and make it **easier for residents to tell us where to focus our efforts**, and keeping them clean through **increased use of enforcement** with a particular focus on town centres
- We're **improving the management of traffic flows and parking across the borough**, which will also help to maintain road safety and air quality, and working at regional and national level to **improve radial routes for public transport**
- **Highways and Network Management within Barnet delivers a high quality, responsive service that optimises travel times across the borough**

- We will work with the **Barnet Group** to ensure senior management capacity is available to **explore all options for the ADM**

Parks and open spaces

Attractive suburban parks that promote health and wellbeing, conserve the natural character of the area, and encourage economic growth.

- The Environment Committee has a target to save £10.6 million between 2016 and 2020
- This target includes a 20-30% reduction in funding for parks, so we are looking at **alternative funding streams** to sustain them, such as the Community Infrastructure Levy, heritage funding and commercial use for outdoor events
- A £30 million one-off investment in **new governance structures for parks** – such as trusts and capacitating local communities to run smaller parks – will **reduce ongoing management costs** and put them on a sustainable footing for the future
- We're carrying out a thorough **assessment of our parks as community assets**, looking at how residents use them now and how they are likely to want to use them in the future, particularly as the density of housing in the borough increases

Recycling and waste

High levels of recycling and the low levels of waste compared with similar councils; resulting in high levels of resident satisfaction and a green and clean borough.

- Recycling is better for the environment and cheaper for the council than disposing of waste; we have set a target to **recycle 50% of all waste by 2020**
- We're **focusing our efforts on 'hot spots'** where the majority of waste for disposal comes from because recycling facilities are often not easily accessible, such as blocks of flats and commercial centres
- We believe businesses should recycle as much as households so we are transforming our commercial waste service to offer all of our customers comprehensive recycling services
- For those who fail to deal with their waste responsibly enforcement action will be taken to ensure fairness to all residents

Street cleansing

Low levels of littering compared with similar councils; resulting in high levels of resident satisfaction and a green and clean borough.

- The biggest cost associated with running the street cleansing service is staff. Therefore, we are **investing in new technology** where this can be used in place of human resources to help the service do its bit to make the necessary savings
- The efficiency of street cleansing services is being improved by using new technology to allocate more resources to areas that tend to get dirty quickly and less to those that tend to stay clean for longer
- It is fair that those who create demand for street cleansing services, for example by littering and fly tipping, should have this behaviour discouraged with **enforcement and fines**. This is particularly important in busy town centres where a lack of **street cleanliness can have a detrimental effect on the local economy**
- There will be a **reduced demand for services** if a stronger line of enforcement is taken, and a small contribution of income from fines will help support the service

Roads and transport

A high quality, responsive, service that optimises travel times across the borough; and which is safe for users and reflects the growing nature of the borough.

- The population of the borough is growing, and with it the need to **keep the roads safe and well maintained** while addressing congestion and air quality issues
- **Investment in key junctions** will improve traffic flows and safety for pedestrians
- It is fair that **motorists should have to compensate for the pollution and congestion their vehicles cause** through CPZs, emissions based parking permits and other charging mechanisms
- Barnet's public transport links in and out of central London are strong, but **radial routes across the borough need to be developed** and made more reliable, so residents across the borough can travel to town centres without using their cars
- **Car free development** is becoming a higher priority for the local planning authority
- We will make **strategic investment** in our **highway network** and will focus on good **value for money from a whole life costing approach**

Parking

Parking is an important service to residents and initiatives are in place to enable the parking service to fulfil its aims of **keeping traffic moving, making roads safer, reducing air pollution, ensuring that there are adequate parking spaces on high streets and that residents can park as near as possible to their homes:**

- We will implement a **Parking Database with improved customer experience** with online permit and PCN transactions
- We will introduce **CCTV enforcement in key locations** outside of schools and junctions to **keep traffic moving and** vulnerable road users safe
- We will introduce **Transparent parking information** including details of the number of penalty notices issued in which locations
- We will provide more effective and **customer focused web content** making it easier for our residents to perform parking transactions and find out information

Regulatory Services

Effective, targeted, proportionate services that are easy to access and navigate by users. Breaches in regulatory services are effectively and efficiently enforced and costs recovered by the Council. Regulatory services are directly contributing to public health and improved public safety.

- We will continue to inspect the **highest risk food businesses and new food businesses** and work with operators to ensure standards are improved or maintained.
- A large number of major roads and high levels of traffic passing through Barnet lead to poor **air quality**. We will work with neighbouring boroughs to implement project plans under the **Mayors Air Quality Fund**.
- We will continue to investigate **public health, noise, nuisance and anti-social behaviour** service requests and work with interested parties to resolve problems.

- The Trading Standards service will continue to investigate serious complaints of **unfair trading, fraud and consumer safety**.
- We work to ensure that **licensed premises** meet the licensing objectives.
- We will ensure that the **Pest Treatment Service** provides the highest standards of customer care and effective and reliable treatments at a fair and reasonable cost.

Cemetery and Crematorium

Highest possible standards in meeting the needs of the bereaved safely – including administration, burial, cremation, memorial management, and ground maintenance and cremation memorial options.

- We will seek to implement the **latest technology** to enable us to meet the needs of the bereaved and to ensure the funeral service offering is the best available locally.
- We will invest in the **repair and modernisation of the cemetery buildings** to provide a **modern and fit for purpose bereavement service office** and associated facilities, including **on-site catering facilities**.
- As available space at Hendon Cemetery becomes scarce, we will investigate means to **prolong the life of the cemetery** and to **provide additional burial space locally**.
- We will work in partnership with Ancestry.com to **digitise historical records** to assist those interested in genealogy to benefit from the wealth of information available at Hendon Cemetery & Crematorium.

6. TRANSFORMATION PROGRAMME

The Council's *transformation programme* will help to deliver the £81 million savings required by the Medium Term Financial Strategy. The key benefits of the Environment Portfolio, along with the expected costs of delivery and financial benefits are outlined in the tables below.

Key benefits

Area	Key benefit
Streetscene ADM	Explore in house transformation, shared services and alternative models of delivery across the Streetscene Delivery Unit to deliver more effective and efficient services
Parks	Delivery of parks strategy and action plan and capital investment in parks
Recycling & Collection	Increase recycling rates, reduce waste tonnages and maintain high levels of satisfaction with the waste service, exploring behaviour change and greater efficiency
Street Cleansing	Develop an 'intelligence-led' approach to deploying resources which maintains standards of street cleansing in the borough, improves resident satisfaction and realises operational savings
Sustainable Transport Strategy	Improve the management of traffic flows and parking across the borough, to maintain road safety and air quality, and improve radial routes for public transport

Transformation Programme cost and Medium Term Financial Plan benefits

Project	Total cost	Total financial benefit
Streetscene ADM	£756,000	Saving of £0.7m
Parks Investment & Improvement	£363,000	Saving of £0.80m
Recycling & Collection Offer	£450,000	Saving of £3.16m
Street Cleansing Model	£250,000	Saving of £0.75m
Commercial Waste	£315,000	Saving of £1.0m
Sustainable Transport Strategy	£140,000	Non quantifiable savings generated by improving the quality of Barnet as a place to live and work by reducing congestion and journey times
Streetscene Efficiencies	£739,000	Saving of £1.19m (A number of Projects Completed)
Mortuary Shared Services	£70,000	Saving of £0.05m (Project Closed)
Parking service Transformation	£486,000	Improve service efficiency and customer experience
Revenue neutral CCTV service	£70,000	Saving of £0.24m (Project Closed)
Total	£4.02m*	£12.00m

5. INDICATORS FOR 2016/17

The tables below outline how the Committee contributes to achieving the priorities of the Corporate Plan: Fairness - managing demand for services; Responsibility – more resilient communities; and Opportunity - transforming services and maximising the benefit of growth and responsible regeneration, along with the basket of indicators that will be used to monitor progress against these within the Corporate Plan (CPIs) and key indicators within Contracts and Management Agreements (SPIs).

Key:
CPI = Corporate Plan Indicator
SPI = Service Indicator

Opportunity: Making the most of growth and responsible regeneration

PARKS AND OPEN SPACES - Attractive suburban parks that promote health and wellbeing, conserve the natural character of the area, and encourage economic growth.

- Explore alternative funding streams to sustain parks and open spaces
- One-off investment in new governance structures for parks to reduce management costs and put them on a sustainable footing
- Assessment of parks as community assets, looking at how residents use them now and how they are likely to want to use them in the future

Ref	Indicator	2015/16 Q3	2015/16 Target	2016/17 Target	2019/20 Target	Service
CPI SS/S1 (RPS)	Percentage of residents who are satisfied with parks and open spaces	67%	72%	72%	75%	Streetscene
CPI SS/S2	Percentage of households which have used parks, playgrounds or open spaces in the last 12 months	TBC	86%	86%	90%	Streetscene
SPI TBC	Measure of revenue return on parks capital value		N/K		TBC	Streetscene

Fairness: Managing demand for services and transforming services

RECYCLING AND WASTE - High levels of recycling and the low levels of waste compared with similar councils; resulting in high levels of resident satisfaction and a green and clean borough.

- Recycle 50% of all waste by 2020
- Focusing efforts on 'hot spots'
- Invest in recycling to mitigate the impact of increase in levy to North London Waste Authority

Ref	Indicator	2015/16 Q3	2015/16 Target	2016/17 Target	2019/20 Target	Service
CPI SS/S3	Percentage of household waste sent for reuse, recycling and composting	38.04%	42%	42%	50%	Streetscene
CPI SS/C1	Waste tonnage – residual per household	TBC	590.85kg per HH	590.85kg per HH	502kg per HH	Streetscene
CPI SS/C2	Waste tonnage – recycling per household	TBC	427.97kg per HH	427.97kg per HH	502kg per HH	Streetscene
CPI SS/S4 (RPS)	Percentage of residents who are satisfied with refuse and recycling services	76%	80%	80%	85%	Streetscene

STREET CLEANSING - Low levels of littering compared with similar councils; resulting in high levels of resident satisfaction and a green and clean borough.

- Invest in new technology to improve efficiency and reduce staff costs
- Discourage poor behaviour and manage demand through enforcement and fines

Ref	Indicator	2015/16 Q3	2015/16 Target	2016/17 Target	2019/20 Target	Service
CPI SS/S7	Percentage of unacceptable levels of litter	2% (Q2 2015/16)	3%	3%	3%	Streetscene
CPI SS/S8	Percentage of unacceptable levels of detritus	9% (Q2 2015/16)	14%	9%	8%	Streetscene

Ref		Indicator	2015/16 Q3	2015/16 Target	2016/17 Target	2019/20 Target	Service
CPI	SS/S6 (RPS)	Percentage of residents who are satisfied with street cleaning	52%	58%	58%	62% or London average	Streetscene
SPI	TBC (RPS)	% concerned about litter/ dirt in streets (in top 3)		17%	17%	10%	Commissioning Group

ROADS AND TRANSPORT - A high quality, responsive, service that optimises travel times across the borough; and which is safe for users and reflects the growing nature of the borough.

- Keep the roads safe and well maintained while addressing congestion and air quality issues
- Invest in key junctions to improve traffic flows and safety for pedestrians
- Compensate for pollution and congestion that vehicles cause through CPZs, emissions based parking permits and other charging mechanisms
- Make radial routes across the borough more reliable, so residents across the borough can travel to town centres without using their cars
- Focus on car free development

Ref		Indicator	2015/16 Q3	2015/16 Target	2016/17 Target	2019/20 Target	Service
CPI	CG/S11 (RPS)	Percentage of residents who are satisfied with repair of roads	35.06%	35%	35%	London average	Commissioning Group
CPI	CG/S12 (RPS)	Percentage of residents who are satisfied with quality of pavements	34.78%	35%	35%	London average	Commissioning Group
SPI	TBC (RPS)	Percentage concerned about roads and pavements (in top 3)	29% Autumn 2015	TBC	27%	20%	
SPI	PI/C6 (RPS)	Percentage satisfied (street lighting)		72%	72%	72%	Commissioning Group

PARKING - A more efficient parking database for permits and PCNs, a new Parking Policy and web-enabled GIS parking system, which displays all our parking restrictions and parking bays.

- Implement a Parking Database with improved customer experience with online permit and PCN transactions
- Introduce CCTV enforcement in key locations outside of schools and junctions to keep traffic moving and vulnerable road users safe
- Introduce Transparent parking information including details of the number of penalty notices issued in which locations
- Provide more effective and customer focused web content making it easier for our residents to perform parking transactions and find out information

Ref		Indicator	2015/16 Q3	2015/16 Target	2016/17 Target	2019/20 Target	Service
CPI	PI/S3 (RPS)	Percentage of residents who are satisfied with parking services	30% (Autumn 2015)	28%	30% (TBC)	London average	Commissioning Group
SPI	PI/C3	Response processing in time		99%	99%	99%	Commissioning Group
SPI	TBC (RPS)	Percentage concerned about traffic congestion		Maintain	18%	Meeting London average – 18%	Commissioning Group

REGULATORY SERVICES - Effective, targeted, proportionate services that are easy to access and navigate by users. Breaches in regulatory services are effectively and efficiently enforced and costs recovered by the Council. Regulatory services are directly contributing to public health and improved public safety.

- Work with local businesses to ensure they meet the highest standards of regulatory compliance.
- Work with partners to improve air quality in the borough.
- Resolve significant nuisance and anti-social behaviour to keep Barnet a pleasant and safe place to live and work.
- Tackle fraud and rogue traders to help maintain a fair trading environment in Barnet.
- Efficiently process all licensing applications and work to ensure that the licensing objectives are met to ensure a safe and pleasant environment for residents and visitors.
- Promptly respond to requests for pest treatment services and ensure that the problem is effectively dealt with.
- Undertake 3 projects that support the Health & Wellbeing Strategy across both Environment and Housing commissioning briefs

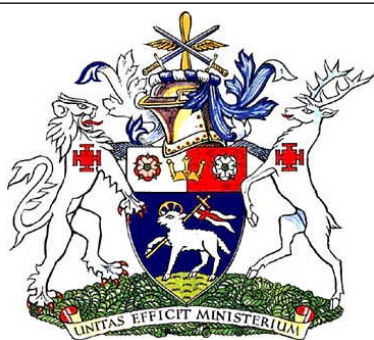
Ref		Indicator	2015/16 Q3	2015/16 Target	2016/17 Target	2019/20 Target	Service
CPI	EH01A	Compliance with Environmental Health Service Standards (Priority 2)	96.5%	95%	95%	95%	Re
CPI	EH01B	Compliance with Environmental Health Service Standards (Priority 1)	100%	100%	100%	100%	Re
SPI	Re/S5 (Annual)	Customer satisfaction		70%	70%	75%	Re
SPI	EH02D	Food sampling inspections		100%	100%	100%	Re
SPI	Re/74 and Re/76	Appropriate response to statutory deadlines		100%	100%	100%	Re

CEMETERY AND CREMATORIUM - Highest possible standards in meeting the needs of the bereaved safely - including administration, burial, cremation, memorial management, and ground maintenance and cremation memorial options.

- Maintain and enhance Hendon Cemetery & Crematorium as a place for the bereaved and as a community asset.
- Provide the highest level of customer care to the bereaved and funeral directors such that Hendon is the venue of choice.
- Achieve the Gold Standard of the Charter for the Bereaved.

Ref		Indicator	2015/16 Q3	2015/16 Target	2016/17 Target	2019/20 Target	Service
SPI	Re/C34	Meeting religious burial needs		95%	95%	95%	Re
SPI	TBC	Charter for the bereaved		Gold	Gold	Gold	Re

AGENDA ITEM 9



Environment Committee

8 March 2016

Title	Streetscene Enforcement
Report of	Commissioning Director - Environment
Wards	All
On Forward Plan	Yes
Status	Public
Enclosures	Appendix 1 – Streetscene Enforcement Policy and Procedure Appendix 2 –DRS Enforcement Policy
Officer Contact Details	Kitran Eastman Kitran.Eastman@barnet.gov.uk (020 8359 2803)

Summary

This report looks to align the proposed Streetscene enforcement policy with the Corporate Enforcement Policy that will be considered by the Policy and Resources Committee on 17th May 2016.

This report also outlines a pilot project to use a specialist third party supplier to increase the level of Streetscene enforcement, to tackle those committing environmental crime and reduce the burden and impact on law abiding residents and businesses in the borough

Recommendations

1. That the Environment Committee approves the Streetscene enforcement policy and procedure in Appendix 1
2. That the Environment Committee approve that authority be delegated to the Commissioning Director - Environment to make minor amendments to the Street scene Enforcement Policy to ensure it remains fit for purpose
3. That the Environment Committee approves the trial of Streetscene enforcement through a third party specialist supplier
4. That the Environment Committee approves the procurement of Streetscene enforcement services through a third party specialist supplier, utilising the data from the trial period to inform the contract and specification documentation.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council is taking steps to address the demands of a developing Borough and the impacts on its built and natural environments through developing a number of strategies, frameworks and policies. These include strategies for parks and open spaces, recycling and waste, commercial waste transformation, as well as a new cleansing framework. These will ensure that we are well placed to respond to these challenges now, and are prepared to be able to manage the issues in the future.
- 1.2 Officers have reviewed areas where Demand Management can support/reduce pressures on services. Greater enforcement of Streetscene related crimes was highlighted as an area which if implemented could reduce the cleansing of litter, and the clearance of flytipping. It could also have a positive impact on town centres, making them cleaner, less cluttered and more inviting.
- 1.3 Members have asked for increase enforcement against streetscene crime, to tackle those causing the issues and reduce the burden and impact on law abiding residents and businesses in the borough.

Current Environmental Enforcement

- 1.4 The Council provides a small “in-house” streetscene enforcement unit which investigates fly tipping, and enforces against littering, and waste duty of care issues.

Barnet’s Corporate Enforcement Policy

- 1.5 On 17th May 2016 the Corporate Enforcement Policy will be considered by the Policy and Resources Committee. The report brings together the current Council policy approach in an overarching document. The Street scene enforcement Policy will sit under this policy.
- 1.6 One of the Community Leadership Committee report recommendations is that service specific policies and procedures will be referred to the appropriate theme committee; as such the Streetscene policy and procedure have been referred to the Environment Committee.
- 1.7 The current Development and Regulatory Services (DRS) Enforcement Policy is attached as Appendix 2. Appendix G of that document covers Highways enforcement.

Streetscene Enforcement Policy

- 1.8 The Streetscene Enforcement Policy and procedures have been updated to ensure they are in line with the corporate enforcement policy, and fit for purpose. They can be seen in Appendix 1.
- 1.9 The Policy sets out the framework within which Streetscene enforcement will work including:
 - Areas of focus
 - Legislation which may be used

- Rationale for enforcement
 - Key areas for enforcement
 - Education and communication
 - Types of enforcement possible
 - Best practice which will be followed
- 1.10 The Policy looks to use a wide range of legislation to tackle streetscene crime. This will ensure that the most suitable route for enforcement will be available.
- 1.11 Enforcement action may target an area where problems have occurred, such as waste accumulations in back alleyways. Businesses will be checked to ensure they have the correct waste contracts in place. Those who do not will be given a week to ensure they obtain the correct contract. Information on the Council's service will be provided, although it will be clear that any licensed waste contractor can be used. The Council will look to take enforcement action against those who dump waste in back alleyways and areas behind shops. This will apply to businesses residents, and visitors to the borough.
- 1.12 Enforcement against businesses that fly-tip within our borough will be increased, and any warnings or convictions will be made public.
- 1.13 Enforcement may also be used to tackle problems which in isolation may not appear to be a significant issue, but mount up to cause a problem for example, dropping of cigarette butts. Cigarette butts are the most commonly discarded piece of waste. They create an enormous environmental burden, as contrary to popular belief, cigarette butts are not biodegradable, thus littering streets and block drains.

Increased Enforcement

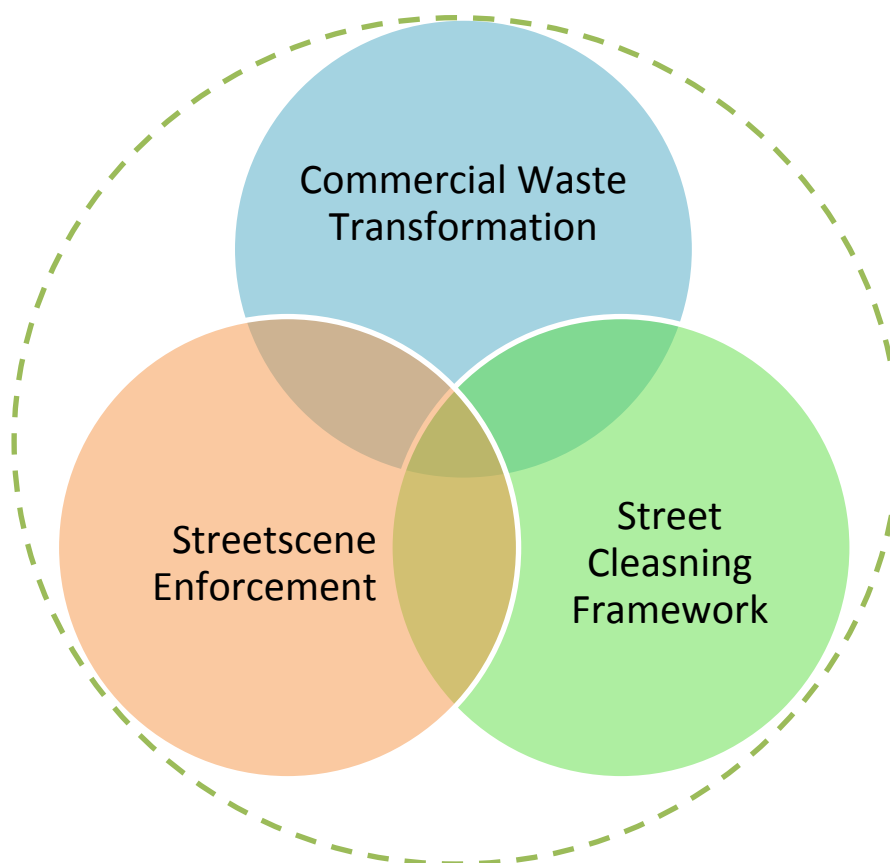
- 1.14 It is proposed that the Council trials the use of a third party specialist supplier to carry out enforcement within the borough.
- 1.15 Such a trial would be expected to be self-funding through the Fixed Penalty Notice's (FPN's) that are generated from the enforcement action. It will provide increased and focussed enforcement capacity on-street as well as impacting areas such as commercial waste and the local streetscene.
- 1.16 The trial would be anticipated to commence in June running for a minimum of six months. If successful during this time the trial will be extended while a procurement exercise for a long term supplier is carried out. Once the procurement is completed and the new contract mobilised the trial would end.
- 1.17 The trial would have the ability to enforce in accordance with the Streetscene enforcement policy in Appendix 1. Enforcement could be targeted anywhere in the Borough but would focus on Town Centres and retail areas including
- Golders Green
 - Temple Fortune
 - Hendon and West Hendon
 - Burnt Oak
 - Collindale

- Mill Hill
- Edgware
- Barnet, East Barnet and High Barnet
- Friern Barnet
- Totteridge & Whetstone
- North, East and Central Finchley including Lambert Way
- Childs Hill
- Cricklewood
- Brent Cross

- 1.18 The trial would include a communications and engagement phase. A full communications and engagement plan will be produced. Awareness raising and education will be fundamental to the operation of the trial. It is important that residents and businesses are provided with clear information regarding their responsibilities, to enable them to comply with the law. We aim to achieve this element of enforcement by providing consistent advice and guidance about relevant duties and responsibilities, via face-to-face operations, leaflets, the Barnet website, press releases, specific campaigning and joint work alongside our partners and stakeholders. Specific engagement will also take place with Members and Council employees to ensure that they understand the trial and how the processes will work.
- 1.19 Those employed by the third party specialist supplier would be highly visible as a Council led service, will wear appropriate uniforms. The uniformed officers will also provide visual reassurance to local residents and businesses. Bodycam footage will be available for all post incident interactions with suspected offenders.
- 1.20 This trial will provide the Council with more robust enforcement capacity for Streetscene. The service provider will be able to focus both on enforcement action, and promotion of schemes such as alley gating. They will be able to engage with and promote the Alley Gating approach which Environment Committee delegated to the Area Committees on 24 September 2015.
- 1.21 All back office functions would be completed by the external supplier until a case goes to court. At this point a prosecutions file would be handed to the Councils legal team.

Links to other Streetscene Development

- 1.22 The increase in Streetscene enforcement sits alongside two other major Street scene projects aimed at improving local environmental quality, while also meeting the objectives of the MTFP. If any of these projects are not implemented then it is likely to have a significant negative impact on the other areas, i.e. not implementing greater Streetscene enforcement would mean that greater resources would still be needed to tackle the clearing fly tipped waste rather than reducing the amount of waste flytipped



2. REASONS FOR RECOMMENDATIONS

- 2.1 **Recommendation 1** - It is recommended that Environment Committee approves the Streetscene enforcement policy and procedure in Appendix 1. This will enable the enforcement of the Streetscene to have a clear framework in which to work approved by Members.
- 2.2 **Recommendation 2** - It is recommended that Environment Committee approves that authority be delegated to the Commissioning Director – Environment, to make minor amendments to the Streetscene Enforcement Policy to ensure it remains fit for purpose. This will enable changes in legislation, best practice etc to be updated, where they do not change the intention and spirit of the policy.
- 2.3 **Recommendation 3** - It is recommended that Environment Committee approves the trial of Streetscene enforcement through a third party specialist supplier. This will enable greater enforcement of the Streetscene to be carried out on a trial basis, and at a low cost to enable information to be gathered to procure a long term service which meets the needs of the Council.
- 2.4 **Recommendation 4** - It is recommended that Environment Committee approves the procurement of Streetscene enforcement through a third party specialist supplier, utilising the data from the trial period to inform the contract and specification documentation. This will enable the long term provision of Streetscene enforcement at a low cost or cost neutral basis. Enforcement will

enable the council to more effectively manage demand on its other Streetscene services.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The council could continue to operate a limited Streetscene enforcement service with no changes. This is not recommended as Members expectations would not be met, and the commitments in the medium term financial plan would not be met in areas such as commercial waste and street cleansing.
- 3.2 The council has the option of scaling back its Streetscene enforcement service. This is not recommended as Members expectations would not be met, and the commitments in the medium term financial plan would not be met in areas such as commercial waste and street cleansing.
- 3.3 The council could look at providing a greater enforcement service internally. This is not recommended at this time as significant investment would be needed in back office services and management, which would involve additional expertise which is currently not within the Council.
- 3.4 The council could look at providing an enforcement service in partnership with a neighbouring authority. This is not recommended at this time as significant changes are need in 2016/17. It would, however, be prudent to continue to explore areas where partnership working maybe possible in the future.

4. POST DECISION IMPLEMENTATION

- 4.1 If the Committee is so minded to approve the recommendations then the trail for Streetscene enforcement will commence in early June 2016 starting with appropriate communication for residents and businesses.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:
 - Of opportunity, where people can further their quality of life
 - Where people are helped to help themselves, recognising that prevention is better than cure
 - Where responsibility is shared, fairly
 - Where services are delivered efficiently to get value for money for the taxpayer
- 5.1.2 The Corporate Plan 2015-2020 includes the following aims:
 - We will be a Leader in London for recycling
 - Over 50% of waste collected will be reused, recycled or composted in 2020

- 5.1.3 At this stage in the development of the changes to the Streetscene enforcement service, there are no implications relating to the Health and Wellbeing Strategy and its stated priorities, or the future health and wellbeing needs of the local population as identified in Barnet's Joint Strategic Needs Assessment.

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

- 5.2.1 It is expected that the Streetscene enforcement service will be self-funding, with the specialist supplier meeting all enforcement costs, retaining all income, and undertaking all back office functions. Any resulting savings would be monitored and reported within the street scene delivery unit service budgets.
- 5.2.2 There are no property implications at this stage
- 5.2.3 The trial will be carried out to inform the procurement of the service for the long term. The trial will be under the OJEU threshold for expeditor, although the procurement of the service for the long term will need to be OJEU compliant
- 5.2.4 There are no staffing implications at this stage
- 5.2.5 There are no IT implications at this stage
- 5.2.6 The vision for the Streetscene enforcement service includes those which are clearly linked to sustainability, including encourage recycling aiming to achieve a 50% recycling rate.

5.3 Legal and Constitutional References

- 5.3.1 Local authorities have a number of different statutory powers in relation Streetscene enforcement, these are set out in the Streetscene Delivery Unit Enforcement Policy at Appendix 1
- 5.3.2 The Council's Constitution (Clause 15A, Responsibility for Functions, Annex A) sets out the terms of reference of the Environment Committee. This includes
- commissioning refuse and recycling, waste minimisation and street cleaning,
 - approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources Committee.
 - approve fees and charges for those areas under the remit of the Committee
- 5.3.3 This matter is not reserved to Full Council or to the Policy and Resources Committee as the Constitution specifically allocates matters of this type to the Environment Committee.

5.4 Risk Management

- 5.4.1 The management of risk is done on a continual basis and reported as part of the Council Quarterly Performance regime and considered as part of the Performance and Contract Management Committee quarterly monitoring report.
- 5.4.2 Risks are managed through the project boards and reviewed and revised at its meeting. The current key risk areas are regarding:

Description	Likelihood	Impact	Risk Level	Mitigation	Likelihood	Impact	Risk Level
If residents and businesses do not know about the new enforcement then they may be unhappy about being fined	2	3	6	Ensure that the a communications camping on the new trial is in place with easy access to relevant information	2	2	4
If the new trial does not improve the Streetscene Then savings will not be made for the MTFP	3	3	9	Ensure clear targeting of hotspot areas, and close monitoring of results, as well as publicity of good results	2	3	6

5.5 Equalities and Diversity

- 5.5.1 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.
- 5.5.2 Payment of fines from Streetscene enforcement may be more difficult for those on lower incomes. Fines would only be issued for those who brake the law, and thus are easily avoided. An early pavement discount however is being considered.

5.6 Consultation and Engagement

- 5.6.1 None in connection with this report

STREET SCENE DELIVERY UNIT ENFORCEMENT POLICY

December 2015

STREET SCENE ENFORCEMENT POLICY

1. INTRODUCTION

- 1.1 The Street Scene Delivery Unit carries out enforcement of waste and street scene legislation in the London Borough of Barnet. One of Barnet's Council's strategic objectives includes 'improving the local environment'. Enforcement legislation contributes to the achievement of this corporate objective. This enforcement policy contributes to a number of the key actions to improve the local environment and enhance the street scene by:
 - (a) Conducting education and enforcement operations, targeting known 'Hotspots', transport hubs, town centers, etc. to reduce fly-tipping and improve cleanliness.
 - (b) Issuing FPNs and PCNs for waste-related offences and increasing the proportion paid or successfully prosecuted.
 - (c) Regularly reviewing 'Duty of Care' compliance with the boroughs high street business and ensuring that town center businesses comply with the 'Time Band' restrictions for the placing of commercial waste sacks on the highway for collection within the designated times.
 - (d) Working with different agencies to reduce the number of illegal waste carriers that operate in the borough.
 - (e) Using CCTV monitoring equipment (both overt and covert) to identify littering and fly-tipping offences.
- 1.2 This document describes the Street Scene Service's enforcement policies. The policies described may affect any individual or organisation suspected of having committed waste offences affecting the London Borough of Barnet.
- 1.3 This document takes into account "*The Principles of Good Enforcement: Policy and Procedures*" outlined in the national "*Enforcement Concordat*". The policies described below are intended to incorporate all aspects of good enforcement practice.
- 1.4 The Policy incorporates the Regulators' Compliance Code which was issued by the Department for Business Enterprise and Regulatory Reform and became effective on 6th April 2008., which requires local authorities to have regard to when they take enforcement action in certain specified areas. This includes action under the legislation listed in section 2.1. In certain instances it may be concluded that a provision in the Code is either not appropriate or is outweighed by another provision. In these instances officers will ensure that any departure from the Code will be properly reasoned and based on material evidence.
- 1.5 The policies in this document only apply to the Street Scene Service. They describe how the Street Scene Delivery Unit carries out waste and street scene enforcement. Most enforcement actions will be taken on the public highway and/or public open spaces; however enforcement action can be taken anywhere where there is evidence of an offence.
- 1.6 The Council is committed to taking enforcement action against those perpetrators who breach the law and will seek authorisation to use all the powers available to it, including deploying surveillance and acquiring subscriber information under The Regulation of Investigatory Powers Act 2000.

- 1.7 The Council will seek full recompense for any financial losses suffered by it in order to protect the local taxpayers, and will publish the details of convictions in order to deter offenders.
- 1.8 This Enforcement Policy is specific to the Street Scene Delivery Unit and does not affect enforcement activities by other services within the Council.
- 1.9 This Policy only applies to the Street Scene Services.

2. LEGISLATION

- 2.1 All enforcement action taken by Street Scene Services will be undertaken with regard to the relevant statutory provisions which include:
 - a) Environmental Protection Act 1990
 - b) Control of Pollution (Amendment) Act 1989
 - c) London Local Authorities Acts 1990, 1994, 1995, 2004 and 2007
 - d) Controlled Waste Regulations 1992 and 2012
 - e) Clean Neighbourhoods and Environment Act 2005
 - f) Police and Criminal Evidence Act 1984
 - g) Criminal Procedure and Investigations Act 1996
 - h) Regulation of Investigatory Powers Act 2000
 - i) Anti-Social Behaviour, Crime and Policing Act 2014
 - j) Site Waste Management Plans Regulations 2008
 - k) Highways Act 1980
 - l) Refuse Disposal (Amenity) Act 1978 and 1987
 - m) Dogs (Fouling of Land) Act 1996
 - n) Town and Country Planning Act 1990
 - o) Public Health Act 1936
 - p) Criminal Damage Act 1971
 - q) Deregulation Act 2015
 - r) Refuse Disposal (Amenity) Act 1978
 - s) Vehicle Excise and Registration Act (1994)

Enforcement action taken by Street Scene Services may also be undertaken under local by-laws

3. THE COUNCIL'S STREET SCENE SERVICES

3.1 The main functions of the Street Scene Services are:

- (a) Keeping Barnet's public streets clean and free of litter and refuse;
- (b) Collecting household refuse and Recycling;
- (c) Managing the commercial waste collection service;
- (d) Increasing the amount of household and commercial waste recycled;
- d) Managing and maintaining Parks and Open spaces; and
- (e) Enforcing waste and litter legislation.

4. KEEPING THE STREETS CLEAN AND CLEAR OF LITTER AND REFUSE

4.1 Under section 89 of the Environmental Protection Act 1990 the Council has a statutory duty to keep public highways clean and clear of litter, refuse and other rubbish, so far as is practicable the Council fulfils this duty by:

- (a) Providing an efficient and effective street cleaning service; and
- (b) Endeavouring to reduce the amount of litter and refuse being dropped or abandoned.

4.2 The Council spends approximately £8.2 million a year on street cleansing and parks related functions. The cleansing specifications are output based and require that all public highways and public open spaces within the Borough be cleansed to a minimum standard with minimum rectification times if standards drop to an unacceptable level.

4.3 Reducing the amount of litter and refuse being dropped or abandoned involves:

- (a) Educating local residents and businesses about their 'Duty of Care' to manage their waste properly in compliance with the law;
- (b) Engagement with local residents and businesses raising awareness of the adverse effects of littering and flytipping; and
- (c) Where necessary taking enforcement action against offenders.

4.4. Keeping Barnet clean and tidy is a high priority for local residents. The reputation of the Council and local businesses are liable to suffer if the streets and public spaces are covered in litter and abandoned refuse. The Street Scene Services therefore takes a firm approach towards waste and litter enforcement.

5. MANAGED HOUSING ESTATES

- 5.1 Approximately 38,177 properties within the borough are flats. This number is predicted to increase to 63,437 by 2030. Communal bins are provided to residents for the storage of their refuse and recycling.
- 5.2 Under section 46 of the Environmental Protection Act 1990 the Council has the authority to require residents to place their waste for collection in receptacles of a kind and number specified in addition to the authority to require residents to separate their waste into the refuse and recycling bins provided.
- 5.3 Generally, managed estates have communal areas for storage of their refuse and recycling bins. There is no current standard definition of what is a bin storage area. Across the managed estates they range from specifically designed bin cupboard and compounds to outside areas.
- 5.4 Fly-tipped Waste: Section 59 Environmental Protection Act 1990 requires landowners to remove any waste that has been knowingly deposited on their land. The council can serve a notice requiring an owner / occupier to remove waste that has been knowingly deposited and failure to comply is subject to a fine of up to £5,000. The council is entitled to remove any waste which is causing pollution or harm to health, with the costs being recovered from the owner.
- 5.5 Waste not contained (side waste) within the designated bins will be categorised as a fly-tip. Officers will endeavour in the first instance to obtain evidence (name/ address) of who fly-tip waste by carrying out a search of the material. If evidence is obtained, officers will initiate the education and enforcement protocol set down in the policies and procedures document.
- 5.6 In the event that no evidence is obtained the waste will be left for the managing agent to clear or if requested to do so cleared separately by the Council and the cost incurred re-charged to the managing agent.
- 5.7 Larger fly-tipped items e.g. furniture, white goods etc. will be left for the managing agent to clear or if requested to do so cleared separately by the Council and the cost incurred re-charged to the managing agent.
- 5.8 Contaminated Bins: Contaminated recycling bins have a three-fold impact on the Council (1) good quality recyclables are lost (2) disposal costs are charged at the higher residual waste (3) additional resources are required to clear contaminated bins.
- 5.9 Collection crews are required to undertake a visual inspection of the recycling bin before it is emptied. Where contaminants are identified the crew will endeavour to clear them if it is reasonable to do so.
- 5.10 Bin too heavily contaminated will be reported back to head office who in will in turn notify the managing agent. In these instances the bin will be left for the managing agent to clear contaminants and/or empty or if requested to do so cleared separately by the Council; the costs incurred re-charged back to the managing agent.

6. SIDE WASTE/CONTAMINATED BINS – LOW RISE

- 6.1 Under section 46 of the Environmental Protection Act 1990 the Council has the authority to require residents to place their waste for collection in receptacles of a kind and number specified in addition to the authority to require residents to separate their waste into the refuse and recycling bins provided.
- 6.2 Waste not contained within the designated bins will not be cleared. The crew will notify the back office, who in turn will ensure customer services are notified.
- 6.3 Collection crews are required to undertake a visual inspection of the recycling bin before it is emptied. Where contaminants are identified the crew will endeavour to clear them if it is reasonable to do so.
- 6.4 Heavily contaminated bins will not be emptied; the crew will place a sticker and/or card stating the reason for the non-collection. The bin will remain unemptied until the resident clears the contaminants.
- 6.5 In the event that the Council has to make additional arrangements to empty a heavily contaminated bin the costs incurred will be charged back to the resident.

7. COMMERCIAL OPERATIONS

- 7.1 Section 34 of the Environmental Protection Act 1990 imposes a duty of care on all businesses to store their waste safely and securely and to only dispose of it through a licensed carrier. Where appropriate the council can serve a Section 34 notice on any business. This requires them to provide evidence of an official waste contract. Failure to comply with the requirements of a notice can lead to prosecution and a fine of up to £5,000.
- 7.2 All businesses must also provide appropriate bins or waste containers under environmental law. Section 47 of the Environmental Protection Act 1990 allows the council to serve notice on any business with inadequate waste storage facilities requiring the business to make acceptable provision, specifying the number and type of bins or waste containers required, along with the recommended number of waste collections. Failure to comply can lead to prosecution and a fine of up to £1,000.
- 7.3 The London Local Authority Act 1990 (amended 1994, 2004 and 2007) section 22 allows the Council to introduce 'time bands' and receptacle identification. These measures restrict the periods of the day during which commercial waste can be placed and dictate the storage of the waste on the highway for collection. Contravention of these regulations will lead to the issuance of a Penalty Charge Notice (PCN).

8. THE COUNCIL'S USE OF ITS ENFORCEMENT POWERS

- 8.1 Offences where the Council may deem it appropriate take enforcement action include (but are not limited to:
- (a) Fly-tipping on open land anywhere in the Borough;
 - (b) Dropping litter (including dog fouling) or chewing gum in a street or other open public place and not clearing it up;
 - (c) Leaving waste (including wheelie bins etc.) on the public highway, for collection, without authorisation. (Generally, if a premise has a front garden or forecourt, there will be no justifiable reason to ever leave waste or waste containers on the public highway); other than on day of collection.
 - (d) Failing to provide details of non-domestic (commercial) waste collection and disposal arrangements when requested to do so;
 - (e) Failing to store and or secure waste properly, thus resulting in waste spillage;
 - (f) Failing to comply with the boroughs waste regulations.

9. EDUCATION

- 9.1 The Street Scene Services aims to educate local residents, businesses and visitors to Barnet about how to manage their refuse and recycling properly. This includes advice to commercial and industrial waste producers about how to comply with their *"Duty of Care"* to manage their refuse responsibly under section 34 of the Environmental Protection Act 1990. It also involves encouraging them to use the guidance available from the Government and the Council. Where education has been provided, offenders claiming ignorance of the law should not expect to be given a second chance before enforcement action is taken. The Council will normally take enforcement action if it is supported by an assessment of the factors listed in section 7 below and there is no general requirement to have first provided education.
- 9.2 Where an offence has been committed, but it is not been possible to identify the perpetrator, the Council will organise a leaflet drop or write to premises within the vicinity to ensure that businesses and residents are aware of the problem and their duty of care responsibilities.
- 9.3 Publicity. The Council will publish details of successful prosecutions including the names of perpetrators, outcomes and amounts recovered in costs by the Council.

10. DECIDING WHAT TYPE OF ACTION TO TAKE - ENFORCEMENT

- 10.1 When evidence of an offence is found, Enforcement Officers must decide whether taking action is appropriate. The factors to be considered in coming to a decision include, but are not restricted to:
- (a) The quality of available evidence and probability of the enforcement action under consideration being successful;
 - (b) The seriousness and prevalence of the offence;

- (c) The past history of the offender and the probability of re-offending;
- (c) The likely effectiveness of a deterrent that successful enforcement action and publicity would achieve;
- (d) The availability of resources, and whether deploying them elsewhere would be more likely to have a greater impact on reducing the amount of litter and waste being deposited on the Borough's public highways or other open land.

11. TYPES OF ENFORCEMENT ACTION

- 11.1 The law allows for different types of enforcement action dependant on the nature and severity of the offence and the quality of the evidence available. Details of the various enforcement options are given below.
- 11.2 **Oral and written warnings:** Oral and written warnings, as alternative to more formal enforcement action, may be given. Records of warnings are retained and may be taken into account if the same person commits further offences.
- 11.3 **Simple caution:** Simple cautions, as an alternative to prosecution, may be given and will be administered in accordance with the statutory provisions and guidance that apply and involve the offender admitting guilt. They may be taken into account by the court should the offender be prosecuted for a further offence. These would only be offered where it is not in the public interest to initiate court proceedings.
- 11.4 **Fixed penalty notice (FPN):** FPN's, may be given, as an alternative to prosecution, in respect of specified offences. Officers will not issue a fixed penalty notice unless:
- (a) the offence justifies prosecution;
 - (b) there is believed to be sufficient evidence to enable follow up proceedings should the offender not pay the charge within the statutory payment period; and
 - (c) it will act as a sufficient deterrent against re-offending.
- 11.5 If a FPN remains unpaid after expiry of the payment period, the offender will be prosecuted.
- 11.6 FPN's are the most common form of enforcement against littering by private individuals, who are first-time offenders. They are also issued for waste related offences including to businesses that fail to produce valid waste collection/disposal records when required. Businesses have a "*Duty of Care*" to manage their waste responsibly and are likely to have received relevant advice and information in the past.
- 11.7 **Penalty Charge Notice (PCN)** Regulations under London Local Authority Act 2007 (Section 22) allows the Council to introduce 'Time Bands' and receptacle identification. These measures restrict the periods of the day during which commercial waste can be placed out and dictate the storage of the waste on the highway for collection. Contravention of these regulations will lead to the issue of a PCN.
- 11.8 **Prosecution:** Prosecution action will only be taken where the evidential and public interest tests contained within the Code for Crown Prosecutors have been satisfied. For the

avoidance of any doubt, there is no requirement for any alternative form of enforcement action to have first been taken before prosecution is considered to be appropriate.

- 11.9 **Vehicle seizure:** For fly-tipping offences involving a vehicle with no current registered keeper. In these instances the Council will generally seek a vehicle seizure warrant in addition to any other action.

12. THE “ENFORCEMENT CONCORDAT”

- 12.1 The “*Enforcement Concordat*” sets out what business and others being regulated can expect from enforcement officers. It is supplemented by “*Enforcement Concordat: A Good Practice Guide for England and Wales*”.
- 12.2 Street Scene Enforcement Officers aim to conform to the principles outlined in the Concordat and apply them in the following ways:
- 12.3. **Openness and helpfulness:** The Council will publicise this enforcement policy so people know what standards are expected. Street Scene Officers will help residents and or businesses to comply with the law and will explain what they are doing and why. They will inform people about their rights of appeal. They will make sure they know how to make a complaint. They will try to help those who cannot read or speak English by using the services of an interpreter (if available).
- 12.4 **Proportionality, consistency and priorities:** Street Scene Enforcement Officers will carry out their duties in a fair, reasonable and consistent manner. They will take appropriate enforcement action when required to do so. Any action taken will fit the seriousness and prevalence of the crime.
- 12.5 It should be noted that each case is unique; certain offences are worse than others, and as such the enforcement action taken will potentially differ. Notwithstanding staff will be trained to apply the law and this policy in a fair and consistent way. To ensure consistency Senior Management will regularly carry out random to checks for accuracy and consistency.
- 12.6 Guidance details as to how the section undertakes its enforcement actions are set out in the ‘Barnet Council Street Scene Operational Enforcement Procedures Policy’ document. This document is available as set out in section 11.

13 THE REGULATOR’S COMPLIANCE CODE

- 13.1 Whilst the Regulators' Compliance Code (the Code) only applies to certain designated legislation, most of the regulatory functions of the Street Scene Services are included within the designation. The main purpose of the Code is to ‘embed a risk-based, proportionate and targeted approach to regulatory inspection and enforcement’. The Government expects that the Code will lead to better value from the regulatory efforts made and benefits to low risk and compliant businesses through better focused inspection activity. The Code stresses the need for a positive and proactive approach by helping businesses to understand and meet regulatory requirements as well as responding proportionately to breaches.
- 13.2 The Code establishes specific obligations, which flow from the Hampton Review (a previous Government investigation into regulatory burdens). These are as follows:

- (a) Economic progress: Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.
- (b) Risk Assessment: Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources in the areas that need them most.
- (c) Advice and guidance: Regulators should provide authoritative, accessible advice easily and cheaply.
- (d) Inspections and other visits: No inspection should take place without a reason.
- (e) Information requirements: Businesses should not have to give unnecessary information or give the same piece of information twice.
- (f) Compliance and enforcement actions: The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions.
- (g) Accountability: Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.

14. FURTHER INFORMATION AND CONTACTS

- 14.1 A free copy of this policy, waste regulations and further information and advice on litter, refuse and enforcement is available from:

Address: London Borough of Barnet,
Building 9, Mill Hill Depot,
Bittacy Hill, Mill Hill.
London NW7 1BL

Telephone: (020) 8359 7481 (Street Scene Enforcement Officer)
Barnet Online: www.barnet.gov.uk

15. USEFUL READING

- 15.1 **Enforcement Concordat:**
<http://www.cabinetoffice.gov.uk/regulation/documents/pst/pdf/concord.pdf>
- 15.2 **Enforcement Concordat: A Good Practice Guide for England and Wales:**
<http://www.dti.gov.uk/ccp/topics1/pdf1/concordatguide.pdf>
- 15.3 **Statutory Code of Practice for Regulators, December 2007: Department of Business Enterprise and Regulatory Reform.**
<http://www.berr.gov.uk/files/file45019.pdf>

15.4 The Code for Crown Prosecutors

<http://www.cps.gov.uk/Publications/docs/code2004english.pdf>

15.5 EnCams Publications:

- (a) **Litter and the Law:** A guide to the public, including all aspects of litter and the law in England.
- (b) **Your Rubbish and the Law:** A guide for businesses, detailing their legal commitments to waste and litter.
- (c) **Dog Fouling and the Law:** A guide to the public on dog fouling and the law in the UK.
- (d) **Flytipping and the Law:** A guide for the public.
These items are available from
<http://www.encams.org/publications/index.asp>.
For hard copies, please call EnCams on 01942 612621.

15.6 Department of the Environment, Food and Rural Affairs (Defra) Publications

- (a) **Waste – Duty of Care**
<http://www.defra.gov.uk/environment/waste/management/doc/index.htm>

15.7 The Stationery Office Ltd

- (a) **Waste Management: The Duty of Care, A Code of Practice** Available from Stationery Office bookshops or by telephoning 0870 600 5522.

This page is intentionally left blank

Development and Regulatory Services Enforcement Policy

London Borough of Barnet

DEVELOPMENT & REGULATORY SERVICES

ENFORCEMENT POLICY CONTENTS

Preface	Page 3
1.0 Introduction	Page 4
2.0 General Statement of Intent	Page 6 – 7
2.1 <i>Risk Assessment</i>	<i>Page 6</i>
2.2 <i>Economic Progress</i>	<i>Page 6</i>
2.3 <i>Advice and Guidance</i>	<i>Page 7</i>
2.4 <i>Inspections and Other Visits</i>	<i>Page 7</i>
3.0 Enforcement Options	Page 8 – 15
3.1 <i>Choice of Enforcement</i>	<i>Page 8</i>
3.2 <i>Options Available</i>	<i>Page 8</i>
3.3 <i>Referral to Other Agencies</i>	<i>Page 8</i>
3.4 <i>Informal Action</i>	<i>Page 9</i>
3.5 <i>Formal Action</i>	<i>Page 9</i>
3.5.1 <i>Statutory Notices</i>	<i>Page 9</i>
3.5.2 <i>Simple Cautions</i>	<i>Page 10</i>
3.5.3 <i>Prosecutions</i>	<i>Page 11</i>
3.5.4 <i>Prohibition</i>	<i>Page 12</i>
3.5.5 <i>Injunctions</i>	<i>Page 13</i>
3.5.6 <i>Works in Default</i>	<i>Page 13</i>
3.5.7 <i>Statutory Orders</i>	<i>Page 13</i>
3.5.8 <i>Compulsory Purchase Orders</i>	<i>Page 14</i>
3.5.9 <i>Fixed Penalty Notices</i>	<i>Page 14</i>
3.5.10 <i>Other Sanctions</i>	<i>Page 14</i>
3.6 <i>Enforcement where LB Barnet is the statutory duty holder</i>	<i>Page 15</i>
3.7 <i>Appeals</i>	<i>Page 15</i>
4.0 Compliance with the Principles of Good Enforcement	Page 16 - 18
4.1 <i>Openness</i>	<i>Page 16</i>
4.2 <i>Helpfulness</i>	<i>Page 16</i>
4.3 <i>Proportionality</i>	<i>Page 16</i>
4.4 <i>Consistency</i>	<i>Page 16</i>
4.5 <i>Targeting</i>	<i>Page 17</i>
4.6 <i>Complaints about the Service</i>	<i>Page 18</i>
5.0 Publicity	Page 19
Appendices:	
Appendix A: Private Sector Housing	<i>Page 20</i>
Appendix B: Public Health and Nuisance	<i>Page 26</i>
Appendix C: Food, Health & Safety	<i>Page 30</i>
Appendix D: Trading Standards & Licensing	<i>Page 37</i>
Appendix E: Planning	<i>Page 40</i>
Appendix F: Building Control	<i>Page 48</i>
Appendix G: Highways	<i>Page 50</i>

PREFACE

Local authority regulatory services have a key role to play in supporting local economic prosperity and community wellbeing. They ensure that well-run, legally compliant businesses are supported and that consumers, workers and the environment are adequately protected.

The Council of the London Borough of Barnet therefore has a responsibility to protect the communities it serves using the legislative tools delegated by national government.

The London Borough of Barnet Development & Regulatory Services (DRS) administer and enforce a raft of legislation designed to protect health, the environment and the local economy. In doing this, we have flexibility to determine the most appropriate means to achieve compliance, taking account of both national guidance and the Council's Corporate Priorities, Policies and Strategies.

Consistent and fair application of our enforcement powers supports the delivery of the Council's strategic objectives:

- Create the right environment to promote responsible growth, development and success across the borough;
- Support families and individuals that need it – promoting independence, learning and well-being;
- Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

The Services also support the following principles that underpin everything undertaken by the Council:

- a relentless drive for efficiency;
- a new relationship with citizens;
- a one public sector approach.

This document seeks to explain the Borough's approach to the use of its enforcement powers generally, whether that is criminal prosecution at one end of the spectrum or informal warnings and advice at the other. The policy is underpinned by detailed procedures for staff.

1.0 INTRODUCTION

Experience shows that, in most cases, businesses and individuals aim to comply with the law. Failure to do so generally stems from ignorance or carelessness but sometimes from wilfulness or malice and therefore well targeted enforcement and regulation is necessary to achieve the aims and objectives of the services.

The London Borough of Barnet Development & Regulatory Services are responsible for the enforcement of a wide range of laws, including laws designed to protect public health, safety and welfare, mitigate nuisance and anti-social behaviour and maintain fair and safe trading practices.

These laws are applied in the following areas:

- food safety and standards;
- workplace health & safety;
- private sector housing;
- environmental protection;
- public health & nuisance;
- animal health & welfare;
- licensing;
- trading standards;
- building control;
- planning;
- highways.

Each area of work uses different legislation to secure its aims and each has its own extensive body of guidance, which has been developed from experience and case law. This document does not try to capture all of this detailed, complex and often changing background, but reiterates the basic principles of enforcement activity. Matters relating to enforcement generally are contained in Sections, 3, 4 and 5 of this policy. Specific matters and issues relating to the following areas are detailed in the appendices to this policy:

Appendix A: Private Sector Housing;
Appendix B: Public Health and Nuisance;
Appendix C: Food, Health & Safety;
Appendix D: Trading Standards & Licensing;
Appendix E: Planning;
Appendix F: Building Control;
Appendix G: Highways.

This document sets out the principles by which officers will seek to achieve compliance with the criminal and civil legislation enforced by the services. Such compliance will be ensured by:

- Helping and encouraging businesses and individuals to understand and comply with the law;
- Responding proportionately to breaches of the law;
- Performing enforcement in a fair, practical and consistent manner. Such enforcement performed with due regard to the provisions of the Human Rights Act 1998, equalities legislation, service specific legislation and all other relevant legislation applicable from time to time.

This policy, taken in the context of government and other guidance, seeks to ensure that the application of any enforcement is: -

- proportionate to the offence and risks;
- transparent; in that any person affected understands what is expected of them, what they should expect from the local authority and the reasons for the action;
- consistent in approach;
- appropriate;
- and that the benefits outweigh the costs.

There is also the recognition in this policy that enforcement resources are not limitless and need to be targeted at areas where risk is highest.

The policy cannot be absolutely prescriptive because the circumstances of each individual case and the evidence available are likely to vary substantially. However, this policy should leave most readers in little doubt as to what they can expect by way of enforcement from Development & Regulatory Services.

A local authority should have regard to its enforcement policy, as a guide for decision makers, promoting consistency and equity of treatment, but it need not be blindly driven by it. Decisions about prosecution are for the prosecutor to make, not for the enforcement policy to determine.

This policy document supersedes any previous policy documents on enforcement.

2.0 GENERAL STATEMENT OF INTENT

It is the policy of the Council of the London Borough of Barnet to maintain and enhance the amenity of the Borough and to protect the health, safety and wellbeing of its residents, as well as people working in, or visiting the Borough. The Council considers that its powers to initiate formal action and prosecutions under the law are a vital tool to secure essential improvements to the environment and economy of the Borough.

The Council recognises that a key element of its enforcement activity is to allow or even encourage economic progress and will only enforce against or prosecute when there is a clear case for protection. This policy therefore has been drafted to emphasise how the DRS will deliver enforcement functions in a way which enables economic growth for compliant businesses and other regulated entities, by:

- minimising the negative economic impacts of regulatory activities;
- minimising the costs of compliance for duty holders;
- improving confidence in compliance for duty holders; and
- encouraging and promoting compliance.

The use of enforcement will be proportional to any offence committed, consistent in application (including consistency with other local authorities or enforcement agencies), transparent in its use and appropriate to the circumstances of the particular case in question.

Where enforcement is necessary because of ignorance of the law (which is not of course a defence against criminal proceedings) rather than wilfulness, officers will give advice and attempt to facilitate the training of those involved in addition to enforcement action.

Enforcement action will not, therefore, be a punitive response to minor technical contraventions of law but will be forceful in situations where, for example, the public's health is put at risk or there is a significant environmental impact due to negligence, incompetence or blatant disregard of the law. The cumulative effect of contraventions, which in themselves could be considered as minor, needs to be considered when assessing the most appropriate course of action.

The London Borough of Barnet is a signatory to the Cabinet Office's Enforcement Concordat which commits the Council to good enforcement policies and procedures. In carrying out enforcement, DRS will have due regard to the statutory Regulators' Code, the Data Protection Act 1998, the Human Rights Act 1998, equalities legislation and to conduct enforcement in accordance with better regulation principles.

Officers of the Council will have regard to this policy when making enforcement decisions and all operational procedures will be written to accord with it. Any departure from policy must be exceptional, capable of justification and be fully considered by senior managers before the decision is made unless it is believed that there is significant risk to the public in delaying the decision.

2.1 Risk Assessment

Risk assessment will be used to concentrate resources to maximise effectiveness in ensuring compliance with the law. Risk assessment will be based upon all available relevant and good quality data and explicitly consider:

- The potential impact of non-compliance
- The likelihood of non compliance

2.2 Economic progress

It is recognised that good regulation and enforcement can act as an enabler to economic activity. The impact of regulation and enforcement will be considered including costs, perceptions of fairness and effectiveness. Approaches will be adopted where the benefits justify the costs.

2.3 Advice and guidance

Prevention is better than cure and improved compliance can be achieved through a focus upon support and advice. In providing such advice and guidance the following will be considered:

- Legal requirements will be promptly communicated or otherwise made available upon request;
- General information, advice and guidance will be provided in clear, concise and accessible language using a range of formats and media ensuring efficient use of resources;
- In responding to non-compliance, the primary approach can be the offering of advice and guidance to help ensure compliance, without triggering further enforcement action;
- Advice will distinguish statutory requirements from guidance aimed at improvements above minimum statutory standards.

2.4 Inspections and other visits

Inspections will take place when there are justifiable reasons and where on the basis of risk assessment a visit is required. To ensure effectiveness of inspection programmes and visits the following provisions will be considered:

- Inspections will occur
 - In accordance with statutory inspection duties,
 - In accordance with risk assessments,
 - Where requested,
 - Where relevant intelligence is received.
- Random inspection will be undertaken where appropriate, unless expressly prohibited by legislation or national guidance. This will include the testing of the risk assessment approach or effectiveness of interventions;
- Inspections will be co-ordinated with other enforcement agencies and regulators where practicable;
- Where inspections have been carried out feedback will be given to duty holders to reinforce compliance and to encourage good practice.

The greatest inspection effort will be focussed upon where a breach or breaches pose a serious risk and/or where there is a high likelihood of non-compliance.

3.0 ENFORCEMENT OPTIONS

3.1 Choice of Enforcement Approach

In any situation which requires action to ensure compliance with the law officers will consider the following when deciding on the most appropriate enforcement method: -

- the degree of risk from the situation;
- the seriousness of the legal contravention;
- the benefits justify the costs of the approach;
- the different technical means of remedying the situation;
- the particular circumstances of the case and likelihood of its continuation or recurrence;
- the general attitude of the offender to his or her responsibilities;
- the past history of the person(s), company or premises involved;
- the impact of the enforcement choice in encouraging others to comply with the law;
- the likely effectiveness of the various enforcement options;
- any legal imperatives e.g. the obligation to serve an abatement notice if a statutory nuisance exists;
- any legal guidance, e.g. advice contained in Government circulars.

The method of enforcement selected should be calculated to produce the highest reasonable standards of compliance within the least time.

3.2 Options Available

- refer the matter to another relevant service or agency;
- informal action - written or oral;
- a range of statutory notices generally requiring some remedy within a specified timescale (or possibly immediately);
- simple caution;
- prosecution;
- prohibition;
- injunctive restraint;
- seizure of equipment, food, articles or records (paper or computer)
- execution of work required by a statutory notice where the recipient has not complied;
- issue of a fixed penalty notice.

3.3 Referrals to Other Agencies

Services regularly consult and work with other agencies, including but not restricted to:

- The London Ambulance Service;
- The London Fire and Emergency Planning Authority (LFEPA);
- The Metropolitan Police;
- Government Agencies;
- Regional agencies;
- Professional bodies;
- Other council departments (e.g., Social Services).

Where there is wider regulatory interest DRS will refer relevant information received to other regulators, for example to the LFEPA where there are problems with means of

escape in case of fire or to the Health and Safety Executive (HSE) where there are gas safety problems.

Information Requirements

Requests for information will only be made where it is necessary after considering the cost and benefit of obtaining the information. Where practicable and not bound by legal constraint, information will be shared with partners. This will prevent the need for the information being provided more than once.

3.4 Informal Action

This level of action will be appropriate where the consequence of non compliance will not pose a significant risk in the short term and the other enforcement options will likely be inappropriate and disproportionate. Examples of informal action include written and oral warnings together with giving advice, and guidance.

Informal action will be recorded on departmental files and will be used as a basis for judgements on future enforcement action if there are recurrent problems with an offender or premises.

3.5 Formal Action

When considering formal enforcement action we will, where appropriate, discuss the circumstances with those suspected of a breach and take these into account when deciding the best approach. This does not apply where immediate action is required to prevent or respond to a serious breach or where to do so is likely to defeat the purposes of the proposed enforcement action.

Officers will aim to conduct enforcement in a manner that complies with the requirements of relevant legislation and codes of practice. For example this includes but is not limited to the related documents:

- The Enforcement Concordat;
- The Regulators' Code;
- The Code for Crown Prosecutors;
- Police and Criminal Evidence Act 1984 and associated codes procedure;
- Criminal Procedure and Investigations Act 1996;
- Regulation of Investigatory Powers Act 2000;
- Regulatory Enforcement and Sanctions Act 2008;
- Protection of Freedoms Act 2012.

Officers must be satisfied that sufficient evidence is available to justify the enforcement action proposed and that all evidence is properly recorded to satisfy Police and Criminal Evidence Act requirements.

3.5.1 Statutory Notices

Subject to the many specific rules governing the use of different statutory notices, they will generally be used where there is:

- a clear breach of the law;
- the degree of risk or environmental impact or harm from the situation is significant;
- and

- a remedy needs to be specified and secured within a set period of time.

In some instances service of a notice will be compulsory - e.g. abatement notices under the Environmental Protection Act 1990 or, the grounds for service of a notice need to be laid out, e.g. the property must have a Category 1 hazard before a notice can be served under section 11 of the Housing Act 2004.

Any notice that is served must be clear and unambiguous and contain all the content requirements detailed in the legislation and in any case must state:-

- The legislation, including regulation, section, subsection or paragraph that has been contravened
- The matter which gives rise to the contravention (and if hazards exist what those are)
- The action to be taken by the recipient, which must be reasonable in relation to the hazard or legislation breach
- The timescale for compliance
- The mechanisms for appeal

The demands imposed by notices will be realistic. Whenever possible compliance time limits will be agreed with recipients to ensure they are both attainable and appropriate. Where possible, necessary works will be discussed and alternative solutions considered. Where legal provision permits and the Council have included in its published fees and charges, a charge will be made for notices served, for example, notices served under the Housing Act 2004.

Where appropriate, the officer will inform all interested bodies, including tenants; employees, managers; freeholders; leaseholders and mortgagees of the action taken and its expected outcomes. A copy of notices will be sent to all parties with legal interest in property.

Prosecution and/or works being carried out in default of the notice recipient or their agent will be expected where a statutory notice has not been complied with within the time scale required.

3.5.2 Simple Caution

A simple caution may be offered in certain cases as an alternative to a prosecution. Its purpose is to deal quickly and simply with less serious offences, divert offenders away from court and to reduce the likelihood that they will offend again.

There are four preconditions, which must be satisfied if a matter is to be dealt with by simple caution, as follows: -

1. there is sufficient evidence of an offender's guilt,
2. the offender is 18 years of age or over,
3. the offender admits they committed the crime, and
4. the offender agrees to be given a caution.

The reasons for issuing a simple caution instead of prosecution in the courts will commonly be that the offender has no previous history in relation to the offence and has done everything in their power to make amends. Depending on the circumstances, this will usually entail remedial work to premises, taking proper steps to ensure that the offence cannot recur and sometimes compensation to any victims. If a simple caution is offered and refused by the offender then the case will most likely proceed to court.

Based on their experience of the courts and in the light of guidance from, amongst other sources, the Home Office and the Code for Crown Prosecutors, officers will judge whether the efforts of the offender will be likely to result in little or no additional penalty being imposed if the case were to proceed by way of prosecution. They will also judge the effects of pursuing a simple caution as opposed to a prosecution on other potential offenders and any relevant public interest issues.

The offender must be given a full explanation of the significance of the caution before being allowed to accept it, as a simple caution is an admission of guilt to a criminal offence and is recorded as such on the Central Register of Convictions held by the Office of Fair Trading. It is not a form of sentence, nor is it a criminal conviction but it will remain on record for three years and may influence a decision to prosecute should the individual or organisation re-offend.

The authorisation to issue simple cautions can only be delegated to officers at Service Manager level and above.

3.5.3 Prosecution

The Council has the power to prosecute offenders for a range of criminal offences and criminal prosecution is the most severe and if successful, punitive approach that can be taken.

Decision on whether to prosecute will be made in accordance with the *Code for Crown Prosecutors* which requires officers to be satisfied that (i) there is enough evidence to provide a realistic prospect of a conviction and (ii) it is in the public interest to do so.

To aid officers in this task, the *Code for Crown Prosecutors* sets out the Full Code Test which consists of two stages:

1. The Evidential Stage
2. The Public Interest Stage

There is a strict order in which the two stages of the Full Code Test are to be applied, as required by the Code for Crown Prosecutors. Officers must first consider the evidential stage. If the strength of evidence does not allow the case to pass this stage, the prosecution cannot go ahead, no matter how important the case or how strong the public interest is in favour of prosecution.

The Evidential Stage

The finding that there is enough evidence to provide a realistic prospect of conviction will be based on the officer's objective assessment of the evidence, including how reliable it is, what the defence case may be and how it is likely to affect the prospects of conviction. Officers will also consider whether the evidence can be used in court, i.e. whether it is admissible. The courts may not allow information to be heard, even though it appears to be relevant to the case, if it does not comply with the rules of evidence. If it is likely that the court will exclude some of the evidence, officers will need to consider whether there remains sufficient admissible evidence to satisfy the evidential stage of the test.

The Public Interest Stage

In every case where there is sufficient evidence to justify a prosecution, officers must go on to consider whether a prosecution is required in the public interest. In deciding

whether it is in the public interest, officers will need to weigh those factors in favour of and against prosecution carefully and fairly.

When deciding the public interest, officers will consider each of the questions set out in paragraphs 4.12 a) to g) of the Code. The questions are not exhaustive and not all may be relevant in every case. The weight to be attached to them and the factors identified will also vary according to the facts and merits of each case.

These questions include: how serious is the offence committed? What is the level of culpability of the suspect? What are the circumstances of and the harm caused to the victim and also whether prosecution is proportionate. Whilst the Enforcement Service does not act for victims or families of victims, but rather on behalf of the public, when considering the public interest, officers will always take into account the consequences for the victim of whether or not to prosecute and any views expressed by the victim or their family.

Factors for prosecuting include where cases are likely to result in significant sentences; the offence was committed against a vulnerable person; the offence was premeditated, carried out by a group or motivated by a form of discrimination; the defendant has committed similar offences and/or the offending is likely to recur.

Factors against prosecuting include where cases are likely to result in only a nominal penalty; the offence was committed as a result of a genuine mistake or misunderstanding; the loss and/or harm can be described as minor; a prosecution is likely to have a bad effect on the victim; the defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health (unless the offence is serious or there is real possibility that it may be repeated); the defendant has rectified the loss/harm caused (although defendants must not avoid prosecution solely because they pay compensation); or details may be made public that could harm sources of information or national security.

Authorisation to proceed with a prosecution can only be given to officers at Service Manager level or above.

Once a summons has been issued it will not be withdrawn unless it is considered that a conviction will not be obtained or that the public interest requires it. The Code for Crown Prosecutors requires an ongoing review of the need to pursue proceedings and officers must advise the Head of Legal Services of any new evidence or information particularly where this may cast doubt on the propriety of the original decision to proceed.

The officer will ensure that decisions to prosecute and results of any legal proceedings are notified to all interested bodies, including tenants; managers; freeholders; leaseholders and mortgagees.

3.5.4 Prohibition

This power will be used where there are statutory grounds (i.e. that there is an imminent risk of injury to health or a risk of serious personal injury) and where the situation cannot be allowed to continue because of the risks involved.

3.5.5 Injunctions

An injunction may be sought from the courts in circumstances for example where there is a significant threat to public health or safety and the normal process of law (statutory notices, prosecution or work in default) is likely to be ineffective because the

perpetrator has shown a careless disregard for earlier similar requirements, or where the process of law would take an unacceptable period of time having regard to the particular circumstances.

An example might be where, in spite of an Emergency Prohibition Notice or Order being served a Food Business continues to trade. Other examples might be a notice requiring someone to stop causing a noise nuisance, or a builder continuing to work at night and at weekends to complete a contract very quickly because the contractual financial penalties made it economically desirable for them to do so. Injunctive relief may be sought as an alternative, or in addition to other enforcement mechanisms such as prosecutions.

A decision to seek an injunction will only be taken by an officer at Service Manager level or above, in consultation with the Head of Legal Services.

3.5.6 Work in Default

Some legislation allows the local authority to undertake the work required by a notice if the recipient of the notice does not do so within the times specified in it.

Where a notice has been served, and where without adequate excuse or reason, the work has not been done, then work in default will generally follow if there is an imminent risk to occupiers or a high risk to public health. This decision will be subject to the practical constraints of the case and the financial circumstances. Prior to carrying out works in default the Council will consider carefully the prospect of recovery of any costs incurred in accordance with current Council policy.

Except in urgent cases the owner/person responsible must be served with:

1. The relevant notice of intention; and
2. Information which clearly states the effect of the proposed action and its subsequent costs including administration charges and details of how such sums may be recovered or made a charge on the property.

The Council will make every effort to recover the full cost of doing the work in default.

Except in urgent cases, where it would be impractical, such as silencing of alarms out of hours, authorisation to proceed with works in default will only be given by an officer at Service Manager level or above.

3.5.7 Statutory Orders

A range of Statutory Orders are available under the legislation enforced by DRS, for example under the Housing Act 2004, an Empty Dwelling Management Order may be used in relation to bringing vacant properties back into residential use. Rights of appeal exist in relation to these powers and compensation provisions also arise in some cases.

3.5.8 Compulsory Purchase Orders

The Council may compulsorily purchase property under, for example Section 17 of the Housing Act 1985 (as amended) or The Town and Country Planning Act 1990. This procedure may sometimes follow the exercise of another statutory power or may be carried out without prior action. The consent of the Secretary of State is required and compensation provisions flow from the exercise of this power.

3.5.9 Fixed Penalty Notices

The aim of a Fixed Penalty Notice is to simplify the enforcement process and penalise a contravention of legislation without the need for costly and lengthy court proceedings. This sanction is only available under certain legislation, for example the Clean Neighbourhoods and Environment Act 2005, the Noise Act 1996 and the Health Act 2006 (Smoke Free provisions).

In respect of such offences, the council will normally initially issue a Fixed Penalty Notice and prosecute if the notice is not paid within the time allowed. Where a second or further similar offence occurs within twelve months of an earlier Fixed Penalty Notice, the council will normally proceed to prosecute later offences without issuing a further notice.

In respect of children and young persons under 18 years of age, Fixed Penalty Notices will not normally be issued. Warning letters and notices and other educational approaches will be used instead.

The level of fixed penalty is determined in line with the default sum defined by the legislation. The Council will not negotiate to reduce the penalty and it is not possible for offenders to pay by instalments. Nevertheless, where the legislation allows a discounted penalty is available when payment is made within seven days of the notice being issued.

Anyone receiving a Fixed Penalty Notice can appeal to the Council against its issue. The facts of the case from both the enforcement officer involved and the person appealing will be taken into account. The appellant will be contacted in writing confirming whether their appeal has been allowed.

3.5.10 Other Sanctions

Under the Regulatory Enforcement and Sanctions Act 2008, a range of alternative sanctions may become available to the Council. These include:

- A discretionary requirement -
 - a requirement to pay a monetary penalty to the Council as regulator
 - a requirement to take such steps as the Council may specify
 - a requirement to take such steps as the Council may specify, to put right a breach
- A Stop Notice
- An Enforcement Undertaking

DRS will apply these sanctions as deemed appropriate to the particular circumstances of each individual case and in accordance with relevant guidance. These sanctions may only be used by the Council where the relevant national regulator (e.g. the Food Standards Agency) has satisfied the Minister that the sanctions should be designated to them.

3.6 Enforcement where LB Barnet is the statutory duty holder

Inspection and informal enforcement in these premises will be undertaken as normal. Any serious or repeated breach of legislation will be immediately reported to the Service Manager, who will notify the Chief Executive without delay.

3.7 Appeals

Any applicable rights of appeal, against enforcement decisions, will be made known to affected persons, at the time and in writing, which will form part of any statutory notice.

If a valid appeal is lodged in accordance with the applicable legislation against any action taken or notice served, the Council will review the grounds for the action or notice and where these are considered to still be sound and appropriate will defend the action in the relevant Court or Tribunal.

Where a complaint is received about an enforcement action taken by the Council from the recipient of the action and there exists a formal right of appeal in the relevant Court or Tribunal, the Council will not consider the matter under its formal complaints procedure.

4.0 COMPLIANCE WITH THE PRINCIPLES OF GOOD ENFORCEMENT

4.1 Openness

In carrying out all of its enforcement duties, DRS will help those it deals with to understand what is expected of them, and what they can expect from the DRS in terms of formal action, informal action and advice. Any service standards such as speed of response or content of inspections will be available on request and information will be provided in plain language wherever appropriate.

To those who are potentially subject to enforcement action DRS will: -

- make it clear what must be done, distinguishing between statutory requirements and what is desirable but not compulsory in written and verbal communication,
- write to confirm any verbal advice if requested,
- give an opportunity to discuss the circumstances, where possible, prior to formal action being taken, unless immediate action is required,
- where immediate action is necessary, give an explanation of why such action is needed and confirm this in writing,
- make it clear what sort of conduct they may expect when an officer visits and what rights of complaint are open to them.

4.2 Helpfulness

Visits are usually made unannounced but, if appropriate, appointments will be made. Where access cannot be obtained during the day, or in other appropriate circumstances, visits, will be made outside normal working hours. Some advice leaflets are available in different languages. DRS will actively work with businesses, especially small and medium sized businesses, to advise on and assist with compliance. Enforcement officers will identify themselves by name and provide a courteous and efficient service.

4.3 Proportionality

The type of enforcement action taken by officers will depend on the risk arising from the activity in question, but must seek to secure the most appropriate standard in the particular circumstances. Action taken will be proportionate to any risks to health, safety or other harm, including economic harm and to the seriousness of any breach.

In considering enforcement, account will be taken of relevant codes and guidance from legal authorities, public authorities and industry.

Where the law requires that risks should be controlled “as far as reasonably practicable”, officers, when considering enforcement, will take into account the cost as well as the degree of risk. However, some irreducible risks may be so serious that they cannot be permitted irrespective of the economic consequences.

Officers of the Council will, in appropriate circumstances, facilitate training and education if this is also needed to address problems attracting enforcement action.

4.4 Consistency

Decisions on enforcement always entail a degree of judgement and the circumstances of each case will inevitably differ in detail. Furthermore, guidance upon which officers

rely, changes over time and a decision made one day may differ from one made the next for that reason. Consequently there may be instances when enforcement may appear to be inconsistent.

Nevertheless DRS will try to ensure that enforcement action is consistent, both within the Borough and with other enforcing authorities. To achieve this, officers will: -

- follow current internal procedural and guidance notes;
- take due account of appropriate guidance from other authoritative bodies such as the Better Regulation Delivery Office (BRDO), Food Standards Agency, the Health and Safety Executive (HSE), the HSE Local Authorities Enforcement Liaison Committee (HELA), Department of Environment, Food and Rural Affairs (DEFRA), Home Office, Ministry of Justice, Office of Fair Trading (OFT), Department for Communities and Local Government (CLG), Trading Standards Institute and the Chartered Institute of Environmental Health;
- liaise with other enforcement agencies as necessary, for example the Health and Safety Executive, Police, DEFRA, CLG;
- operate an inter-agency approach where the local authorities powers are insufficient, complimentary or on grounds of health and safety at work. For example dealing with food suppliers whose business extends into neighbouring authorities;
- consult with the LFEPA before service of a Health and Safety or a Housing Act notice that affects the means of escape in case of fire;
- take account of any new legislation or guidance which impacts on their duties; and
- be represented by lead officers at Local Authority enforcement liaison groups, including for food, health and safety, pollution, and private sector housing.

The above measures will be supplemented by training for enforcement officers, the introduction where appropriate of quality assurance techniques and internal auditing of samples of individual cases.

4.5 Targeting

The Council accepts that its enforcement resources are limited and that they should be targeted to those persons, premises or companies whose activities give rise to the risks, that are the most serious or least well controlled.

Officers therefore carry out a programme of inspections on a risk-rating basis. Premises or activities with the highest hazards, greatest risks, poorest compliance and worst management will be inspected more frequently than low risk premises. Some very low risk premises may not form part of the inspection programme at all but will generally be given literature or guidance to help them run their business safely and with the least impact on their local environment. It follows therefore that most of the enforcement activity arising from pro-active programmes will be targeted on the cases most requiring it.

The second targeting mechanism is the investigation of complaints where evidence, experience and this policy are used to determine enforcement action.

The third targeting mechanism is planned, special surveys and enforcement initiatives carried out in response to national concerns as voiced by the government or its agencies, or local concerns as voiced by Members of the Council, or residents.

4.6 Complaints about the Service

The Council has a formal Complaints Policy. If anyone wishes to complain about enforcement action they may do so initially by contacting the relevant Team Manager by telephone, details of which are available on www.barnet.gov.uk or by writing to them at the London Borough of Barnet, North London Business Park, Oakleigh Road South, New Southgate, London, N11 1NP.

Where possible a complaint will be investigated within 10 working days, or if the investigation cannot be completed within this time period a reply will be made and the investigation completed as soon as possible.

If a complainant is dissatisfied with the result of their complaint to the Team Manager they may then complain to the Head of Service, who will respond within 10 working days.

If a complainant is still not satisfied, they can write to the Council's Chief Executive, who will also aim to respond in 10 working days.

If a complainant is still not satisfied following the final stage of the Council's complaints procedure, then they may wish to make a complaint to the Local Government Ombudsman (Telephone: 0300 061 0614).

The complaints procedure is not appropriate in cases of court proceedings or where there is a statutory right of appeal against an action.

5.0 PUBLICITY

DRS will normally publicise details of any convictions, which could serve to draw attention to the need to comply with the law or deter others. Where appropriate, the media may also be provided with factual information about hearings that have gone before the Courts and thus are in the public domain. The media may also be provided with details of other enforcement actions such as simple cautions, seizures of goods or equipment and results of sampling programmes.

A register of health and safety notices, which affect the public, is also available to view at the Council Offices.

The names of companies and individuals convicted of breaking health and safety law in the previous 12 months will be published annually by the HSE.

This policy document is freely available to the public on the internet or by request from Development & Regulatory Services, London Borough of Barnet, North London Business Park, Oakleigh Road South, New Southgate, London, N11 1NP

The policy will be subject to periodic review.

APPENDIX A

Private Sector Housing Enforcement

This appendix must be read in conjunction with the main Enforcement Policy. Its purpose is to outline the areas of legislation used by the Private Sector Housing Team and to set out the Councils policy where the legislation permits discretion. All decisions on Private Sector Housing enforcement action will be made following consideration of this policy.

1. Introduction

The Private Sector Housing Team (PSH) deals with:

- Investigating service requests from residents about private sector housing conditions;
- Providing advice and taking enforcement action where appropriate to bring housing up to standard or bring empty properties back into residential use
- Investigating service requests about the condition of empty properties;
- Administration of licences for houses in multiple occupation (HMO);
- Administration of Caravan Site Licensing Scheme.

The service aims to:

- Protect and improve the health and wellbeing of residents and visitors to the borough, in particular by ensuring that they have a safe place to live;
- Increase the number of homes within the borough;
- Relieve the pressure on health and social care resources by helping people to stay safely in their own homes.

The Council has a legal responsibility to ensure that minimum standards are reached and maintained. PSH will aim to improve and maintain housing standards through:

- advice to tenants, landlords and owners;
- encouraging good management practices;
- advice on and enforcement of national and local housing standards.

The PSH team's priority is to bring properties up to a minimum standard rather than to seek the rehousing of the occupiers.

2. Scope

This appendix covers the following enforcement action:

The Housing Health and Safety Rating System (HHSRS);
Powers to charge for enforcement action;
Empty Property Enforcement;
Other Provisions.

3. Legislation

PSH is responsible for ensuring that the Council performs their statutory functions under the following legislation:

Housing Acts 1985, 1988, 1996 and 2004;
Housing Grants, Construction and Regeneration Act 1996;
Energy Act 2011;
Environmental Protection Act 1990;
Public Health Acts 1936 and 1961;
Building Act 1984;
Caravan Sites and Control of Development Act 1960;
Caravan Sites Act 1968;
Prevention of Damage by Pests Act 1949;
Local Government (Miscellaneous Provisions) Act 1976 and 1982;

and any regulations, orders or other statutory provisions made under or incorporated into the above

These legislative tools will always be considered and followed where appropriate.

4. Housing Health & Safety Rating System (HHSRS) [Housing Act 2004]

4.1 HHSRS Enforcement Regime

HHSRS enables the assessment of risks to the health and safety of occupiers posed by certain specified housing related hazards, and scoring of their severity to decide whether improvements are needed.

Assessed hazards are banded Category 1 or Category 2 depending on the seriousness of the risk. Where Category 1 hazards are found the Council has a duty to take the appropriate enforcement action which may include requiring the owner to remedy the defect. If less serious Category 2 hazards are found, the Council has discretionary power to require action.

Action undertaken by the council is based upon a three-stage consideration:

1. Determine if hazards are present and assess the hazard ratings under the HHSRS;
2. Determine whether the Council has a duty or power to take action; and
3. Determine the most appropriate course of action to deal with the hazard, having regard to Statutory Enforcement Guidance, the Council's Enforcement Policy and associated documents.

Where a specified hazard exists, the courses of action available to the Council are:

- Serve an Improvement Notice;
- Make a Prohibition Order;
- Suspend the Improvement Notice or Prohibition Order
- Take Emergency Action¹;
- Serve a Hazard Awareness Notice;
- Make a Demolition Order²;
- Declare a Clearance Area²;

¹ Not available for Category Two hazards

² Available for Category Two hazards only in prescribed circumstances

The Enforcement Guidance to the 2004 Act states that the action chosen must be *the most appropriate course of action in relation to the hazard in all the circumstances* and sets out the general factors relevant to the enforcement options listed above.

The Council can act in default and prosecute for lack of compliance to these notices. It can also charge for and recover charges for enforcement action [see 5.0 below].

4.2 HHSRS Policies

At a time when resources are scarce action will be directed to the most serious cases. For **Category 1** hazards the Council will carry out its statutory duty to resolve all such hazards identified and will always take appropriate enforcement action where properties are tenanted. Where properties are owner occupied the Council will take action but the nature of the enforcement action may vary on a case by case basis.

For **Category 2** hazards the Council will not generally take action except where a statutory notice is already being served regarding Category 1 hazards. In these circumstances category D hazards will also be dealt with. In extreme circumstances action will be taken where only Category 2 hazards are present for example where there are concerns about a vulnerable person. This will be with the agreement of the Service Manager or Environmental Health Manager.

All notices and orders will state why one type of enforcement action was taken instead of another. They will also clearly state what is required to be done to remedy the hazard, and when it has to be done by. Considerations will be given to the views of owners, landlords and tenants before formal action is taken except in very urgent cases.

Where there are concerns about a vulnerable person, the appropriate agencies will be consulted to help make a decision regarding the appropriate enforcement action.

Option Appraisal

Typical reasons why one enforcement option may be chosen over another are considered below. It is not possible to take more than one simultaneous action for the same hazard but if the option chosen has not proved satisfactory the Council may consider another course of action (or the same action again). The regeneration and renewal programmes and approved Housing Strategy for the area along with this Enforcement Policy will be used to inform the appropriate course of action.

A Hazard Awareness Notice draws the attention of the person responsible for the works of the desirability of remedial action although the person responsible is under no legal obligation to remove or reduce the hazard. It may be considered to be the most appropriate course of action in relation to the hazard where:

- The occupier is aware of the risks posed by the hazard(s) but expressed a desire to remain in the property and for the works not to be undertaken
- The property is occupied solely by the owner and his/her immediate family and there is no imminent risk associated with the hazards identified.
- In cases relating to overcrowding –
 - Where the family have no desire to move e.g. due to local care arrangements and the occupiers are not at serious risk or
 - where the overcrowding has been caused by a natural/invited increase in family size *and* the banding is less than an “A”

An **Improvement Notice** requires the relevant person to undertake prescribed works to the property prescribed by the Council. It could be considered to be the most appropriate course of action in relation to the hazard where:

- Once the improvements are completed it can be expected that the hazards within the property will be reduced to an acceptable level and they can take place whilst the tenants are in occupation; and
- The cost of the works are not disproportionate having regard to the risk posed by the hazard(s) and the value of the property (including potential rent levels); and
- The tenant has expressed a desire to remain in the property and for the works to be undertaken to improve their living conditions.

A **Prohibition Order** closes the whole or part of a dwelling to all or some of the occupants (or restricts the number of permitted occupants). It could be considered to be the most appropriate course of action in relation to the hazard where:

- The cost of the improvement works is likely to be prohibitive, bearing in mind the value of the property; or
- The landlord is able to bear the cost of the refurbishment and the property is vacant; or
- The extent of the works is such that undertaking remedial action is likely to be a lengthy process and it would not be possible to complete them with the tenants in occupation.

Emergency Remedial Action involves undertaking works to the property prescribed by the Council in default of the owner without prior service of notice or upon service of notice. It could be considered to be the most appropriate course of action in relation to the hazard where:

- The hazard presents an imminent risk of serious harm to the health and safety of any of the occupiers; and
- Once the improvements are completed it can be expected that the hazard(s) within the property will be reduced to an acceptable level and they can take place whilst the tenants are in occupation; and
- The cost of the works are not disproportionate having regard to the risk posed by the hazard(s) and the value of the property (including potential rent levels); and
- The tenant has also expressed a desire to remain in the property and for the works to be undertaken to improve their living conditions.

An **Emergency Prohibition Order** closes the whole or part of a dwelling to all or some of the occupants (or restricts the number of permitted occupants). It could be considered to be the most appropriate course of action in relation to the hazard where:

- The hazard presents an imminent risk of serious harm to the health and safety of any of the occupiers; or
- The cost of the improvement works is likely to be prohibitive, bearing in mind the reduction in risk and the value of the property; or
- The extent of the works is such that undertaking emergency remedial action is likely to be a lengthy process exposing the occupier to an unacceptable risk; or
- Due to the nature of the hazard the Council do not consider any works are appropriate and practical in relation to the hazard(s) found at the property.

Suspended Improvement Notice or Prohibition Order This would involve no actions until a trigger event occurs. A suspended notice is required to be reviewed at intervals

of no greater than 12 months from the date of service. It could be considered to be the most appropriate course of action in relation to the hazard where:

- The tenants are aware of the hazards within the dwelling and have expressed a desire to remain in residence at the property without the disturbance of the works; or
- The works required to remove or reduce the hazards to an acceptable level cannot be completed with the tenants in place and the occupier is currently unwilling to vacate the premises; or
- The tenant is not in imminent risk and does not want to leave until a suitable property in a suitable location has been located.

5. Powers to charge for enforcement action [Housing Act 2004]

The Council is entitled to make a reasonable charge as a means of recovering certain expenses incurred in:

- serving an Improvement Notice;
- making a Prohibition Order;
- serving a Hazard Awareness Notice;
- taking Emergency Remedial Action;
- making an Emergency Prohibition Order;
- making a Demolition Order.

The expenses are in connection with inspection of the premises, subsequent consideration of action and the service of notices. Where notices are served under the Housing Act 2004 a charge as published in the Council's schedule of fees and charges will be made.

As the fees are not of a punitive nature but to cover the Council's enforcement costs it will be normal practice to charge the appropriate fee for enforcement action. The fees are set annually at Cabinet Resources Committee and will only be waived due to financial hardship following agreement by the Service Manager or Environmental Health Manager.

6. Enforcement Options for Empty Properties

A range of powers exist to help deal with the problems caused by empty properties and bring the property back into use. The main enforcement options are discussed below. Full details of the Council's approach to empty property work can be found in the *Empty Property Strategy 2013-14*.

6.1 Enforced Sale

The Council is entitled to force the sale of a property in order to recover a debt secured against it as a Local Land Charge or caution with the Land Registry. This course of action will be considered by the Council once debts owed exceed £1000.

Not all debts may be secured as a Local Land Charge or caution with the Land Registry. For 'person' debts such as Council Tax debt, the Council can apply to the County Court for an Interim Charging Order. If successful the Council may then apply for a Final Charging Order and order the sale of the property. This power may be used for debt of any size but naturally smaller debts are more likely to be repaid.

6.2 Empty Dwelling Management Orders [Housing Act 2004]

Empty Dwelling Management Orders (EDMOs) enable the Council to take over the management of a residential property that has been empty for more than 6 months.

EDMOs will be considered where the property is having a detrimental effect on the local community; negotiations to bring a property back into residential use have failed and the likely rental income from the property will, in a reasonable timescale, offset the expenses likely to be incurred in bringing the property up to a habitable standard and managing the property

EDMOs can be Interim or Final. An Interim Order should be considered as the final opportunity for a voluntary solution to be found to bring the property back into use.

6.3 Compulsory Purchase [Housing Act 1985; Town & Country Planning Act 1990]

The Council can compulsorily acquire underused or ineffectively used property for residential purposes if there is a compelling case in the public interest for its acquisition to meet general housing need in the area.

Compulsory Purchase will be considered where the property is having a detrimental effect on the local community; negotiations to bring a property back into residential use have failed and an Interim EDMO is not appropriate (for example the property is in a very dilapidated condition).

Compulsory purchase will only be used as the enforcement route of last resort for returning empty homes to use. Where this is the case the Council may apply to the Secretary of State for a Compulsory Purchase Order (CPO) to be made. In making the application the Council must show (among other things) a clear intention for the use of the property/land, and be able to show that it has the necessary resources available to follow through with the CPO.

Owners of properties that are compulsory purchased may be entitled to compensation over and above the open market value of the property.

The final decision to proceed with a CPO will be made by the Council's Cabinet and Resources Committee.

6.4 Unsecure buildings [Local Government (Miscellaneous Provisions) Act 1982]

Where an empty property is found to be vulnerable to unauthorised access the Council can require the owner to board up a property to prevent such access and if necessary to carry out the work in default of the owner if they fail to comply.

7. Other provisions

All other housing legislation within the teams remit will be enforced in accordance with the specific requirements of that legislation and the criteria detailed in the Enforcement Policy. Enforcement action undertaken by Officers will be commensurate with their level of authorisation under the Council's Scheme of Delegation.

APPENDIX B

Public Health, and Nuisance, Environmental Protection & Antisocial Behaviour Enforcement

This appendix must be read in conjunction with the main Enforcement Policy. Its purpose is to outline the areas of legislation used by the Public Health and Nuisance Scientific Services, and Priority Intervention Teams, and to set out the Councils policy where the legislation permits discretion. All decisions on enforcement action will be made following consideration of this policy.

1. Introduction

Public Health and Nuisance Scientific Services, Priority Intervention Teams investigate resident's service requests concerning:

- Smoke Control Areas.
- Air pollution complaints, e.g. emissions of smoke, dust, effluvia and odours, from industry, shops, houses and vehicles.
- Contamination of land.
- Noise and vibration complaints from houses, shops, entertainment facilities, building and demolition works, industry and streets (but not general traffic noise).
- Asbestos.
- Pest Control
- Filthy and Verminous premises
- Faulty private drainage from single premises and misconnections
- Accumulations on private land
- Local Authority Air Pollution control
- Antisocial behaviour
- Hate crime
- Lighting and other areas of nuisance
- Street trading

The overriding aim of any enforcement action is to ensure that no person living in, working in, or visiting the area suffers significant adverse health effects or nuisance from exposure to air, noise or land pollution, pests, private drainage or antisocial behaviour.

2. Scope

This Appendix covers the following enforcement action:

Environmental Protection
Public Health
Statutory Nuisance
Antisocial behaviour
Street trading

3. Legislation

Public Health and Nuisance, Scientific Services, Priority Intervention Teams are responsible for ensuring that the Council performs its statutory functions under the following legislation:

Environmental Protection Act 1990
 Environment Act 1995
 Clean Air Act 1993
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Control of Pollution Act 1974
 Pollution Prevention and Control Act 1999
 Clean Neighbourhoods and Environment Act 2005
 Public Health Acts 1936 and 1961
 Environmental Protection Act 1990 Part II, III and IV
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Prevention of Damage by Pests Act 1949
 Refuse Disposal (Amenity) Act 1978
 Anti-Social Behaviour Act 2003
 Town and Country Planning Act 1990, Section 215
 Public Health (Control of Disease) Act 1984
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 National Assistance Act 1948, Section 47
 Criminal Justice and Public Order Act 1994 Sections 77-79
 Control of Pollution Act 1974
 Highways Act 1980
 Licensing Act 2003
 Town and Country Planning Act 1990, Section 215

and any regulations, orders or other statutory provisions made under or incorporated into the above

These legislative tools will always be considered and followed where appropriate.

4.0 Enforcement options to be read in conjunction with Enforcement policy. (see 3.0 ENFORCEMENT OPTIONS)

Most of the powers listed below are from the statutory legislation above. In most cases these powers are set out in the legislation in the form of statutory duties requiring that statutory nuisances, if proven, must be addressed and not left to the discretion of the enforcement officer. However, the enforcement options to abate these statutory problems may be discretionary.

Typical reasons why one enforcement option may be chosen over another are considered below. It is not possible to take more than one simultaneous action for the same hazard but if the option chosen has not proved satisfactory the Council may consider another course of action (or the same action again).

- No action
- Informal action verbal or written
- Informal warnings in writing
- Notification of nuisance
- Notification of offence
- Issue of a fixed penalty notice*
- Service of statutory enforcement or prohibition notices
- Revocation of authorisation
- Carrying out works in default of a notice
- Seizure of equipment**
- Formal caution

- Prosecution

*FPN available under certain legislation only

** Noise nuisance only

Not all of these options are available in every circumstance emphasising the need to consider powers available under each piece of legislation individually.

Decisions on whether to prosecute will always take into consideration appropriate statutory defences, such as best practicable means, and, where applicable, best available techniques not entailing excessive cost (BATNEEC).

All statutory notices will be served by officers in accordance with the scheme of delegation and the requirements of the appropriate legislation.

All statutory notices served on companies will be served at the registered office and be directed to the company secretary. Wherever possible, a copy of the notice will be delivered to the site and handed to the person responsible for the process/incident, or a suitable representative.

4.1 Prohibition Notice – some legislation gives the Council the power to serve a prohibition notice to stop an activity or process where there is an imminent risk to health, safety or pollution.

4.2 Prosecution - A prosecution may result from:-

- non-compliance with a statutory notice
- failure to pay a fixed penalty notice
- a serious breach of the law

In the latter case the considerations must include:-

- Seriousness of alleged offence
- Previous history/co-operation of duty holder, if applicable
- Possible defences
- Availability of witnesses
- Public benefit of a prosecution

4.3 Simple Cautions – The enforcement officer may issue a Simple Caution in accordance with Home Office Circulars in the following circumstances -

- i) There is evidence sufficient for realistic prospect of conviction
- ii) The defendant admits the offence
- iii) The defendant understands the significance of a Simple Caution and is willing to accept the Caution
- iv) A Simple Caution is in the public interest

If the duty holder does not accept the offer of a Simple Caution, then a prosecution will be instituted.

[Note - The offender will be given a full explanation of the significance of the caution before being allowed to accept it, as a simple caution is an admission of guilt to a criminal offence and is recorded as such on the Central Register of Convictions held by the Office of Fair Trading. It is not a form of sentence, nor is it a criminal conviction but

it will remain on record for three years and may influence a decision to prosecute should the individual or organisation re-offend.

5.0 Other provisions

All other legislation within the teams remit will be enforced in accordance with the specific requirements of that legislation and the criteria detailed in the Enforcement Policy. Enforcement action undertaken by Officers will be commensurate with their level of authorisation under the Council's Scheme of Delegation.

APPENDIX C

Food, Health and Safety Enforcement

This appendix must be read in conjunction with the main Enforcement Policy. Its purpose is to outline the areas of legislation used by the Food, Health and Safety Team and to set out the Councils policy where the legislation permits discretion. All decisions on Food, Health and Safety enforcement action will be made following consideration of the overarching policy and relevant sections of this Appendix.

1. Introduction

The Food, Health and Safety Team (FHS) deals with:

- Investigating service requests from residents and consumers about food, food premises, health and safety in commercial workplaces, animal welfare, and smoking in public buildings;
- Delivery of a programme of planned and prioritised interventions to monitor compliance with statutory standards in food businesses, workplaces and licensed premises;
- Providing advice and taking enforcement action where appropriate to bring food businesses and work premises up to standard;
- Administration of licences for special treatment establishments and animal welfare;
- Control of infectious diseases;
- Promoting health through targeted projects and schemes, particularly in the area of diet.

The service aims to:

- Protect and improve the health and wellbeing of residents, consumers and visitors to the borough, primarily by ensuring that they have safe places to eat, visit and work;
- Support and advise regulated businesses in complying with their duties;
- Ensure that consumers are not misled and that traders don't gain unfair competitive advantage through illegal practice.

2. Scope

This appendix covers the following enforcement action:

Use of powers to enforce food safety and standards;
Use of powers to enforce health, safety and welfare in workplaces;
Use of licensing powers for special treatment establishments and animal welfare
Use of powers to control the spread of infectious disease;
Use of powers to control smoking in smoke free premises.

3. Legislation

FHS is responsible for ensuring that the Council performs their statutory functions under the following primary legislation:

Health and Safety at Work etc Act 1974;

Pet Animals Act 1951;
Breeding of Dogs Acts 1973 and 1991;
Breeding of Dogs Licensing Act 1998;
Animal Boarding Establishments Act 1963;
Riding Establishments Acts 1964 and 1970;
Zoo Licensing Act 1981;
Dangerous Wild Animals Act 1976;
Performing Animals (Regulations) Acts 1925 and 1998;
Animal Welfare Act 2006;
Animal Health Act 1981;
The Food Safety Act 1990; and

any Orders, or Regulations or other instruments made there under, or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuffs including;

Regulation (EC) No.178/2002– principles of food law
Regulation (EC) No.852/2004– general hygiene requirements
Regulation (EC) No.853/2004– hygiene requirements for approved premises
Regulation (EC) No.2073/2005 – microbiological criteria of foodstuffs;
Public Health (Control of Disease) Act 1984 (as amended)
Health Act 2006
London Local Authorities Act 1991

and any regulations, orders or other statutory provisions made under or incorporated into the above

4. Food Law Enforcement Regime

4.1 Food Law Code of Practice

Enforcement of food law is governed by the Food Law Code of Practice (England) issued under Section 40 of the Food Safety Act 1990. This code, which the Council is statutorily bound to observe, gives guidance on the approach to and application of enforcement powers will be followed. Any significant divergence from the Code will be agreed with the Food Standards Agency, which oversees food law enforcement by local authorities.

There are discretionary matters which the Code indicates should be subject to local policies, as follows.

4.2 Food Complaints and Service Requests – Policy

The decision to take action in response to a complaint or service request will be based on the Service's reactive work policy below:

General Complaints about Food and Food Premises

Complaints are broadly categorised as high, medium or low risk to public health. Complaints in the first two categories will be investigated in full. High risk complaints e.g. cockroach/rat infestations, food poisonings, will receive same day or one day responses. Medium risk e.g. foreign bodies, service requests, will receive 3 or 5 day responses.

Where the complaint relates to food sold by responsible traders, such as most major supermarket and catering chains and national manufacturers, the complaint will initially be categorised as low risk unless it falls within the same day or one day response categories. The complainant in these low risk cases will be recommended to return the goods to the retailer. This permits resources to be focussed where greatest local improvement can be, and needs to be, effected. The list of companies recognised as falling into the “responsible trader” bracket will be reviewed annually and when circumstances indicate a decline in food safety management standards at a company. The assessment of suitability for investigation will normally be straightforward but account must be taken of:

1. any particular risk or significant hazard indicated by the complaint, e.g. dangerous foreign bodies/contaminants, allergy risk from inadequate labelling, activities which give rise to significant hygiene risks, etc.;
2. any history of similar types of complaint;
3. any history of poor response to complaints by the business.

4.3 Food Sampling Policy

Sampling is intended to compliment the Council's programme of inspections of food businesses and is carried out in order to protect health, prevent food fraud and to prevent unfair commercial competition.

Sample Priorities

Food sampling is broadly prioritised as follows:

- a) investigate food poisoning outbreaks and food contamination incidents;
- b) investigate complaints - where sampling or analysis is necessary;
- c) check food suspected of being contaminated when undertaking inspections;
- d) ensure that imported foods comply with compositional requirements and are not contaminated;
- e) check on foods manufactured or processed within the Borough particularly at premises approved under product specific legislation;
- f) check on foods marketed by major companies based in the borough for whom we are Home Authority;
- g) participate in co-ordinated sampling at European and National levels (EU / PHE / DEFRA / FSA);
- h) participate in co-ordinated programme sampling with other London Boroughs to deal with cross border issues;
- i) as part of food hygiene inspection;
- j) specific Barnet projects to confirm satisfactory conditions and identify problem areas.

A sampling plan is drawn up every year in consultation with the Food Examiner, the Council's appointed Public Analyst, and the London Food Co-ordinating Group. Sampling which is undertaken under priorities (a) to (c) above will not be included in the sampling plan but will be a reactive element of an inspection and/or investigation when required.

The agreed sampling plan will not be published as it is generally our policy to sample and inspect without prior notice.

Action on Results

Businesses will be informed of the results of all samples taken. In respect of an individual business we will take enforcement action on results that indicate unsatisfactory or hazardous samples, by applying the following criteria.

Potentially hazardous samples

Where the laboratory indicates that a sample is potentially hazardous or unfit, without delay we will:

- Detain the batch of food, if sampled informally and resample formally;
- Seize the batch of food for destruction, if sampled formally;
- In certain circumstances consider voluntary surrender of the food by the business;
- Investigate the extent of the contamination in the food chain, the practices that may have led to the hazardous food product and their application throughout the company and food industry, with a view to tracing other contaminated products and preventing further contamination. The Food Standards Agency will be notified immediately using the prescribed incident report form where the risk may either affect numbers of people in other boroughs or there is serious risk to consumers, in accordance with the Food Safety Act Code of Practice;
- Immediately notify the manufacturer/importer/proprietor of the results if this not done in carrying out the above;
- Immediately notify the relevant Primary, Home and/or Originating Authority for the manufacturer or importer of the food;
- Consider whether it would be appropriate to initiate a prosecution or formal caution against the proprietor having regard to the Service's Enforcement Policy.

Significant legal contravention (non-hazardous)

A significant contravention might be one where the product was sub-standard for reasons of financial gain (e.g. counterfeit or an intentionally misleading description) or was not of the nature, substance or quality demanded. We will warn the trader in writing, explaining the results, the standard expected, the possible reasons for the failure and suggestions for improvement. The Primary, Home and/or Originating Authority will be consulted to determine which authority is best positioned to pursue the matter to a satisfactory conclusion, the default position being that Barnet will if the other authorities are unwilling. Formal enforcement will be considered on a case by case basis in accordance with the main Enforcement Policy.

Unsatisfactory/Sub-standard samples

Where the food is shown to be unsatisfactory or sub-standard but the risk to public health is not significant, or the commercial gain from non-compliance is minimal, we will adopt an advisory/warning approach to the trader explaining the results, the standard expected, the possible reasons for the failure, suggestions for improvement and inviting them to advise us of their intended action.

Where a response is not received or a response is unsatisfactory, consideration will be given to whether formal action is appropriate in line with the Enforcement Policy. For goods that are not manufactured in or imported into Barnet we will generally advise the manufacturer/importer of the food and advise the Primary, Home and/or Originating Authority in writing. Further follow up is unlikely.

5. Health and Safety Enforcement Regime

The FHS Team will follow the statutory National Local Authority (LA) Enforcement Code and supplementary guidance issued by the Health and Safety Executive (HSE), which sets out the risk-based approach to targeting health and safety interventions to be followed by Local Authority regulators.

The list of activities/sectors suitable for targeting for proactive inspection by local authorities, published each year by HSE, will also be followed in setting our annual service and inspection plans. Current HSE guidance on the selection of complaints and reported injuries for investigation will also be followed with the following local provisions.

It is not possible to investigate every complaint about businesses without undue impact on our other activities. Even though a complaint may be fully justified, it may not relate to significant risks to health and safety. Service requests will be evaluated, and investigated if one or more of the relevant criteria below are satisfied.

The initial evaluation will normally be carried out by a Team Leader or the Service Manager. If a complaint that has been selected for investigation is later found to fall outside these criteria, the investigation may be abandoned, with the reasons recorded.

If a complaint is not to be investigated, or the investigation is abandoned, the complainant will be informed promptly. In most cases it should be possible to offer simple advice about what they can do to resolve the problem (for example they can contact the duty holder themselves).

Complaints will normally be investigated, and enforcement action taken as appropriate, if:

- There has been a major injury as defined in RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013);
- There is a high potential for such harm occurring if action is not taken;
- The matter complained of is significant and the relevant duty holder has a known poor compliance record;
- The matter complained of is relevant to our other enforcement priorities;
- There is likely to be serious public concern about the issue.

Complaints will not normally be investigated if it appears that:

- The practicality of achieving lasting improvement is low;
- The track record of the relevant duty holder is good;
- Other options are reasonably available to the complainant;
- The matter could appropriately be dealt with by another agency;
- They relate to comparatively minor or remote risks, suspicions or allegations inadequately supported by evidence, employee welfare provisions, customer facilities or nuisance issues.

6. Policy on Enforcement of Smoke Free Provisions

Smoke Free legislation (Health Act 2006) came into effect on 01 July 2007. No one is now permitted to smoke in any enclosed place the public has access to e.g. pubs, nightclubs, offices, shops, works vehicles and leisure centres. The Department of Health (DoH) has indicated that a graduated enforcement approach, assisting compliance rather than immediate enforcement is desirable. However, in situations

where individuals flagrantly flout the law, it is the Department's view that enforcement action by the local authority remains entirely warranted. Barnet's Smoke Free enforcement policy will be as follows:

- As with all council enforcement measures, all action taken shall be fair, proportional, consistent and decided upon with reference to the Enforcement Concordat, the Regulators' Code, and the over-arching DRS Enforcement Policy;
- Enforcement will be in line with Department of Health Guidance;
- A graduated approach to enforcement will be taken. This will comprise starting with advice to assist compliance, an initial warning letter to first offenders, a second and final warning to repeat offenders and finally the issue of a fixed penalty notice or proceedings for intransigent repeat offenders;
- The regulatory officers will primarily be Environmental Health Officers, assisted by Food Safety Officers and Health and Safety Officers in the Environmental Health Department, who will be trained and provided with the necessary authority to enforce.

Regulatory officers have the following enforcement options available to them:

- Verbal warning (includes advice on compliance);
- Written warning, 1st and 2nd Stage. (1st Stage includes advice on compliance);
- Fixed Penalty Notice (FPN) or legal proceedings against an owner, occupier, manager or any other person in charge of no smoking premises for failing to display no-smoking signage (section 6(5) offence);
- FPN or legal proceedings against an individual smoking in no-smoking premises (section 7(2) offence);
- Legal proceedings against an owner, occupier, manager or any other person in charge of no-smoking premises for failing to prevent smoking in a smoke free place (section 8 (4) offence) – fixed penalty is not available for this offence.

There are no formal appeal provisions against the service of a FPN. However, Part 4 of the FPN, as set out in the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007, relates to the making of a request for a court hearing.

If someone is found smoking in a smoke free area where other persons are present, the enforcement officer will notify the person in charge of the premises who will be expected to:

- Draw the attention of the person smoking to the no-smoking signs in the area and inform them that they are committing an offence by smoking;
- Politely ask them to stop smoking or direct them to the place that they are permitted to smoke;
- If the person continues smoking ask them to leave the premises and if possible send warning letter(s).

If a repeat offender is witnessed smoking by the enforcement officer and refuses to stop, the officer will implement procedures for issuing a Fixed Penalty Notice.

Signage

The same enforcement approach will apply as above albeit with only the following options, namely:

- Verbal warning (includes advice on compliance);

- Written warning, 1st and 2nd Stage (1st Stage includes advice on compliance);
- Fixed Penalty Notice (FPN) or legal proceedings against an owner, occupier, manager or any other person in charge of no smoking premises for failing to display no-smoking signage (section 6(5) offence).

Smoking 'shelters':

Smoking shelters are increasingly being installed at some premises as a means to provide smokers somewhere to smoke where they are protected from inclement weather. Such shelters must meet defined specifications in order to be exempt, i.e. avoid being considered enclosed premises in their own right and thus needing to be smoke free.

To ensure consistency of enforcement across London, the policy adopted by the Association of London Environmental Health Managers will be applied in determining if smoking shelters are located or constructed in such a way as to meet the exemption requirements.

APPENDIX D

Trading Standards and Licensing Enforcement

This appendix must be read in conjunction with the main Enforcement Policy. Its purpose is to outline the areas of legislation used by the Trading Standards and Licensing Teams and to set out the Council's policy where the legislation permits discretion. All decisions on Trading Standards and Licensing enforcement action will be made following consideration of this policy.

1. Introduction

The Trading Standards Team (TS) undertakes:

- Pricing inspections and complaints;
- Product safety inspections and complaints;
- Fair trading inspections and complaints;
- Consumer credit inspections and complaints;
- Counterfeiting inspections and complaints;
- Provision of Primary/home authority and business support;
- Licensing and registration relating to fireworks, scrap metal dealers, poisons and motor salvage operators;
- Maintenance of metrology standards.

The Licensing Team (LT) is responsible for the administration and enforcement of approximately 1000 premises which are licensed for alcohol and public entertainment; 75 premises licensed for gambling and 70 premises licensed for street trading. The work undertaken by the team includes:

- Processing premises and personal licence applications
- Processing temporary event notices
- Processing representations and requests for review of premises licences
- Processing gambling premises licences and permits
- Checking and enforcing compliance with licence conditions
- Investigating complaints about licensed premises and activities
- Dealing with businesses operating without a required licence
- Taking the lead in drafting licensing policy

The service aims to:

- Ensure a fair and safe trading environment for all and to protect consumers within the London Borough of Barnet.
- Ensure an environment which encourages highly compliant and well controlled licensed premises.

The Council has a legal responsibility to ensure that minimum standards are reached and maintained. TS and LT will aim to improve and maintain the trading environment through:

- Working together with residents and businesses
- Encouraging good management and due diligence for business
- Undertaking risk based and targeted advice visits to traders
- Focusing resources on the most serious issues
- Undertaking targeted enforcement projects

2. Scope

This appendix covers the following enforcement action:

Enforcement based complaints and service requests in relation to all trading standards legislation

3. Legislation

TS are responsible for ensuring that the Council performs their statutory functions under the following legislation (this list is not exhaustive):

- Animal Health Act 1981
- Protection of Children (Tobacco) Act 1986
- The Children and Young Persons (Protection from tobacco) Act 1991
- Clean Air Act 1993
- Consumer Credit Act 1974
- Consumer Protections Act 1974
- Control of Pollutions Act 1974
- Copyright Designs and patents Act 1988
- Copyright etc and trade marks Act 2002
- Criminal Justice and police Act 2001
- Development of tourism Act 1969
- Educations reform act 1988
- Energy Act 1976
- Estate agents Act 1979
- European communities act 1972
- Hallmarking act 1973
- Health and safety at work etc act 1974
- Medicines Act 1968
- Poisons Act 1972
- Prices Act 1974/1975
- Property Misdescriptions Act 1991
- Timeshare Act 1992
- Trade Mark Act 1994
- Video Recordings Act 1984 and 1993
- Weights and Measures Act 1985

and any regulations, orders or other statutory provisions made under or incorporated into the above

LT are responsible for ensuring that the Council performs their statutory functions under the following legislation (this list is not exhaustive):

- Licensing Act 2003
- Gambling Act 2005
- London Local Authorities Act 1991 (street trading)
- Live Music Act 2011

These legislative tools will always be considered and followed where appropriate.

4. Enforcement complaints and service requests

It is not possible to investigate every complaint about businesses without undue impact on our other activities. Even though a complaint may be fully justified, it may not relate to significant risks to health and safety, or significant fraudulent practice. Service requests will be evaluated by TS based upon the information provided and the following in particular will be considered:

- The likely reoccurrence of the complaint
- The history of the trader
- The consequence of the risk
- The likely outcome of an investigation

To ensure that TS resources remain focused on the most serious issues, the case will be investigated if one or more of these criteria are satisfied.

If a complaint that has been selected for investigation is later found to fall outside these criteria, the investigation may be abandoned, with the reasons recorded.

If a complaint is not to be investigated, or the investigation is abandoned, the complainant will be informed promptly. In most cases it should be possible to offer simple advice about what they can do to resolve the problem (for example they can contact the trader themselves). These requests will be recorded on the TS database. This information will be assessed as a whole to prioritise the activities and actions in relation to the fair trading environment in London Borough of Barnet.

5. Other provisions

All other trading standards and licensing legislation within the teams remit will be enforced in accordance with the specific requirements of that legislation and the criteria detailed in the Enforcement Policy. Enforcement action undertaken by Officers will be commensurate with their level of authorisation under the Council's Scheme of Delegation.

APPENDIX E

Planning Enforcement

This appendix must be read in conjunction with the main enforcement policy. Its purpose is to set out the Council's policy where the legislation permits discretion. All decisions on planning enforcement action will be made following consideration of this policy. This document has been drafted mindful of the advice contained in paragraph 207 of the National Planning Policy Framework (March 2012)

1.0 THE PLANNING ENFORCEMENT TEAM AND ITS OBJECTIVES

1.1 The planning enforcement team

The planning enforcement function of the council is carried out by a dedicated team that sits within the Planning & Development Management & Building Control Service.

1.2 Framework

The planning enforcement function operates within the legislative framework set out in the Town and Country Planning Act 1990 (as amended) ("the Act") and all of its subordinate and associated legislation.

In addition to matters pertaining to the Town and Country Planning Act planning enforcement officers may from time to time be called to investigate, or to assist in the investigation of, matters that are the subject of other enforcement regimes, for instance those sanctioned by the Environmental Acts.

1.3 Objective

The primary objective of the planning enforcement team is to investigate alleged breaches of planning control and to take action where it is appropriate and expedient to do so.

In determining the expediency of taking enforcement action, the local planning authority will have regard to the policies of the council's 'Development Plan' and all other material considerations.

1.4 What does the enforcement team investigate?

The enforcement team is responsible for investigations into alleged breaches of planning control. Examples of the type of activities that might be investigated by the planning enforcement team include:

- The carrying out of building works and engineering operations;
- Changing the use of the buildings or land;
- Breaching the conditions on which a planning permission was granted;
- Unauthorised works to a Listed Building that affect its character as a building of special architectural or historic interest;
- Unauthorised total or substantial demolition in a Conservation Area;
- Unauthorised display of advertisements;
- Unauthorised works to protected trees; and

- Allowing the condition of land to deteriorate to such an extent that it is adversely affecting the amenity of an area.

1.5 Criminal liability

The carrying out of development without consent does not generally constitute a criminal offence. However, it is an offence not to comply with the terms of a formal notice issued by the local planning authority or to carry out the following operations without the prior consent of the council: unauthorised works to listed buildings, total or substantial demolition in a conservation area, the unauthorised display of advertisements, and unauthorised works to protected trees.

Not all development requires planning permission. Certain building works and some changes of use may be undertaken without planning permission.

The following are examples of activities which are not breaches of planning control and therefore enforcement action may not be taken under planning legislation.

- Parking of commercial vans on the highway in residential areas;
- Operating a business from a home where the residential use remains the primary use and there is no adverse impact on residential amenity;
- Parking a caravan within the residential boundary of a property (providing that it is ancillary to the house);
- Clearing land of undergrowth, bushes and trees (providing that some form of statutory protection is not in place);
- Undertaking works that are permitted development - specific works that are exempted by legislation from the need to obtain planning permission.

In addition to the above some common concerns are beyond the remit of the enforcement team to investigate. Typical examples of such matters include:

- Private disputes between neighbours;
- Concerns over trespasses and of building on land belonging to another
- Land ownership and boundary disputes;
- Anonymous complaints.

2.0 CONTACTING THE ENFORCEMENT TEAM

Before a planning enforcement investigation can commence it is important that certain basic information be provided. As well as identifying the land to which the complaint relates the complainant must be prepared to provide the council with their name and full contact details including their street address. The local planning authority requests that email addresses and/or telephone numbers be provided but do not consider them to be a pre-requisite to commencing an enforcement investigation or an adequate substitute for a street address. Where no contact details are supplied an investigation will not take place.

2.1 Submitting a complaint or enquiry in writing

A complaint can be submitted in writing by post at 'Planning Enforcement, Building 4, North London Business Park, Oakleigh Road south, London, N11 1NP' or online through the planning section of the council's internet site (<http://planningcases.barnet.gov.uk/planning-enforcement-cases/acolnetcgi.exe>).

2.2 Submitting a complaint by telephone and in person

Requests that a case be opened may be taken over the telephone by Customer Support Group agents on 020 8359 3000 but if you would prefer to discuss the matter with a planning officer prior to formally reporting the matter a duty planner is available by telephone from Monday-Friday 9am-5pm or in person at the 'Barnet House' office between 9am to 1pm on Mondays, Wednesdays and Fridays (except bank public holidays and between Christmas and New Year). Please note that the duty planner is located at Barnet House, 1255 High Road, London, N20 0EJ and not at the North London Business Park address.

Complainants' details are held in strict confidence in accordance with government legislation.

2.3 Proactive Enforcement

Although the routine monitoring of the implementation of all planning approvals will not be undertaken, the local planning authority may choose to manage some enforcement work on a pro-active basis where it is appropriate to do so and where the resources directed to a pro-active investigation are most likely to be commensurate to the issues that may arise. Decisions on the appropriateness of a pro-active approach to enforcement will be taken on a case-by-case basis.

3.0 WHAT WILL HAPPEN TO THE CASE?

Should at least a minimum level of information be provided with a request for service the council will record the information on its database within 5 (working days) days of receipt. An acknowledgement letter or email will be sent to the interested party at this time. This letter will contain the name and contact details of the officer assigned to investigate the matter and a reference number for ease of communication in the future.

3.1 Cases which take priority

The London Borough of Barnet investigates in excess of 1500 enquires regarding alleged breaches a year and therefore the following priorities have been introduced.

1. Alleged damage to a listed building or a tree protected by a Tree Preservation Order (where once the damage occurs it can often be irreversible).
2. Alleged unauthorised works that are taking place at the time of complaint and involve significant public harm.
3. Other alleged breaches will be allocated an appropriate priority according to the nature and impact of the works.

4.0 THE INVESTIGATION

4.1 The planning enforcement process

The investigation into alleged breach of planning control will be undertaken in a manner compatible with government guidance. Every enforcement case is different and there is therefore no set procedural rules. However, the general approach will remain broadly consistent across all investigations.

4.2 Initial site inspection

Once the case has been logged and assigned a priority, the planning enforcement officer assigned to the case may need to visit the premises in order to help establish the exact nature of the alleged breach. Where a visit is necessary, the planning enforcement officer will try to visit the site as soon as is practicable, having regard to the priority of the case.

4.3 Powers of Entry

In many circumstances it will not be prudent or possible to arrange the initial visit ahead of time. As a result the case officer will not normally give advance warning of a site visit. Regrettably it is often the case that access to the land will not be possible at the first attempt, leading to delays in the conduct of the investigation.

Officers conducting planning enforcement investigations enjoy powers of entry onto land connected with the investigation. It is an offence for a person to wilfully obstruct a person acting in exercise of such a right. Although the co-operation of the owner or occupier of the land is always preferred the local planning authority may approach the courts for a warrant to enter the land and/or prosecute for wilful obstruction if such co-operation is not forthcoming.

4.4 Reprioritisation

At all stages of the investigation, the planning enforcement officer will be able to reprioritise the case if circumstances dictate that it appropriate to do so.

5.0 ESTABLISHING A BREACH OF CONTROL

Although it is often possible to establish the extent of a breach of planning control immediately on entry to the land on other occasions identification of a breach may take longer.

5.1 Immunity periods

In most circumstances action may only be taken against a breach of planning control within four or ten years of that breach first occurring (the relevant time period depending on the nature of the breach) Therefore, it may be necessary for the officer to conduct a detailed investigation into the history of the site if the age of development is not immediately apparent.

5.2 Materiality and permitted developments

Certain changes of use and types of operational development may constitute "permitted development" that is to say developments for which a grant of planning permission from the local planning authority is not required. Establishing whether or not a breach of planning control has actually occurred may therefore demand that detailed measurements be taken or that other detailed information be gathered.

Likewise planning permission is often not required for certain changes of use or for running a business from home where the business does not have a 'material' impact on the area.

5.3 Obtaining further information

In order to assist in obtaining the sort of information required to properly investigate allegation information the local planning authority may consider it expedient to consider:

- Inviting the owner/ occupier of the land to submit an application for a Certificate of Lawfulness for an Existing Use or Development (LDC). An LDC constitutes an official confirmation from the local planning authority that a development is lawful for the purposes of the planning acts. An LDC will only be granted if the applicant is able to provide sufficient evidence to show that the use or development is lawful;
- Issuing a Planning Contravention Notice (PCN). Those served with a PCN are required to provide certain information relating to the use or development of their land. This information may be used by the local planning authority to establish whether or not a breach of planning control has occurred and the most appropriate form of action in the event that it has.

6.0 ENFORCEMENT ACTION

If a breach of planning control is established the local planning authority must consider what action, if any, is necessary

6.1 Informal resolution

In all instances where it is appropriate to do so the Local Planning Authority will first attempt to resolve breaches of planning control informally through negotiation with owners and/or occupiers of the land. Only in exceptional circumstances will formal enforcement action be taken without reference first being made to those who appear to have an interest in the land. Furthermore, where the ownership of the land is not immediately apparent the council cannot guarantee that prior warning of enforcement action will be given even if circumstances would otherwise dictate such contact to be desirable.

6.2 Expediency

The planning enforcement team must always act in a manner that is proportionate to the breach of planning control identified and must act in the public interest. Before taking any action the local planning authority must be satisfied that the harm to public interests outweighs any public benefit derived from the development complained of. It would be unreasonable council to issue an enforcement notice solely to remedy the absence of a valid planning permission. If formal action were taken for this reason the council would be at risk of being instructed to pay the costs appellant's costs in pursuing an appeal.

6.3 Public and private interests

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests will often coincide with the public interest. The distinction between private and public interests is often difficult to determine for example the loss in value of a house besides a new development is likely to be a matter of purely private interest but the loss of amenity to neighbouring occupiers resulting from a development is likely to be of public interest.

6.4 Retrospective applications

Where it appears that there is a reasonable prospect that planning permission would be granted for the development, the developer will be encouraged to submit a retrospective planning application. The determination of a retrospective planning application differs from a prospective application only in that the impacts of the development will likely already be known. All planning considerations will be taken into account but the process will not be influenced by the failure to apply in advance or the fact that the development already exists or the use already in operation.

6.5 Formal enforcement action

Where a breach of control is identified and where informal negotiations fail; a retrospective planning application is refused; or where the situation demands urgent attention the local planning authority will consider the expediency of taking formal action. The consideration of enforcement action mirrors closely that undertaken in respect of a planning application.

There are several powers available to the local planning authority and the type of enforcement action taken will depend upon the nature of the breach of planning control. In most circumstances formal action will consist of the service of a formal notice demanding some form of remedial action in a set time period on the owners and occupiers of the land. In determining the most appropriate form of action the council will be mindful of all relevant considerations including matters pertaining to equal opportunities and human rights legislation

6.6 Enforcement Register

All Enforcement Notices, Breach of Conditions Notices, Listed Building Enforcement Notices, Conservation Area Enforcement Notices and Stop Notices are recorded on the Local Land Charges Register and on the London Borough of Barnet Enforcement Register (<http://planningcases.barnet.gov.uk/planning-enforcement-cases/acolnetcgi.exe>). Intended actions or notices awaiting service will not, however, appear.

6.7 Appeals

In the majority of cases those served with a notice are extended the opportunity to appeal against any or all of the terms of the notice. A commonly pursued ground of appeal is that planning permission should be granted for the development in question. Any appeals will be made to the 'Planning Inspectorate' a body belonging to the 'Department for Communities and Local Government', a wing of central government independent of local authorities. Should an appeal be made the notice will be held in abeyance pending the outcome. The appeals process is a lengthy one and may take a significant amount of time to resolve.

6.8 Prosecutions

Where the requirements of an Enforcement Notice, Breach of Condition Notice, or Stop Notice or not met in the requisite time period, an offence will have been committed. In such circumstances the local planning authority may consider it appropriate to pursue the matters through the courts. It may also be deemed appropriate to prosecute for offences relating to advertisement, protected tree, conservation area or listed building controls, and for non-compliance with Planning Contravention Notices

Decision on whether to prosecute will be made in accordance with the *Code for Crown Prosecutors* which requires officers to be satisfied that (i) there is enough evidence to provide a realistic prospect of a conviction and (ii) it is in the public interest to do so. Fuller details of application of the code are to be found at paragraphs 3.5.4 of the main body of this policy document.

6.9 Injunctions

In certain rare circumstances the local planning authority may deem it appropriate to approach the courts with a request that an injunction be issued. Fuller details of the general approach that will be taken by the local planning authority in regards to injunctions is to be found at paragraph 3.5.6 of the main body of this policy document.

6.10 Direct Action

As an alternative or complement to the aforementioned powers where any steps required by an enforcement notice to be taken are not taken within the period for compliance the local planning authority may appoint contractors to enter the land to take the required steps and to recover from the owner of the land any expenses incurred in so doing.

Although the local planning authority is entitled to recover any costs incurred in pursuing direct action prompt recovery may prove difficult or impossible. Direct action is therefore unlikely to be taken if equally expeditious action can be taken with less threat to the public pursue.

7.0 CLOSING A CASE

Before a planning enforcement file is closed the recommendation of the investigating officer that no further action is necessary will be reviewed by a principal officer or the planning enforcement manager. Should the reviewing officer not be satisfied with the recommendation or if insufficient information is recorded to support the recommendation the original officer or a suitable substitute will be asked to re-examine the matter.

7.1 Notifying complainants

On conclusion of an investigation the local planning authority will in normal circumstances inform the complainant of their intention to close the case and provide reasons for so doing. This information will usually be communicated in writing by email or by letter when no email address is given. Where it is not possible to communicate in writing verbal confirmation will be given and a written record of any resulting conversations kept. The complainant will be advised that further discussions as to the reasons for concluding the case may be held. Should the complainant not be satisfied with the outcome of the investigation a request that the case be re-opened may be made to the investigating officer or the principal enforcement officer or planning enforcement manager. The case will be re-opened if it is deemed by any of these officers that it is appropriate to do so. However, no automatic right to a further review should be assumed.

7.2 Notifying land owners/occupiers

The owners and occupiers of land to which a planning enforcement investigation related or those otherwise apparently responsible for any alleged breach of planning control will not routinely be advised as to the outcome of an investigation. Where some form of written confirmation as to the lawfulness of a situation is requested the requesting party will usually be advised to apply for planning permission or a certificate of lawfulness as the situation dictates.

APPENDIX F

Building Control Enforcement Policy

This is to be read in conjunction with the ‘Building Control Services Enforcement Policy’ published by the LABC. Its purpose is to outline the areas of legislation used by the Building Control Team and to set out the Councils policy where the legislation permits discretion.

1. Introduction

The Building Control Team (BC) deals with:

- Investigating complaints from residents about contraventions of the Building Regulations and London Building Acts [Amendment] Act, 1939;
- Providing advice and taking enforcement action where appropriate to bring buildings up to the minimum Building Regulation standards from plan examination /site inspection procedures with new works;
- Investigating requests about the emergency condition of a building/structure from the Public/Police/Fire service.

The Service aims to:

- Protect the safety of residents and visitors in the borough in relation to buildings/structures;
- Ensure new building work meets the minimum standards of the Building Regulations and associated legislation;
- Take the necessary action in respect of any contravention of this legislation.

2. Scope

This appendix covers the following enforcement action:

Enforcement against contraventions of the Building Regulations;
Enforcement of dangerous structures;
Power to charge for enforcement action;
Enforcement of demolitions;
Other Provisions.

3. Legislation

BC is responsible for ensuring that the Council performs their statutory functions under the following legislation:

Building Act 1984;
Building Regulations 2010;
London Building Acts [Amendment] Act, 1939
Associated legislation.

4.1 BC Enforcement Regime

Site visits are conducted in accordance with the Building Regulation policy to determine compliance with Building Regulations and allied legislation.

Contravening work is drawn to the attention of the builder/owner as soon as is practicable and remedial works agreed and recorded on the officer's site inspection records. Re-inspection of works will be carried out as necessary. Any continuing contravention will be processed in accordance with the current enforcement policy/procedure.

The Council have the following options (not necessarily exhaustive) when dealing with building regulation contraventions:

- Inform builder verbally and finally a letter with advice;
- Inform owner /agent with advice letter;
- Serve relevant warning letters;
- Serve relevant legal notice and/or record on Local Land charges register;
- Formal caution;
- Prosecution;
- Injunction.

The Enforcement Guidance states that the action chosen must be *the most appropriate course of action in relation to the hazard in all the circumstances* and sets out the general factors relevant to the enforcement options listed above.

The Council can act in default and prosecute for lack of compliance to these notices. It can also charge for and recover charges for enforcement action.

The Council has **powers to charge for enforcement action**; a] for Dangerous Structures under section 66 of the London Building Acts [Amendment] Act, 1939 and b] for the alteration or removal of offending work under section 36 [3] Building Act 1984. The Council is entitled to make a reasonable charge as a means of recovering certain expenses incurred.

All other BC legislation within the teams remit will be enforced in accordance with the specific requirements of that legislation and the criteria detailed in the Enforcement Policy. Enforcement action undertaken by Officers will be commensurate with their level of authorisation under the Council's Scheme of Delegation.

APPENDIX G

Highways Enforcement

This appendix must be read in conjunction with the main Enforcement Policy. Its purpose is to outline the areas of legislation used by the Highways Network Management team and to set out the Councils policy where the legislation permits discretion. All decisions on Highways enforcement action will be made on the basis of available resources and following consideration of this policy.

1.0 Introduction

The Highway Network Management Team deals with:

- Managing and maintaining the highway network with the use of relevant legislation
- Administration of and consideration of Licence and Permit requests and determining via issuance or refusal of such, including attaching conditions as deemed appropriate;
- Providing advice and taking enforcement and potentially legal action where appropriate to ensure compliance with conditions and legislation;
- Investigating service requests about the condition of the public highway;
- Carrying out routine and adhoc inspections of the highway network;
- Responding to requests from any source identifying any issues related to the highway network.

The service aims to:

- Protect and improve the public highway network to the benefit of residents and visitors to the borough, in particular by ensuring that they have a safe place to live;
- Effectively manage and co-ordinate all activity taking place on the public highway;
- Ensure compliance with relevant legislation and Barnet specific requirements and conditions.

The Council has a legal responsibility 'Duty of Care' to ensure that the highway network is managed and maintained in an appropriate manner

2.0 Scope

This appendix covers the following enforcement action:

Street Works Fixed Penalty Notices (FPN);
Powers to recover costs;
Powers to charge for enforcement action;
Powers to apply appropriate fines;
Powers to ensure compliance with notices/warnings issued in accordance with legislation;
Other Provisions.

3.0 Legislation

The Highways Team is responsible for ensuring that the Council performs their statutory functions under the following legislation:

Highways Act 1980;
 The Road Traffic Regulation Act 1984;
 The Traffic Management Act 2004;
 New Roads and Street Works Act 1991;
 Road Traffic Act 1991;
 The Road Traffic (Special Parking Areas) (England) Order 2003;
 Data Protection Act 1998;
 The Equality Act 2006;
 Town & Country Planning Act 1990;
 Greater London Authority Act 1999;
 The Road Traffic Act 1988;
 Road Traffic Regulation Act 1984;
 The Traffic Signs Regulations and General Directions 2002;
 Disability Discrimination Act 2005;
 London Local Authority Acts (various);
 Health and Safety at Work Act 1974;
 Construction Design and Management Act;
 Rights of Way Act 1990;
 Freedom of Information Act 2000;
 Flood and Water Management Act 2010 and Flood Risk Regulations;

and any regulations, orders or other statutory provisions made under or incorporated into the above

These legislative tools will always be considered and followed where appropriate.

4.0 Enforcement Regime

4.1 Fixed Penalty Notice Scheme

The Permit scheme also includes a Fixed Penalty Notice regime where offending utility companies who work without a valid Permit or in breach of attached permit conditions have the opportunity to discharge any liability and avoid prosecution in a magistrate's court by paying a one off fine.

Since 1st July 2012 Barnet has run a Fixed Penalty Scheme. Under this scheme if any works are identified as not having a permit or working in breach of a permit condition the Street Works Inspector may issue a Fixed Penalty Notice (FPN) to the offending statutory undertaker.

FPN's will be issued to ensure site safety and the timeliness / accuracy of permit data in line with Barnet's Enforcement Policy. FPN's are seen as a vital tool to ensure that the council is doing all it can to exercise its Network Management Duty.

The Permit / NRSWA Team will manage all the day-to-day administration of the FPN process ensuring that correct fines are paid within the required time, evidence is accurate, letters are sent out, and court papers are prepared. The Permit/NRSWA Compliance Officer is the highway authority's first point of contact for any utility queries.

These fines encourage utility companies to provide accurate information, work safely and minimise disruption.

4.2 New Roads and Street Works Act 1991 & Traffic Management Act 2004 Enforcement Policy

4.2.1 Introduction

Under the New Roads and Street Works Act 1991 local highway authorities have a duty to coordinate the works of statutory utility companies.

Under section 16 of the Traffic Management Act 2004 (the Network Management Duty) an authority must manage their road network with a view to achieving two objectives so far as may be reasonably practicable having regard for their other obligations, policies and objectives. These two objectives are:

To secure the expeditious movement of traffic on that network, and

To facilitate the expeditious movement of traffic on road networks for which another authority is the traffic authority.

In order to comply with these obligations it is essential that the London Borough of Barnet, as the highway authority, is fully aware of operations being undertaken on the road network and that information provided is timely and accurate and that those operations are undertaken having due regard to the safety and convenience of all road users.

This document sets out the London Borough of Barnet's policy for enforcing sanctions on the statutory utility companies where infringement of a utility's legal requirements compromises the local authority's ability to coordinate and manage works or works are undertaken in an unsafe or unduly disruptive manner.

4.2.2 Barnet Council's New Roads and Street Works Act 1991 & Traffic Management Act 2004 Enforcement Policy

Barnet wishes to foster a spirit of partnership with all statutory utility companies and recognises that significant time and resources are required to instigate and progress court proceedings, both to utility companies and the Council. However, where utility companies operating within the Borough fail to perform their duties in accordance with the required standards the London Borough of Barnet will issue Fixed Penalty Notices (FPN) or commence prosecutions in order to ensure that all street works operations on the network are managed effectively and undertaken safely. This includes failure to observe the correct notification procedures or providing inaccurate notifications, insufficient or incorrect signing and guarding while the works are in progress and failure to comply with approved codes of practice.

This enforcement policy governs all statutory offences under the New Roads and Street Works Act 1991 as amended by the Traffic Management Act 2004. It covers those offences which the Council will seek to issue proceedings in the Magistrates' court and those offences for which Fixed Penalty Notices can be issued. Barnet Council will use the Fixed Penalty Notice Scheme for those to which the scheme applies. However, in all cases where the penalty remains unpaid at the end of the period for payment, prosecution through the Magistrates Court may be progressed.

Prosecution is generally viewed as the final option when all other efforts to compel the statutory undertaker to comply with the legislation have failed. However prosecution may be considered necessary as the preferred option due to particular circumstances.

Payment of FPNs outside the period for payment will only be allowed with the prior written consent of the London Borough of Barnet. Confirmation that payment of an FPN has been accepted will be provided to the statutory undertakers in writing. Any unauthorised payments will be refunded. A period of delay may be encountered whilst the receipt of the unauthorised payment is confirmed and then approved for refund.

It is intended that a consistent approach is taken to enforcement. However, the circumstances of each offence must be taken into account and a uniform approach will not always be appropriate. Therefore an element of judgement will be used to ensure that those offences that have a detrimental impact on any of the Council's statutory duties under either the New Roads and Street Works Act 1991 or the Traffic Management Act 2004 are dealt with appropriately.

4.3 Statutory Provisions

Statutory provisions for which the London Borough of Barnet as Highway Authority may issue Fixed Penalty Notices or prosecute are contained within the New Roads and Street Works Act 1991 as amended by the Traffic Management Act 2004 together with supporting regulations and orders.

4.4 Enforcement Processes

4.4.1 Noticing Offences

Notices which are not submitted to the Council or are not submitted in the correct format can cause the Council to use unnecessary resources to address the problem; this drain on resources could in turn lead to ineffective coordination work and poor network management. In these circumstances the issuing of a Fixed Penalty Notice will be considered.

Fixed Penalty Notices will be issued in accordance with The Street Works (Fixed Penalty) (England) Regulations 2007. The fixed penalty notice will be issued via EToN direct to the utility company in the first instance. If this is not possible for any reason, e-mail, fax or post will be used.

In all cases evidence will be tested. In cases where FPN's are issued and the penalty remains unpaid at the end of the period for payment, prosecution through the magistrate's court may be progressed.

A statutory utility company may make representations against the issuing of a FPN within the prescribed payment period. This appeal will be heard by a nominated officer of Highway Services, London Borough of Barnet who has had no involvement in the issue of the original notice.

4.4.2 Permit Offences

Where works commence without a permit or permit conditions are broken a Fixed Penalty Notice will be considered.

Fixed Penalty Notices will be issued in accordance with The Traffic Management Permit Scheme (England) Regulations 2007. The fixed penalty notice will be issued via EToN direct to the utility company in the first instance. If this is not possible for any reason, e-mail, fax or post will be used.

In all cases where the penalty remains unpaid at the end of the decriminalised period, prosecution through the magistrate's court may be progressed.

A statutory utility company may make representations against the issuing of a FPN within the prescribed payment period. This appeal will be heard by a nominated officer of Highway Services, London Borough of Barnet who has had no involvement in the issue of the original notice.

4.4.3 Poor Performance of Statutory Utility Companies' Works on Street

Barnet Council Street Works Inspectors will monitor utility works on street.

If statutory utility companies carry out work which is not to the required standard, a Defect Notice will be issued. In conjunction with liaising with the utility company directly, this action will frequently have the desired effect of improving their performance to acceptable standards. However, where there is clear failure to perform their duties in accordance with the Specification for the Reinstatement of Openings in Highways, provide the required standards of signing and guarding whilst the works are in progress or fail to co-operate with the Council, the London Borough of Barnet may invoke a prosecution in order to ensure that all street works operations on the network are managed effectively and undertaken safely.

4.5 Prosecution Processes

The Street Works Inspectors of Network Management have responsibility for gathering the required evidence, which will be reviewed and checked by the Permit/NRSWA Manager.

The decision to issue proceedings will be taken by the Council in accordance with the Enforcement Policy.

5.0 General Powers to charge for enforcement action and to instigate fines [Related to Various Acts]

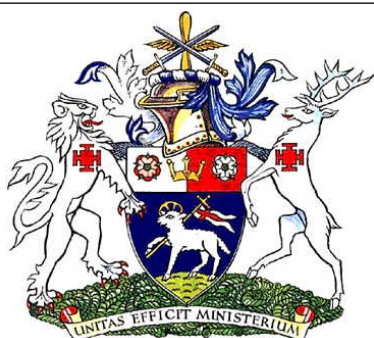
Within many of the above legislation the Council is entitled to make a reasonable charge as a means of recovering certain expenses incurred in taking enforcement action and also to impose fines:

The expenses are in connection with various investigatory activities, inspection of sites, making necessary enquires and subsequent consideration of action and in relevant cases the service of notices. Where charges are made it will be in accordance with the charges set out in the legislation, as amended from time to time.

6.0 Other provisions

All other highways legislation within the teams remit will be enforced in accordance with the specific requirements of that legislation and the criteria detailed in the Enforcement Policy. Enforcement action undertaken by Officers will be commensurate with their level of authorisation under the Council's Scheme of Delegation.

This page is intentionally left blank



Environment Committee

8 March 2016

Title	Draft Street Cleansing Framework 2016 to 2025
Report of	Commissioning Director - Environment
Wards	All
Urgent	No
Key	No
Status	Public
Enclosures	Appendix 1 – Street Cleansing Framework
Officer Contact Details	Kitran Eastman – Strategic Lead – Clean & Green Kitran.eastman@barnet.gov.uk 020 8359 2803 Shaun Morley – Interim Street Scene Director shaun.morley@barnet.gov.uk 020 8359 3896

Summary

The report sets out the development of a Street Cleansing Framework for Barnet. This Framework will help to deliver the Environment Committee's Commissioning Plan 2015/16 to 2019/20. In addition it will provide a structure for the development of the service to meet the expectations of Residents, Businesses, visitors to the Borough and Elected Members.

Recommendations

1. That the Environment Committee approves the adoption of the Street Cleansing Framework 2016 to 2025.
2. That the Environment Committee approves the adoption of the associated Action Plan.

1. WHY THIS REPORT IS NEEDED

- 1.1 To ensure that the street cleansing service is both efficient and effective, officers have looked to revise the approach to street cleansing and transform the way our resources are used. This will enable the service to meet the needs and the future demands with in the Borough, and ensure it meets the expectations of Residents, Businesses, visitors to the Borough and Elected Members.

Current Targets

- 1.2 The current cleansing targets can be seen below:

Description	2013/14 Baseline	2014/15 Results	2015/16 Est	2016/17 Target	2019/20 Target
% unacceptable levels of litter	8%	2.67%	3%	3%	3%
% unacceptable levels of detritus	24.5%	9.17%	9%	10%	10%
% unacceptable graffiti	5%	1.5%	2%	1.50%	1%
% unacceptable fly-posting	2%	1.5%	2%	1.50%	1%
Percentage of residents who are satisfied with street cleaning	56%	53%	53%	58%	62% or London average

- 1.3 In 2014 the Street Scene Delivery Unit redesigned some of the street cleansing methodology to achieve a £500K savings outlined within the Medium Term Financial Plan.
- 1.4 During the September Environment Committee, Members expressed concern that the Key Performance Indicator (KPI) reporting 2.67% unacceptable level of litter and 9.17% unacceptable level of detritus was not reflected in the complaints they were getting from residents or their own perception of the overall cleanliness of the borough.
- 1.5 To ensure that street cleansing monitoring is robust and can be benchmarked across neighbouring authorities, a refresher training programme has been scheduled with Keep Britain Tidy (KBT). As an independent charity Keep Britain Tidy campaigns to improve the environment and fight for people's right to live and work in places of which they can be proud. Established 60 years ago they work at the heart of businesses, government and the community to help people understand that what's good for the environment is also good for all.
- 1.6 On 10th November 2015 as part of the Medium Term Financial Plan (MTFP) Environment Committee approved a reduction of £750,000 in the budget allocated to Street Cleansing Service. The aim will be to deliver a reduction of £150,000 in 2016/17, and further £600,000 in 2017/18.

DEVELOPMENT OF THE STREET CLEANSING FRAMEWORK

- 1.7 The full draft Street Cleansing Framework with associated Action Plan can be seen in Appendix 1

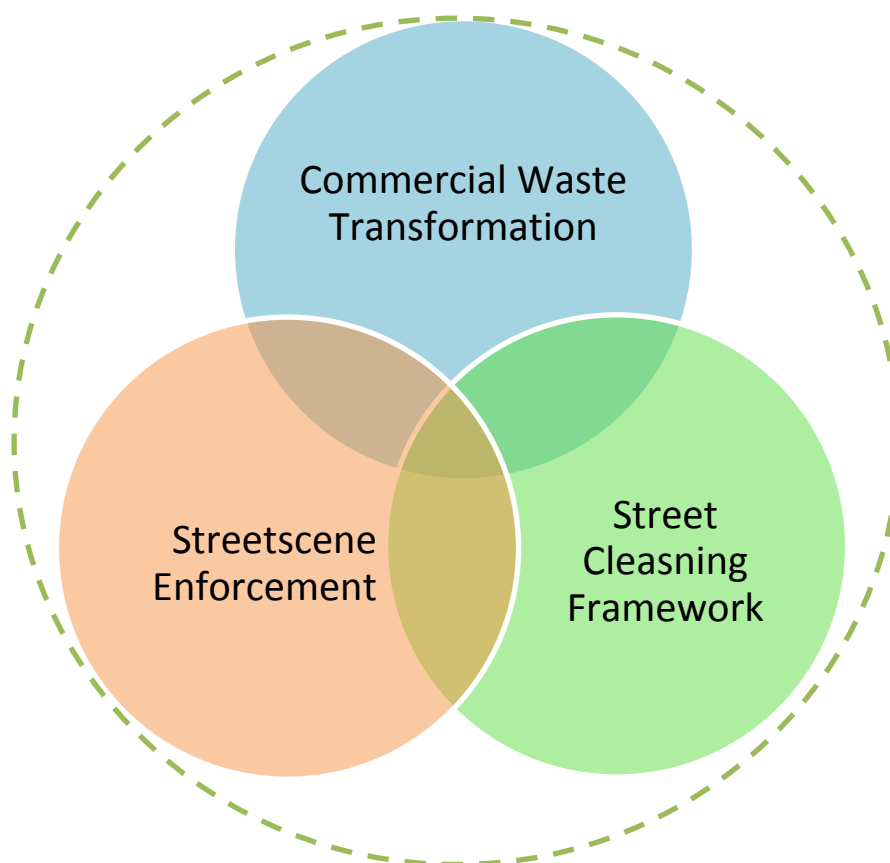
- 1.8 There is an overwhelming recognition that the way streets and other public spaces are cleaned has an impact on every person who lives, works and visits the Borough of Barnet. The quality of the local environment, in particular the standard of street care and the maintenance of green spaces, is one of the main barometers used by the public to judge how well an area is being managed and its suitability as a place in which to live, work or visit.
- 1.9 To successfully improve street cleansing standards while meeting the budget reduction commitments of the MTFP, a complete review of the way we deliver street cleansing services is needed. To achieve this, a draft Street Cleansing Framework has been created.
- 1.10 The development of the Framework looked at performance and financial targets which need to be achieved best practice from around the UK and feedback from local members and business. It also looked to ensure it aligned with current strategies such as Entrepreneurial Barnet, the Draft Municipal Recycling and Waste Strategy, as well as emerging working on Commercial waste and environmental enforcement.
- 1.11 The Framework sets out how the Street Cleansing service intends to develop and deliver an efficient and high quality cleansing service which is responsive to local needs and supports the Corporate Plans. It is designed to:
- **Align activities** by contributing toward achieving a high quality local environment and effectively co-ordinated, ensuring a more joined up approach between the Council and other stakeholders such as the highway authority, local businesses and the public generally.
 - **Drive Performance**, thereby increasing customer satisfaction levels and enhancing the attraction and appeal of the area as a place in which to live, work and visit,
 - **Enhance the reputation of Barnet** as an area with a high quality local environment.
 - **Prioritise solutions that are environmentally responsible and financially sustainable** in the longer term, reflecting increasing concerns about the possible impact of future climate change and uncertainty regarding the continued availability of adequate resources to provide core public services.
 - **Link cleansing, education and enforcement** - It is clear that better integration of engagement, education, enforcement and street cleaning operations will be of fundamental importance in achieving high quality public spaces that are readily accessible and enjoyed by local communities, at an affordable cost.
 - **Increase Mechanisation** – Where options and possibilities for effective mechanisations exist or can be created, these will be used to ensure most effective and efficient practices are in place
 - **Be flexible** to respond to unplanned demand or events
- 1.12 The Framework sets out :
- The need for a comprehensive review of the delivery of all cleansing services
 - The policy and direction for review of the service

- Key drivers for improvements to the service
- Key areas of improvement
- The approach for the delivery of the services in the future

- 1.13 It is believed that the Framework will lead to a high quality environment being achieved in streets and public places throughout the Borough. The associated Action Plan identifies the short, medium and longer term actions that will deliver the Framework, these being prioritised accordingly

Links to other Streetscene Development

- 1.14 The Street Cleansing Framework sits alongside two other major Streetscene projects aimed at improving local environmental quality, while also meeting the objectives of the MTFP. If any of these projects are not implemented then it is likely to have a significant negative impact on the other areas, i.e. not implementing greater streetscene enforcement would mean that greater resources would still be needed to tackle the clearing of flytipped waste rather than reducing the amount of waste flytipped



LEGISLATION

- 1.15 The Council has a statutory duty under the Environmental Protection Act 1990 to keep relevant highways for which it is responsible, clean and clear of litter and refuse. In discharging this duty the council follows the guidelines identified

in the Code of Practice on Litter and Refuse which sets out rectification times where cleanliness has fallen below the acceptable level.

- 1.16 The Council also has a statutory duty to keep land clean for which it has a direct responsibility to maintain (e.g. council car parks and open spaces). The standards of cleansing and rectification times for such areas are similar to these of the relevant public highways in the vicinity.
- 1.17 The Council does not have a responsibility to clean private land, land belonging to educational establishments, canal towpaths or land forming part of the railway network, although it may have powers to require land owners to clear litter and fly-tipping
- 1.18 There is no longer a national indicator for street cleansing performance following the closure of the Audit Commission; however the grading structure and monitoring criteria used to calculate the previous national indicators NI195 continues to be used by the Council to monitor the effectiveness of cleansing operations and to identify trends and fly-tipping hot-spots.

2. REASONS FOR RECOMMENDATIONS

- 2.1 **Recommendation 1** – It is recommended that the Environment Committee approves the adoption of the Street Cleansing Framework 2016 to 2025. This will provide a formal structure on which to build the ADM and improve the overall amenity of the Borough.
- 2.2 **Recommendation 2** - It is recommended that the Environment Committee approves the adoption of the Street Cleansing Framework 2016 to 2025 Action Plan. This will provide a working plan to improve the overall amenity of the Borough, based on the new Street Cleansing Framework.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative approach to achieving the savings commitments would be to continue with a piece-meal reduction in service operations. This approach was rejected as it is anticipated that it would lead to an i) increase in complaints, ii) a reduction in the quality of service and iii) an overall reduction in customer satisfaction which would impact on the reputation of the Council.

4. POST DECISION IMPLEMENTATION

- 4.1 If the Committee is so minded to approve recommendations the new Street Cleansing Framework will form the strategic structure for the development of the future specification for street cleansing. In addition, the Framework's link to the Street Scene Enforcement Policy will ensure residents, business and visitors to the Borough are supportive and compliant with the Council's vision to improve the overall amenity of the Borough

4.2

5. IMPLICATIONS OF DECISION

Corporate Priorities and Performance

- 1.1 The Council's Corporate Plan sets the overall framework for each of the Committee's individual Commissioning Plans. Whether the Plans are covering services for vulnerable residents or about universal services such as the environment and waste, there are a number of core and shared principles. Barnet Council's approach of fairness, responsibility and opportunity is articulated in the Corporate Plan 2020 to set out the Council's strategic priorities.
- 1.2 Barnet Council, working with local, regional and national partners, will strive to make sure that Barnet is the place:
 - Of opportunity, where people can further their quality of life.
 - Where responsibility is shared, fairly.
 - Where people are helped to help themselves, recognizing that prevention is better than cure.
 - Where services are delivered efficiently to get value for money for the taxpayer.
- 1.3 Having regard for the above the cleansing service will to continue to maintain a focus on cost efficiency which can best be achieved by developing an 'intelligence-led' approach to deploying resources to match those periods during the day where footfall and therefore litter are at their peak, and by focusing on encouraging residents and visitors to change their behaviour in relation to littering and street cleanliness.
- 1.4 The Council's priorities include:
 - Maintaining the green and pleasant nature of the borough by reducing the amount of litter and detritus to the lowest level in London.
 - Using encouragement, behaviour change and, where necessary, enforcement to persuade litterers to not drop litter in the Borough, including chewing gum and dog fouling.
 - High quality services maintained whilst reducing unit costs to the lowest amongst Barnet's statistical neighbours.

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

- 1.5 One of the aims of the Street Cleaning Framework is to create a structure which will improve the overall amenity of the Borough. The Medium Term Financial Strategy (MTFS) indicates savings of £750,000 by 2017/18 from changes to street cleaning. The current net budget for 2016/17 is £3.397m.
- 1.6 For procurement and property at this stage there are no implications.
- 1.7 Staffing implications may arise from the restructuring of the service. Appropriate early consultation and engagement will be carried out with staff to ensure a smooth transition to the new service.

- 1.8 The vision for the commercial waste service includes those which are clearly linked to IT, these will be explored further through the actions plan
- 1.9 The Street Cleaning Framework will aid the services becoming more efficient, and improve the sustainability of the borough

Legal and Constitutional References

- 1.10 Local authorities have a number of different statutory powers in relation to street cleaning, recycling and waste collection. The environmental Protection Act 1990 (as amended), the Controlled Waste Regulation 1992 (as amended) the London Local Authorities Acts 2007 (as amended). These acts set out the duty of the Local Authority to ensure that land in its area is kept clear of litter and refuse.
- 1.11 The Council's Constitution (Clause 15A, Responsibility for Functions, Annex A) sets out the terms of reference of the Environment Committee. This includes specific responsibilities for: (1) commissioning refuse and recycling, waste minimisation and street cleaning, and (5) to approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources Committee.
- 1.12 This matter is not reserved to Full Council or to the Policy and Resources Committee as the Constitution specifically allocates matters of this type to the Environment Committee.

Risk Management

- 1.13 The draft Street Cleansing Framework is built upon the assumption that with budget reduction set to continue to the end of the decade and expectations and demand on local services will continue to increase.
- 1.14 There is a risk that not adopting the strategic approach outlined in the Framework document, cleansing operations will continue to diminish in line with reduced budgets, leading to deterioration in the overall amenity of the borough, which will have a detrimental impact on the reputation of the Council. This risk will be reduced further by carrying out regular reviews of the strategy and accompanying Action Plan.

Equalities and Diversity

- 1.15 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.
- 1.16 The draft Street Cleansing Framework has been reviewed against the

protective characteristics groups under the 2010 Equality Act namely age, disability, ethnicity, gender, gender reassignment, marriage and civil partnerships religion and belief, sexual orientation and transgender. No specific impact has been found.

1.17 A number of proposals have been included in the Action Plan (Appendix 1) to this report. As set out in Appendix 1, they result from a combination of education and enforcement activities and the redesign of operational services.

1.18 The Council, through its members, will have to satisfy itself that the requirements of equalities and diversities have been adhered to in formulating the proposals referred to in this report.

2. Consultation and Engagement

6.1 None in connection with this report.

3. BACKGROUND PAPERS

6.2 There are a number of existing Barnet strategies that the Street Cleansing Framework has links with, and there are also a number of strategies in development. This includes; the Barnet Housing Strategy 2015 to 2025 which has links to the street cleansing services that will need to be provided in the future, Entrepreneurial Barnet Strategy which has links with commercial waste, the Community Participation Strategy, the Customer Access Strategy, the draft ICT Strategy, the Health and Well-being Strategy, the draft Parks and Open Spaces Strategy, the draft Enforcement Policy and the Draft Municipal Waste Strategy.

Item	Link
Environment Committee 24th September 2015	https://barnetintranet.moderngov.co.uk/documents/s26020/Annual%20Report%202014-15%20Environment%20Annual%20Performance.pdf
Environment Committee 11th January 2015	https://barnetintranet.moderngov.co.uk/documents/s28512/Draft%20Municipal%20Recycling%20and%20Waste%20Strategy.pdf
Environment Committee 11th January 2015	https://barnetintranet.moderngov.co.uk/documents/s28479/Draft%20Parks%20and%20Open%20Spaces%20Strategy.pdf

Street Cleansing Framework & Action Plan

2016 to 2025

Contents

2. Introduction	3
3. Defining Local Environmental Quality	8
4. Aim of the Street Cleansing Framework	9
5. Our priorities:	10
6. Statutory Duties.....	10
7. Aims of the Service	10
8. About Street Cleaning - Where We Are and What We Do?	11
9. Service Standards	11
10. Current Performance	12
11. Where the Service wants to be and how we will get there?	12
12. Operating Efficiency.....	13
13. Mobile Working	14
14. Cross Functional Working	14
15. Engagement.....	14
16. Education.....	15
17. Enforcement	15
18. Private Work.....	16
19. Service Standards	16
POLICY AND BEST PRACTICE GUIDANCE.....	17
20. policy and best practice reference points	17
21. CONTEXT	18
22. LEGISLATION	19
23. VISION AND KEY DRIVERS	22
24. ENFORCEMENT	24
25. STANDARDS	25
26. RESOURCES	28
27. MONITOR AND REVIEW	28
ACTION PLAN	30

1. INTRODUCTION

The way streets and other public spaces are cleaned has an impact on every household within the London Borough of Barnet, the success of businesses operating in the locality and the attraction for visitors to the area. The quality of the local environment, in particular the standard of street care and the maintenance of green spaces, is one of the main barometers used by the public to judge how well an area is being managed and its suitability as a place in which to live, work or visit.

Research has also shown that there is a strong correlation between the standards of cleanliness in the local environment and the overall satisfaction with local services, the fear of crime and the perception of the Council itself. Barnet Council recognises that maintaining high quality public places is an important issue and a major concern for local residents. Accordingly this is reflected as a key priority in the Council's Corporate Plan.

This framework plan sets out the policy and direction, the key drivers and the overall approach for the delivery of street cleansing services, that will lead to a high quality environment being achieved in streets and public places throughout the Borough. The associated improvement plan will identify the short, medium and longer term actions that will deliver the strategy, these being prioritised accordingly.

London Borough of Barnet Council is a principal litter authority with a statutory duty under the provisions of the Environmental Protection Act 1990 to ensure that relevant land in its area is, so far as is practicable, kept clear of litter and refuse. In broad terms relevant land is defined as all '*open land to which the public are entitled or permitted to have access with or without payment*'. This includes cleaning responsibilities for adopted highways, but not private land.

The 'Code of Practice on Litter and Refuse' published by the Department for Environment Food and Rural Affairs gives guidance to responsible bodies such as Barnet Council on how these duties should be discharged. In determining what standard of cleanliness can be achieved the Council is required to have regard to the character and use of the land, as well as the control measures and cleaning regime that is practical in the circumstances. The Council is expected to set and implement cleaning regimes so that it can meet these standards and provide adequate resources to restore the area to an acceptable level if they fall below that standard.

The street cleansing framework plan is a key factor by which the different activities contributing toward achieving a high quality local environment can be aligned and effectively co-ordinated, ensuring a more joined up approach between the Borough Council, as the principal litter authority, and other responsible bodies such as the highway authority, local businesses and the public generally. It is clear that better integration of engagement, education, enforcement and street cleaning operations will be of fundamental importance in achieving high quality public spaces that are readily accessible and enjoyed by local communities, at an affordable cost.

The plan is expected to drive performance, thereby increasing customer satisfaction levels and enhancing the attraction and appeal of the area as a place in which to live, work and visit, as well as enhancing the reputation of the Council and its partners who contribute in a significant way to achieving a high quality local environment. Priority is given to solutions that are environmentally responsible and financially sustainable in the

longer-term, reflecting increasing concerns about the possible impact of future climate change and uncertainty regarding the continued availability of adequate resources to provide core public services.

In terms of functional activities, street cleansing involves sweeping and other cleaning operations such as pavement washing, litter collection, removal of graffiti and fly-posting, responding to fly-tipping, removal of animal faeces, dead animals and weed removal/control.

To help prevent litter in the first place and discourage antisocial behaviour, various pieces of legislation assist in enabling the local authorities to deal quickly and effectively with those who litter, fly-tip or otherwise deface or damage the local environment.

The most commonly used assessment of the condition of our streets and other public spaces is the standard of '*local environmental quality*' that is experienced in an area, which relates to the general appearance, as well as the management and maintenance standards which are evident.

The three main indicators measuring the performance and effectiveness of street cleansing services are:

- Regular inspections to measure street and environmental cleanliness in terms of the level of litter, detritus, graffiti and fly-posting present [formerly NI195]
- Monitoring the incidence and response to incidents of fly-tipping [formerly NI196]
- The Local Environmental Quality Survey of England

The quality of the local environment, and in particular standards of street cleansing are increasingly becoming the barometer the public uses to judge how well an area is being managed and attractiveness in which to live, work or visit. In order to enable the Council to achieve its objectives the services need to deliver high quality, efficient and sustainable services to ensure the future cleanliness and prosperity of the area. This has to be achieved against an increasing pressure on public finances and a need to reduce the net cost of delivery. Therefore the way that the services are delivered has to be continuously challenged to ensure that efficiencies are achieved where possible without having an adverse impact on standards.

In response to increasing demands and changing expectations this framework plan for street cleansing services in Barnet will set out the direction and priorities for the development and delivery of the future street cleansing services in the Borough, taking into account the policy context, prevailing circumstances, relevant legislation and current government guidance. The improvement plan identifies possible short, medium and longer term actions that will deliver a clean environment to live and work, within the limitations of the resources available.

The framework plan will consider a comprehensive review of the current performance and value for money of street cleansing services in the Borough and takes into account:

- The current situation, circumstances and market conditions.
- The key environmental, political, economic, social and technological influences on local environmental quality.

- The impact and influence of current legislation and policy.
- The standard of local environmental quality that currently exists in the Borough and how this compares to other areas and national benchmarks.
- Current strengths and successful operating practices and the key areas where scope for improvement has been identified and prioritised.
- Public attitudes and behaviour towards local environmental quality.
- The resources, capacity and capability that exist to deliver the service and standards required.

The development of the plan will also be informed by research, bench mark comparisons and best practice advice and guidance available from organisations including:

- Department for Environment Food and Rural Affairs [DEFRA]
- Department for Communities and Local Government
- Keep Britain Tidy [also formerly known as Encams]
- Association for Public Service Excellence, in particular the performance networks for street cleaning services and neighbourhood management Commission for Architecture and the Built Environment [CABE]
- Local Government Association

Research suggests that successfully improving the environmental quality of the street scene is most likely to be achieved by well-designed and effectively implemented cleaning operations and methodologies, supported by targeted enforcement actions, working in conjunction with a programme of public education campaigns, all strategically planned and implemented in an integrated manner.

a) The key drivers that will influence the planning and delivery of street cleansing services are considered to be:

- Residents, visitors and business users will only make full use of their public places if they are well cleaned and maintained, fit for purpose and with a convenient layout
- Given limited resources, it is not sustainable for the Council to continue collecting ever greater quantities of litter and to undertake increasingly intensive cleaning regimes. A more balanced approach is needed to discourage anti-social behaviour and prevent litter at source. Discouraging misuse and 'environmental crime' will ease the cleaning burden significantly

In light of population and household growth, cleaning capability and capacity needs to be more flexible and cleaning regimes adapted to accommodate changing demands. With limited resources available, operational effectiveness needs to be improved in response to higher expectations from residents and in order to meet the obligations set out in the Code of Practice on Litter and Refuse

In the broader environmental context, working practices will need to be more sustainable and less demanding upon increasingly scarce natural resources.

b) The borough cleansing framework plan, therefore, advocates an approach focused on three complementary core components:

- Promoting good quality service, making public spaces attractive, welcoming, ensuring that the 'fabric' of the street is properly maintained and in particular reinstatements after street works are completed in a timely and consistent manner.
- Implementing a clear policy and approach for the protection of the environment with a prominent presence on the street and in other public places for targeted enforcement of litter controls and other environmental regulations, allied to a proactive education programme designed to discourage littering and other anti-social behaviour in the first place
- Operating simple, mobile, effective and reliable cleaning regimes that are sufficiently resourced to achieve the performance standards expected, whilst retaining flexibility to respond to unplanned demands, together with plentiful, appropriately sited and easy to use bins, emptied on a regular basis

The essence of the plan, therefore, will be concerned with 'prevention rather than cure' – finding ways of preventing litter from being dropped in the first place rather than spending more and more time and resources cleaning it up – with local communities effectively engaged, fostering a sense of care and respect for the local environment and pride in the place in which they live and work.

Influencing behaviour change is an important tool in the council reducing the demand for particular services and allowing the council to be able to provide better value for money services. This improvement plan outlines the following on behaviour change;

'Reducing demand, increasing independence – With less money and rising demand, both the council and the borough's residents will need to behave differently. The council will need to focus on enabling residents and businesses to help themselves and each other. This will be achieved through a variety of means:

- *Intervening where needed in a targeted way, with the aim of reducing reliance on public services state.*
- *Investing in preventative services, such as better targeting of early years support to prevent young people from entering social care services.*
- *Enabling residents to take greater personal and civic responsibility, through the development of a new relationship with residents based around greater transparency, engagement and involvement in local services.'*
- *Where appropriate initiating target education and enforcement regimes to litter and fly-tipping hotspots.*

c) In terms of improvement planning, the plan proposes that priority be given to:

- Increasing the effectiveness of cleaning and litter collection in retail and commercial areas [particularly early morning cleansing of Town Centre and Shop front areas].
- Flexible and team work approach to maintain transport hub and other residential areas.
- Increasing the effectiveness of litter collection along main roads and other highways

[particularly landscaped areas].

- Trying to discourage littering in the first place through more proactive education and engagement with local communities and targeted enforcement activities.
- During cleaning operations giving special attention to discarded smokers materials, confectionary packaging and discarded drink bottles and cans.
- Undertaking more targeted routine sweeping to remove detritus, in particular around traffic islands and central reservations and in some housing areas.
- Maintaining routine street washing in high intensity use areas and adjacent to take away food premises.
- Improving the co-ordination and consistency of weed control activities.
- Improving litter control on private land and in relation to takeaway food premises.
- Establishing arrangements with utility companies and private property owners to deal more quickly and effectively with graffiti and defacement.
- Encouraging Transport for London, operating as the highway authority with responsibility for licensing street works, to ensure timely and consistent surface reinstatement after street works.

d) Commissioning Intentions 2015 - 2020:

- Maintenance of a clean and well cared for local environment, and public spaces, that enhance local areas and support economic wellbeing.
- Relevant and targeted enforcement that promotes prevention of forms of anti-social behaviour.
- Build stronger local communities by promoting volunteering and other forms of community engagement.
- Develop an alternative delivery model contributing to £5.9m per annum savings by 2019/20 whilst improving performance and overall quality.

It is essential to deliver the majority of the improvement plan for street cleansing services from reducing resources, subject to resources being mobile, refocused or reallocated into priority areas. However, in order to address the underlying concern about the widening gap between the resources available and increasing demand, the Council's medium to long term financial strategy and budget for the future will allow for targeted investment in street cleansing services, required to fundamentally provide for sustainable cleaning capability and capacity. The Council's Alternative Delivery Model for street cleansing services will critically analyse the current regime with a view to making it more efficient and effective for future demands.

e) The impact of the successful delivery of the borough cleansing framework plan will be:

- Streets and public places are clean and pleasant places to be
- Bins are clean and not overflowing
- Less litter is discarded to collect
- Road channels and traffic islands are clear of 'detritus'
- There is no fly posting, graffiti or dog fouling evident
- There are few signs of anti-social behaviour
- There is more community involvement in keeping places clean and tidy

- Green spaces are well maintained and extensively used
- Positive feedback is received from local people, with high levels of satisfaction
- Increase recycling rates and minimise the tonnage collected

f) In terms of outcomes, effective street cleansing services will make a noticeable difference to the London Borough of Barnet and its local communities by:

- Making Barnet a more attractive place in which to live, work and visit
- Enhancing Barnet's reputation as a clean and green place with a high quality public realm
- Increasing the appreciation, care and respect for the built and natural environment
- Engendering a greater sense of pride of place and community ownership of local issues
- Reducing the incidence of anti-social and nuisance behaviour, 'misuse' of the environment and the fear of crime
- Engendering a commitment for economic growth in town centres

2. DEFINING LOCAL ENVIRONMENTAL QUALITY

The most commonly used assessment of the condition of our streets and other public spaces is the standard of '*local environmental quality*' that is experienced in an area, which relates to the general appearance, as well as the management and maintenance standards which are evident.

This standard has been established as a measure over the past 15 years by the Department for Environment, Food and Rural Affairs [Defra] in association with Keep Britain Tidy, an environmental charity dedicated to achieving 'cleaner greener places' in Britain and the main advocate of anti-litter campaigns in England.

Local environmental quality is generally defined as '*the physical condition of the local environment to which the public has access or which they can see, whether publically or privately owned – relating to the general appearance, as well as the management and maintenance standards which are evident*'.

The components that determine local environmental quality are extremely broad and usually expressed in terms of positive environmental qualities and are often referred to as the '*cleaner, greener, safer*' agenda. This encompasses very tangible elements such as cleanliness, environmental pollution and personal security, together with less tangible concerns, such as visual quality and fear of crime. Many of these qualities are considered to be interdependent.

It is acknowledged that some environmental qualities, such as 'clean and tidy' and 'safe and secure', are regarded as more fundamental than others – for example 'being distinctive' or 'inclusive' – although research identifies that such 'lower order' concerns are not considered un-important, just lower priority. It is evident that the more satisfied communities are with their local environment, the more they focus on, and are critical of, the lower order concerns. Research explicitly links the relationship between the use and enjoyment of the local environment and its physical condition.

Research also suggests that focus should increasingly be given to achieving 'cleaner,

greener, safer *and stronger* places; the ‘stronger’ element reflecting the increasingly widespread view that if a strong sense of community exists then other local environmental factors will naturally improve and individual responsibility will increase, reflecting greater respect for the place and pride in the area.

In terms of functional activities, the care and maintenance of streets and other public places involves sweeping and other cleaning operations such as pavement washing, litter collection, removal of graffiti, fly-posting and abandoned shopping trolleys. It also includes responding to fly-tipping, abandoned and nuisance vehicles, removal of animal faeces, weed control and other grounds maintenance activities, as well as the maintenance and replacement of street furniture, street name plates and similar amenities.

Positive Local Environmental Qualities			
Qualities	Description	Elements Dimensions	
Clean and tidy	<i>Well cared for</i>	Litter, fly tipping, graffiti, dog fouling, needles, chewing gum, rubbish, road excavations, fly posting, abandoned cars, detritus and grime, general maintenance / conditions	Cleaner/Greener
Green	<i>Green and natural</i>	Verges, trees, planting, flowers, grass, greenness, open space, biodiversity, sustainable materials	
Unpolluted	<i>Healthy and comfortable</i>	Air quality, traffic noise, late night noise, noise pollution, recycling facilities, bad smells, water/soil pollution, light pollution, energy efficiency	
Secure	<i>Crime free and low fear of crime</i>	Fear of crime, visible policing, anti-social behaviour, street fights, street crime, intimidating groups, surveillance	Safer
Safe	<i>Protected environment</i>	Traffic speeds, traffic calming, street lighting, parking infringements, pedestrian and child safety, barriers and lights	
Accessible	<i>Easy to get to and move around</i>	Easy to walk around, signage and information, car parking, servicing, public transport facilities, barrier free pavements, traffic congestion, potholes/trip hazards, crossings, cycle provision, disabled access	
Socially inclusive and fulfilling	<i>Welcoming and cohesive</i>	Play facilities, public toilets, benches and shelters, facilities for teenagers, mixed use, sense of belonging, user interaction, community spirit, involvement, free, open and connected	Stronger
Economically vital and viable	<i>Well used and thriving</i>	Diversity of uses, retail variety, availability of key services, levels of occupancy/animation, dereliction, events and activities	
Physically attractive	<i>Visually pleasing</i>	Architectural quality, heritage, building maintenance, public art, coordinated signage/street furniture, amenity lighting, paving design, water features, seasonal / floral decorations	

3. AIM OF THE STREET CLEANSING FRAMEWORK

This framework plan sets out how the Street Cleansing Service intends to develop and deliver an efficient and high quality cleansing service which is responsive to local needs and supports the Corporate Plans.

This plan has been developed following a review of the service that was undertaken in 2014 and the adoption of the recommendations from the report.

4. OUR PRIORITIES:

The Council's priorities for the Street Cleansing Service are:

- *"Maintain the green and pleasant nature of the borough by reducing the amount of litter and detritus to the lowest level in London"*
- *"Use encouragement, behaviour change and, where necessary, enforcement to persuade litterers to not drop litter in the Borough, including chewing gum and dog fouling"*
- *"High quality services maintained whilst reducing unit costs to the lowest amongst Barnet's statistical neighbours"*

5. STATUTORY DUTIES

The Council has a statutory duty under the Environmental Protection Act 1990 to keep relevant highways for which it is responsible, clean and clear of litter and refuse. In discharging this duty the council follows the guidelines identified in the Code of Practice on Litter and Refuse which sets out rectification times where cleanliness has fallen below the acceptable level.

The Council also has a statutory duty to keep land clean for which it has a direct responsibility to maintain (e.g. council car parks and open spaces). The standards of cleansing and rectification times for such areas are similar to those of the relevant public highways in the vicinity.

The Council does not have a responsibility to clean private land, land belonging to educational establishments, canal towpaths or land forming part of the railway network, although it may have powers to require land owners to clear litter and fly-tipping.

6. AIMS OF THE SERVICE

The aims for the Street Cleansing Service are:

- To keep Barnet clean and free from litter, refuse and detritus, either directly or through effective enforcement procedures
- To fulfil our statutory responsibilities in respect of street cleansing, the removal of graffiti, fly tipping and dog fouling
- To maximise efficiencies through best use of assets and technology and coordinated community and partnership working
- To promote the use of and generate income for the service for private works

7. ABOUT STREET CLEANING - WHERE WE ARE AND WHAT WE DO?

The quality of the local environment, and in particular the standards of street cleansing, are a key indicator to the public of how well the area is being managed and its attraction as a place to live, work or visit.

We are committed to providing a high quality and efficient service which is supported by effective enforcement activity and high profile education/awareness campaigns that will ensure the future cleanliness and prosperity of the area.

g) Specific areas of 'core' work undertaken by the street cleansing service are:

- Cleaning the streets by means of mechanical suction sweeping, manual sweeping, litter picking, gum removal, and street washing.
- Supply, emptying and maintenance of street litter bins.
- Syringe and sharps removal.
- Removing incidents of fly tipping (including hazardous waste).
- Removal of graffiti and fly posting.
- Removal of dead animals from publically maintainable land.
- Gritting of car parks and priority footways within Barnet.
- Preliminary enforcement action for dog fouling, littering and fly tipping offences to assist the Community Safety and Enforcement Team.
- Management and monitoring of contracts for Gully Cleansing and Highway Weed
- Spraying of Weed killer
- Promotion of spring clean and litter pick events across Barnet
- Rechargeable works to clear private and domestic premises where clearance notices have been served by the Environmental Health Team.

The Street Cleansing service is carried out in-house by the Council's own workforce and has a net operating cost of around £3.57 million.

Work is predominantly planned in advance and work schedules, based on the area of work and minimum frequency required have been put in place to ensure that we comply with statutory and local requirements.

We also have to react to one off emergencies and therefore need to have the flexibility to respond as required and therefore each area team has a member of staff who is available for 'rapid response'.

The section currently has 98 front line operatives, 4 supervisors and 1 manager. We operate in 4 geographical teams which covers the Borough.

8. SERVICE STANDARDS

For routine cleansing the council schedules cleansing operations in accordance with the government's code of practice on litter and refuse. For non-routine maintenance the following response times are adopted:

1. *Where urgent public health action is required (e.g. removal of syringes) we will respond immediately.*
2. *Where significant public health action is required (e.g. removal of dog fouling) we will respond within 24hrs.*
3. *For all other requests for cleaning and complaints, we will respond within 3 working days.*

9. CURRENT PERFORMANCE

There is no longer a national indicator for street cleansing performance following the closure of the Audit Commission. The grading structure of the monitoring criteria used to calculate the previous national indicators NI195 and NI196 continues to be used by the Council, but the areas inspected have been altered to be more representative of local issues.

Where locations across the Borough have consistently received high levels of complaints or requests for cleansing over a three month period, they are included in the list of top 10 Hot Spots. These areas have an initial inspection based on four criteria; sweeping, litter, dog fouling and fly-tipping and are given a baseline grading. Through increased rural areas cleansing, publicity and regular monitoring the service aims to achieve the Code of practices' High Standard of cleanliness classification (A or B+), for each of the individual Hot spots at the end of a three month improvement programme. The current targets for achieving the A or B+ classification for the categories of Litter, detritus and dog fouling are highlighted in the table below along with recent performance.

Description	2013/14 Baseline	2014/15 Results	2015/16 Target	2019/20 Target
% unacceptable levels of litter	8%	2.67%	3%	3%
% unacceptable levels of detritus	24.5%	9.17%	14%	10%
% unacceptable graffiti	5%	1.5%	5%	TBC
% unacceptable fly-posting	2%	1.5%	2%	TBC

10. WHERE THE SERVICE WANTS TO BE AND HOW WE WILL GET THERE?

"Maintenance of a clean and well cared for local environment, and public spaces, that enhance local areas and support economic wellbeing"

The quality of the local environment, and in particular standards of street cleansing are increasingly becoming the barometer the public use to judge how well an area is being managed and its attractiveness in which to live, work or visit.

In order to enable the Council's to achieve the objective of "Provision of high quality public amenities, clean streets and environmental health" the service needs to deliver a high quality, efficient and sustainable service to ensure the future cleanliness and prosperity of the area.

This has to be achieved against an increasing pressure on public finances and a need to reduce the net cost of delivery. Therefore the way in which the service is delivered has to be continuously challenged to ensure that efficiencies are achieved where possible

without having an adverse impact on standards. This is no easy task but implementation of this strategy should enable this to be achieved.

The Council is seeking to build on the best practice principles to further improve the cleanliness of the area through an improvement programme. The following key areas have been identified for achievable development as part of the strategy.

11. OPERATING EFFICIENCY

h) Work schedules and annual work programme

- Each street/highway will be categorised based on its type, density of use, length and difficulty of cleansing. A more flexible and mobile method of working will be adopted to ensure that they meet the required standards and anticipated needs.
- Town Centres will be prioritised for daily cleansing, depending on frequency of use and footfall, to be undertaken and completed before 08:00 with ongoing provision throughout the day until 20:00.
- Service Level Agreements will be agreed with stakeholders for who we provide services.
- Seasonal work schedules will be introduced to ensure that problem areas are addressed at the appropriate time, i.e. leafing season and weed control.
- Working schedules and monitoring inspections will be documented to ensure that an integrated plan for both planned and reactionary work is produced and held in a single place.

The continuation of the programme to rationalise litter bins with the removal of specific dog waste bins and replace them with dual purpose litter and dog bins will ensure we continue to make the most effective use of the existing teams resources.

The transformation process will consider the fleet renewal programme to continually review the opportunity for bespoke tailoring of the equipment necessary to provide the service across the Borough more efficiently.

Best practice principles of team working will be applied providing support vehicles enabling the manual sweepers to remove collected and bagged litter immediately whilst they are cleaning town centres. This removal of bags from high footfall areas will increase satisfaction levels and prevent rogue bags being left. The inclusion of compact mechanical sweepers has been designed to provide greater efficiency so that the re-allocation of resource to key areas will provide the greatest benefit to the highest number of residents.

The new methods of team working together with selected “early morning town centre cleansing schedules will be designed to work in conjunction with mechanical sweeping – when the task is completed the team will move on to other areas within the locality. These arrangements will be reviewed quarterly to address deficiencies any concerns raised by members.

The need to provide a service seven days a week has traditionally meant that enhanced overtime rates are paid for weekend teams. Single status, retirement or operatives

leaving will provide the service with the opportunity to look at how work is scheduled and various options to be considered that involve shift and weekend work as part of a standard working week for new employees.

12. MOBILE WORKING

The Council will adopt options for mobile working using hand held devices or in cab technology. Street Cleansing will actively look at processes to enable the work instructions and schedules to be issued and completed electronically. This will reduce the time and cost of producing and updating paper based schedules and also enable management to quickly identify slippages or plan any further action required.

It should also enable that where members of the public report an issue, either via the on-line reporting system or to the contact centre, the responsive job card will be raised and issued electronically to the appropriate operative for prompt action to be taken and 'real time' recording when the job has been completed. This will enable feedback to be provided to the customer, improving customer service and creating a "Positive Relationship with communities".

i) It will enable us to:

- Improved, and potentially more accurate, reporting of service standards
- The provision of data for analysis in order to identify issues and continue to improve the service.

13. CROSS FUNCTIONAL WORKING

The planned work programme will be reviewed alongside other 'neighbourhood' based planned work (e.g. grounds or road maintenance) to determine whether any synergies and/or efficiencies can be achieved.

14. ENGAGEMENT

By investigating and developing partnerships with community groups, the Council aims to maximise the efficiencies of tapping into this valuable resource and thereby reducing the cost of the service to the taxpayer.

"Build stronger local communities by promoting volunteering and other forms of community engagement"

Developing further links with other Local Authorities, Police, The Environment Agency, Local Residents, Business and Community Organisations will ensure better co-operation and joined up solutions to problems.

j) In particular the Council wishes to:

- Develop working approach for local residents to conduct works to help improve the cleanliness of their neighbourhood.

- Supply litter picking equipment and support community groups to support those who wish to organise clean ups in their area.
- Work in partnership to mutually benefit the Borough by addressing issues of weed removal, gully cleaning, designing out fly tipping hotspots and snow clearance on town centre pavements
- Closer working arrangements with the Council's Enforcement Team, thorough Neat and Tidy Events and Community Pay Back schemes. Events will be publicised through the local media and on the Council's websites to raise awareness of litter and cleansing issues.
- Liaison with Community Groups to identify any gaps or duplication in service provision and to explore opportunities for cost savings.

Civic amenity site accessibility for the public may well lead to a reduction in fly tipping. Work with Members to identify 'Hot Spots' will be a positive initiative that will enabled officers to provide targeted cleansing and take co-ordinated action to improve the areas.

15. EDUCATION

Through the provision and advertising of an on-line reporting system (possibly via a mobile 'App') the public will be able to report concerns to the council 24/7 so that action can be taken or complaints investigated. The Customer Contact Centre handles all Street Cleansing telephone contacts which has freed up officer time resulting in more time being spent on educational, monitoring and enforcement activities.

k) The Councils will be committed to providing an on-going and appropriately targeted education programme to raise awareness of litter and other waste related issues through:

- Publicising of the aims of the service and how the public can help to improve standards
- Closer working arrangements with other council departments to improve public perception, especially regarding dog fouling where the problem is not recorded as being as bad as the public perceives it to be
- Work done by the Community teams in the form of high profile education/awareness campaigns and the resulting publicity from such events.

We will also raise the profile of the service by having a highly visible, strongly branded cleansing operation. All street sweeping vehicles will be appropriately signed and will advertise the contact details for reporting problems to the Council as well as making enquiries about private work.

16. ENFORCEMENT

The quality of the environment and people's perceptions of the area ultimately costs the taxpayer. These costs can be affected if dog fouling, littering, fly-tipping and other environmental crimes are effectively reduced by education, engagement or enforcement. Developing closer links with the Enforcement officers will maximise the potential to enforce the relevant legislation. Primarily this will act as a deterrent and should not be considered as a generator of income.

The Council's waste enforcement policy and procedure documents, which is embedded within an overarching Council wide enforcement strategy, will ensure that officers have all the tools and powers required to deliver the outcomes of the street cleaning framework plan.

The provision of basic training will allow the Street Cleaning operatives to provide good quality evidence that the dedicated enforcement officers can use to investigate enviro crime, issue fixed penalty notices or prepare prosecutions. The increased enforcement activity and proactive approach will have a positive effect on reducing the amount of rubbish dropped, incidents of fly tipping or graffiti and, in the longer term, good enforcement should reduce the amount of cleansing required as a result of bad behaviour.

17. PRIVATE WORK

A scale of Fees and Charges will be developed for the provision of private work for businesses or individuals on request. This work will have to be balanced with the core planned and responsive work but could generate an income stream if it is managed correctly and a quality service is provided for the price.

18. SERVICE STANDARDS

To monitor the effectiveness of the strategy the following Performance Measures and targets will be used to review performance on a monthly basis:

POLICY AND BEST PRACTICE GUIDANCE

19. POLICY AND BEST PRACTICE REFERENCE POINTS

There are four key policy and best practice reference points for street care services:

1. **'Achieving improvements in street cleansing and related services'** – published by DEFRA in 2013 is concerned mainly with improving the efficiency and effectiveness of street cleansing activities and successfully targeting resources, in particular focussing on:
 - Measuring and monitoring service performance
 - Using quality assurance and accreditation to improve standards
 - Developing effective financial planning and asset management
 - Developing a comprehensive and 'owned' strategy and service delivery plan
 - Ensuring effective leadership and management of street care services
 - Attaining a well-trained and motivated workforce, with efficient and effective working practices
 - Overcoming impediments and barriers to service delivery
 - Ensuring service delivery is 'joined up' and responsive to local need and adapted to changes and seasonal variations
 - Successfully engaging with local communities
 - Discouraging 'environmental crimes' and associated anti-social behaviour through proactive education and targeted enforcement. (www.gov.uk)
2. **'Paving the way: how we achieve clean, safe, attractive street' and 'Paved with gold: the real value of good street design'** – published by the Commission for Architecture and the Built Environment in 2002 and 2007 respectively. The former relates to the overall design of streets and the implications of design on management and maintenance. It focuses on the needs of the people who use public spaces, seeking to address the challenge to coordinate the action and activities of the wide range of institutions and bodies that have influence and control over streets. The latter defines 'what makes a high quality street' and seeks to assess the value and benefit of well-designed and maintained streets and public spaces in economic and asset value terms and from a public benefit perspective. (www.webarchive.nationalarchives.gov.uk)
3. **'This is our home – a manifesto for a cleaner England'** – developed by Keep Britain Tidy and published in March 2010, identifies the key challenges to those engaged in delivering '*cleaner, greener, safer and stronger places*'. These are inspirational and decisive leadership, working together towards a shared vision and clear goals and building personal responsibility. (www.loveparks.org)
4. **'The code of Practice on Litter and Refuse'** – published by DEFRA in 2006, this code is issued by the Secretary of State under section 89 of the Environmental Protection Act 1990 and gives guidance to responsible bodies on how the duties prescribed in the Act should be discharged. (www.gov.uk)

20. CONTEXT

The scope and magnitude of the work involved in caring for the boroughs streets and public spaces is significant and the current economic and social circumstances are particularly challenging. A wide range of political, economic, environmental, social and technological factors will influence and shape future service delivery.

Planned housing development and consequent population growth will significantly increase demand for core universal public services such as recycling and waste collection, street cleansing and grounds maintenance. An aging, perhaps less able population is likely to increase demand for easier or 'facilitated' access to services and public spaces.

The volatile economic climate is likely to continue to have a direct impact on the resources available, but opinion surveys suggest that expectations are unlikely to diminish in respect to maintaining and even improving fundamental 'front-line' services such as street cleansing, waste collection and grounds maintenance.



Funding constraints and the continued demand for cost savings a part of the recovery process from economic recession could have an adverse impact on the capacity to deliver street care services of a reasonable or acceptable quality.

Increased energy and utility costs for fuel, gas, oil electricity and water are predicted, which will compound cost pressures.

Legislation and further changes on government policy may be anticipated

in respect of environmental management, the reduction of carbon emissions and mitigation of the impact of climate change. This is likely to offer both opportunities and constraints. Environmental issues are likely to remain highly topical, with more challenging target being set and increasingly severe consequences, including implication likely to be imposed for not meeting these.

The further development of information and communication technologies and their wider implication to services across the Council is anticipated. This will help streamline back-office functions and processes, improving efficiency and cost effectiveness.

Other technology advances – for example greater sophistication of cleaning equipment and access to route modelling software – will also help improve service planning and operational efficiency.

It has been estimated that over 2.3 million pieces of litter are dropped in England every day and that over 30 million tonnes of litter are collected from streets in England every

year. This trend appears to be increasing disproportionately, allegedly fuelled by factors such as an increased consumption of takeaway food and declining social responsibility.

The costs of street cleaning alone for Barnet is £3.57 million per year which equates to £9,780 per day and excludes costs associated with cleaning and maintain the borough's parks and the disposing of the collected litter.

The increase in littering is of significant concern. Smoking related materials have been identified as the most prevalent item of litter on streets in England (after chewing gum), whilst confectionary wrappers, small bits of paper and pieces of fruit are the most commonly dropped items of litter.

As well as the social problem, litter presents a serious environmental concern. Some types of litter can take a considerable time to degrade and the environmental impact can be significant. Plastic bottles can last indefinitely; aluminium drink cans last between 80 and 100 years. Plastic bags and film can last between 10 and 20 years. Cigarette butts take approximately 12 years to biodegrade and up to 150 years before they are

absorbed back into the environment. Even materials such as orange peel, banana skins and apple cores can last up to two years in the environment.



Roadside litter is also an increasing problem and tends to be particularly prominent, having an adverse impact on perceptions of the area. In addition it presents a real challenge, in terms of the safety of those involved in cleaning and the disproportionately high level of resources required to clean such areas.

In terms of public opinion the appearance of their local area is one of the public's biggest concerns in surveys on attitudes and behaviours towards the quality of their environment carried out by Keep Britain Tidy. Of these environmental concerns, litter and dog fouling were considered the highest priorities to improve (in terms of being most problematic and most important), with graffiti and fly-posting being the lowest priorities.

Research confirms that a strong relationship exists between the appearance of an area and how safe people feel in an area. Surveys indicated that people are generally more satisfied with an area as a place to live if it is clean. However, 42% of people admit to having dropped litter at some point, with 48% unaware that a fixed penalty up to £80 could be issued for dropping litter.

21. LEGISLATION

The main legislation that seeks to regulate local environmental quality and activities associated with the care and maintenance of streets and public places is the

Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005.

Barnet Borough Council is a principle litter authority with a statutory duty under the provisions of the Environmental Protection Act 1990 to ensure that 'relevant land in its area is, so far as is practicable, kept clear of litter and refuse'. In broad terms relevant land is defined as all open land to which the public are entitled or permitted to have access without payment. This includes cleaning responsibilities for adopted highways, but not private land.

Other important provisions and powers in respect of environmental control and enforcement are included also in a wide variety of other legislation and associated regulations, in particular:

- Environmental Protection Act 1990
- Control of Pollution (Amendment) Act 1989
- London Local Authorities Acts 1990, 1994, 2004 and 2007
- Controlled Waste Regulations 1992
- Clean Neighbourhoods and Environment Act 2005
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Anti-Social Behaviour, Crime and Policing Act 2014
- Site Waste Management Plans Regulations 2008
- Highways Act 1980
- Refuse Disposal Amenity Act 1978 and 1987
- Dogs (Fouling of Land) Act 1996
- Town and Country Planning Act 1990
- Public Health Act 1936

In addition the Keep Britain Tidy (KBT) group operate an extensive 'knowledge bank' providing detailed information on relevant legislation, including case law, and giving practical advice on the application of the law in particular circumstances.

Of particular note is the Anti-Social Behaviour, Crime and Policing Act 2014 which came into operational effect from 20th October 2014.

The principle for the new measures is that there will be fewer but streamlined and encompassing tools and powers to respond quickly and effectively to local crime and ASB problems. The change also focuses on the needs and protection of victims, as well as empowers local communities to play a more significant role in tackling ASB.

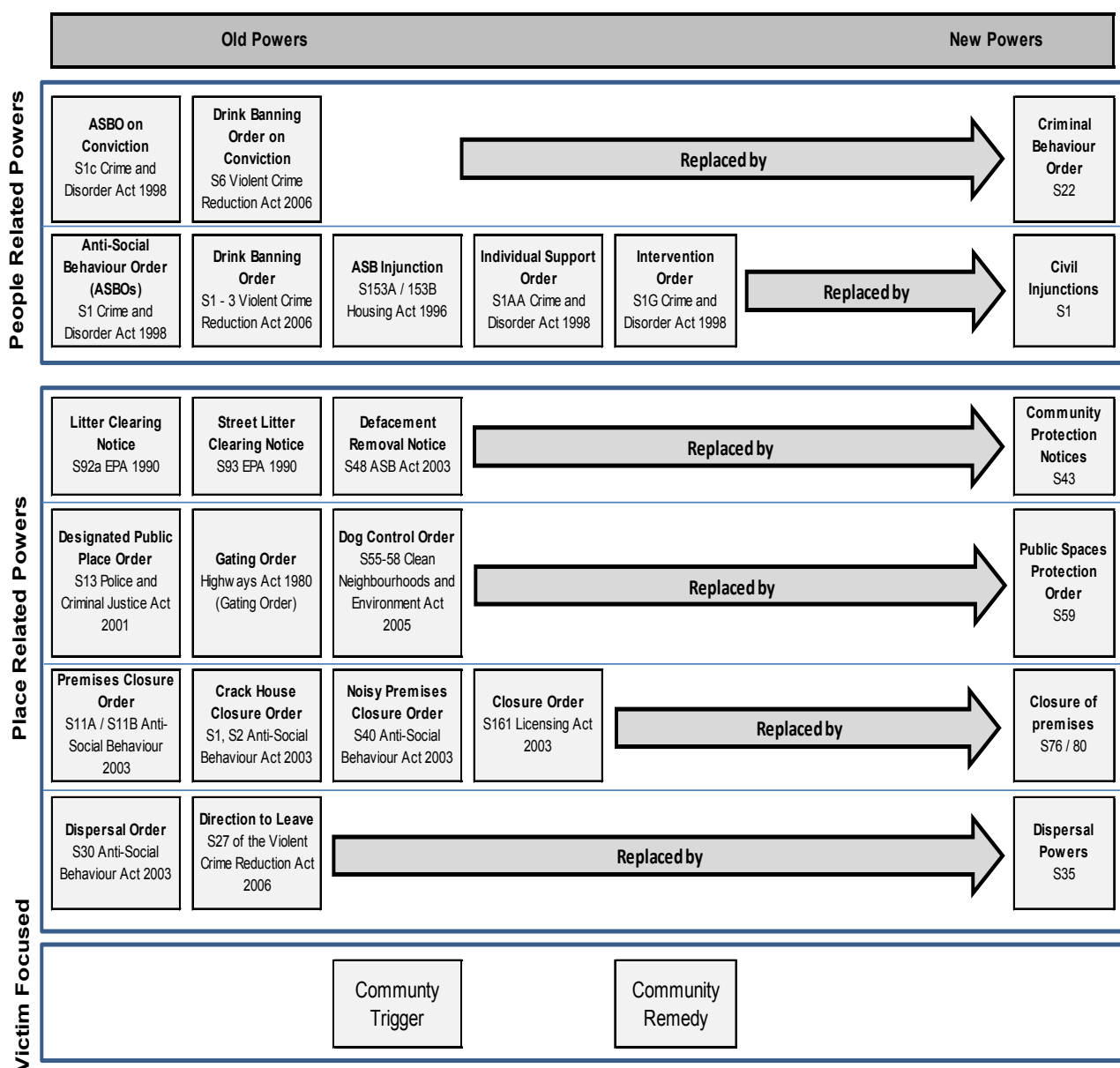
The Act replaces the nineteen powers Local Authorities and relevant partners had at their disposal to deal with crime and ASB with six new ones.

The Act also includes two measures which focus on giving victims a say. Victims of crime have an opportunity to have a say on out of court punishment of perpetrators for low level crimes and anti-social behaviour. They can also request for a case review to take place if it meets the local threshold set and the partners deem the threshold has been met.

The new powers can be used and enforced by a range of key partners within the borough / local authority area this includes various services areas within the local authority, the Police and Registered Social Landlords (RSLs). Full eligibility on who can use which power is highlight within each of the individual 'Power' fact sheets.

The Powers can be broken down into three elements, People related issues, Place related issues and being victim focused.

The table below provides a summary of the Anti-Social Behaviour, Crime and Policing Act 2014 Powers:



22. VISION AND KEY DRIVERS

The Council's Vision for its Street Cleansing Service is:

"To deliver a service that provides a clean environment, efficiently for Barnet. By appropriate cleansing, improve the quality of life for residents and a positive experience for visitors".

"Maintain the green and pleasant nature of the borough by reducing the amount of litter and detritus to the lowest level in London".

"Use encouragement, behaviour change and, where necessary, enforcement to persuade litterers to not drop litter in the Borough, including chewing gum and dog fouling".

“High quality services maintained whilst reducing unit costs to the lowest amongst Barnet’s statistical neighbours”.

A key priority of this vision is to maintain high quality public places throughout the borough; providing a clean, safe and attractive environment and reducing the incidence of anti-social behaviour such as littering and graffiti in our public spaces.

The way streets and other public spaces are cared for has an impact on every household within the Borough of Barnet, the success of businesses operating in the locality and the attraction of visitors to the area. The quality of the local environment, in particular the standards of street care and the maintenance of green spaces, is one of the main barometers used by the public to judge how well the area is being managed and its suitability as a place in which to live, work or visit.

Research has also shown that there is a strong correlation between the standards of cleanliness in the local environment and the overall satisfaction with local services, the fear of crime and the perception of the Council itself. Barnet Borough Council recognises that maintaining high quality public places is an important issue and a major concern for local residents.

Despite the severe financial constraints that currently exist; opinion surveys suggest that the public would not wish to see any reduction in the standards of core universal front-line services such as street cleansing. The expectation, therefore, is that more can be done for less, which may not prove possible, but is certainly a significant challenge in Barnet.

Research commissioned by DEFRA and Keep Britain Tidy suggests that successfully improving the environmental quality of the street scene is most likely to be achieved by well-designed and effectively implemented cleaning operations and methodologies, supported by targeted enforcement action, working in conjunction with a programme of public education campaigns, all strategically planned and implemented in an integrated manner. It is anticipated that the Alternative Delivery Model will achieve this outcome.

The key drivers that will influence the planning and delivery of street care services are considered to be:

- Residents, visitors and business users will only make full use of their public places if they are well designed and maintained, fit for purpose and with a convenient layout.
- Given limited resources, it is not possible for the Council to continue collecting ever greater quantities of litter and to undertake increasingly intensive cleaning regimes. A more balanced approach is needed to discourage anti-social behaviour and prevent litter at source. Discouraging misuse and ‘environmental crime’ it is anticipated will ease the cleaning burden significantly.
- In light of population and household growth, cleaning capability and capacity needs to be increased and cleaning regimes adapted to accommodate changing

demands. With limited resources available, operational effectiveness needs to be improved in response to higher expectations from residents and in order to meet the obligations set out in the Code of Practice on Litter and Refuse.

- In the broader environmental context, working practices will need to be more sustainable and less demanding upon increasingly scarce resources.

The Street Cleansing Framework therefore advocates an approach focussed on three complementary core components:

- (i) Promoting **good quality design and use of material** sympathetic to the surroundings, making public spaces attractive, welcoming, easy to maintain and fit for purpose, ensuring the 'fabric' of the street is properly maintained and in particular reinstatements after street works are completed in a timely and consistent manner.
- (ii) Implementing **clear policy and approach for the protection of the environment** with a prominent presence on the street and in other public places for targeted enforcement of litter controls and other environmental regulations, allied to a proactive education programme designed to discourage littering and other anti-social behaviour in the first place.
- (iii) Operating **simple, effective and reliable cleaning regimes** that are sufficiently resourced to achieve the performance standards expected, whilst retaining flexibility to respond to unplanned demands, together with plentiful, appropriately sited and easy to use bins, emptied on a regular basis.

The essence of this plan therefore is concerned with 'prevention rather than cure' – finding ways of preventing litter from being dropped in the first place rather than spending more and more time and resources cleaning it up – with local communities effectively engaged, fostering a sense of care and respect for the local environment and pride in the place in which they live and work.

This involves changing the behaviours of those who are dropping litter or undertaking other anti-social activities, particularly those persistent offenders. The role of education is vital in this respect, making the public aware that littering and other misuse of the environment is wrong, continually bringing the problem to the attention of local communities and encouraging schools and local businesses to actively play their part in changing attitudes and behaviours.

Where necessary and in a targeted way, it will be crucial to use enforcement powers to reinforce the message that littering and other anti-social behaviour are serious offences and that perpetrators can expect to be caught and penalties applied accordingly.

23. ENFORCEMENT

Enforcement is a fundamental part of improving the local environment and will be used alongside a programme of education. A coordinated approach between the Council and

other regulatory bodies, including the Police will be implemented and will be overseen by the Council's overarching Enforcement Strategy, and the Street Scene enforcement policy and procedures .

24. STANDARDS

Barnet Council is a principle litter authority with a statutory duty under the provisions of the Environmental Protection Act 1990 to ensure that relevant land in its area is, so far as is practicable, kept clear of litter and refuse. Relevant land is defined in detail in the Act, but in broad terms is '*open land to which the public are entitled or permitted to have access with or without payment*'.

The Code of Practice on Litter and Refuse published by DEFRA gives guidance to 'duty bodies' such as Barnet Council on how these obligations should be discharged.

The Code is intended to encourage duty bodies to maintain their land within acceptable cleanliness standards, covering all aspects of littering, including fly-tipping, the build-up of detritus and defacement such as graffiti and fly-posting. The Code, therefore, effectively sets the standards of performance that are expected to be achieved.

The Code of Practice in simple terms identifies three basic components:

1. Different categories (Zones) of land – of high, medium and low intensity use;
2. Four grades of cleanliness i.e. Grade A – no litter and refuse, Grade B – predominantly free of litter and refuse, Grade C – widespread distribution of litter and refuse with some accumulations, Grade D - heavily littered with significant accumulations of litter and refuse.
3. A target response time to restore an area of land to an acceptable standard if it falls below that standard.

l) litter and refuse in both relevant highway and hard surface setting



Grade A

No litter or refuse



Grade B

Predominately free of litter and refuse apart from some small items



Grade C

Widespread distribution of litter and/or refuse with minor accumulations



Grade D

Heavily affected by litter and/or refuse with significant accumulations

m) litter and refuse in a soft surface setting



Grade A

No litter or refuse



Grade B

Predominately free of litter and refuse apart from some small items



Grade C

Widespread distribution of litter and/or refuse with minor accumulations



Grade D

Heavily affected by litter and/or refuse with significant accumulations

In determining what standard should be achieved the Council is required to have regard to the character and use of the land, as well as the control measures and cleaning regime that is practical in the circumstances.

Similar standards are defined for detritus. Detritus includes dust, mud, soil grit, gravel, stones, rotted vegetation, twigs and alike. Separate standards are included for graffiti and fly-posting.



In accordance with Code of Practice the Council is expected to set and implement cleaning regimes and schedules so that it can meet these standards and provide adequate resources to restore the area to an acceptable level when they fall below the standard. The inevitability of areas falling below Grade B standards is recognised in the Code; hence response times are stipulated to restore to a Grade A standard.

The key performance indicators measuring the success and effectiveness of street care services are:

- Regular inspections to measure street and environmental cleanliness in terms of the levels of litter, detritus, graffiti and fly-posting present (formerly NI 195)
- Monitoring the incidence and response to incidents present (formerly NI 196)
- The Local Environmental Quality Survey of England.

The former NI 195 is intended to monitor and evaluate the cleanliness of the local environment as a member of the public would see it. The indicator measures the presence and extent of litter, detritus, and graffiti and fly-posting that is present on relevant land and highways by recording, as a percentage, the number of samples taken that fall below an acceptable level. This indicates the success or otherwise of the cleaning regimes that are in place. The target is to reduce the percentage of samples that are unacceptable on a year-on-year basis. Each category – litter, detritus, graffiti and fly-posting – is reported as a separate indicator.

The former NI 196 measures fly-tipping in terms of the incidents of illegally dumped waste with a view towards ensuring that these are reduced through prevention, detection and enforcement. The indicator calculates the relationship between total incidents and the action taken to resolve them – higher performance is indicated by a year-on-year decrease in the number of incidents and increases in enforcement action.

The survey of local environmental quality gives a broader picture of how ‘clean and tidy’ a place is and provides trends and benchmarks against which standards in one area can be compared with another.

This survey has been undertaken nationally on an annual basis since 2001 (by Keep Britain Tidy commissioned by DEFRA). The survey measures the incidence of litter and

detritus (by type) and aspects such as weed growth, surface staining, the presence of graffiti, fly-posting or other defacement in an area – some 32 environmental qualities in total. These are ranked as good, satisfactory, unsatisfactory or poor against 12 standard land use classifications. The results are usually represented in a matrix table and are then translated into an overall cleansing index to give an overall impression of how clean and tidy a place is. The cleansing index is assessed nationally and regionally, but not locally.

25. RESOURCES

The importance of adequately resourcing street cleaning operations and associated education and enforcement activities is fairly evident. If appropriate cleaning standards are not maintained, this trend is almost immediately reflected in adverse public opinion and detrimental perception of the area.

The resources currently available in Barnet to undertake street cleaning activities in the Barnet area would appear to be adequate to meet the standards of the Code of Practice on Litter and Refuses. However resources available for education and enforcement are limited and will need to be bolstered to meet the aspirations set out in this Street Cleansing Framework document.

Notwithstanding consideration will need to be given to the significant planned increase in population and household growth planned for the Borough in the near future, which will inevitably lead to an increase demand for street cleansing.



The current economic climate of increasingly stringent financial constraints, the prospect of securing significant additional investment that will drive improvements in street scene is a challenge. The focus for more immediate service improvements, therefore, will need to be on working smarter and more effectively, exploiting possible ‘invest to save’ opportunities, expanding measures to try to eliminate litter at source and working more collaboratively to achieve more uniformed standards and address common issues. Identifying the key priorities for improvement, particularly those with low potential cost, but high impact will be crucial.

26. MONITOR AND REVIEW

The ‘manifesto for a cleaner England’ produced by Keep Britain Tidy highlights the importance that people place upon their local environmental quality indicating that *‘We know that people care deeply about the way their local environment looks, and it’s easy to understand why. Local environmental quality affects us all as soon as we step out of our doors – from litter on the streets and graffiti on children’s play equipment, through to having safe access to parks and the freedom to walk and play’*

The appearance of the local environment is considered vitally important to achieving a good quality of life, underpinning society as a whole and shown to have a direct impact

on improving health and well-being, as well as discouraging crime and anti-social behaviour.

This Street Cleansing Framework Document is geared towards improving the quality of the environment in Barnet, by improving litter standards, removing the blight of graffiti and fly-posting, fly-tipping and abandoned vehicles, improving feelings of safety and security and engendering a sense of care and respect for the place in which people choose to live, work and visit. The impact of the successful delivery of the plan will be:

- Streets and public places are clean and pleasant places to be
- Bins are clean and not overflowing
- Less litter is discarded to collect
- Road channels and traffic islands are clear of 'detritus'
- There is no fly-posting, graffiti or dog fouling evident
- There are few signs of anti-social behaviour
- There is more community involvement in keeping places clean and tidy
- Green spaces are well maintained and extensively used
- Positive feedback is received from local people, with high levels of satisfaction.

In terms of outcomes, effective street care services will make a noticeable difference to the Borough of Barnet and its local communities by:

- Making Barnet a more attractive place in which to live, work and visit
- Enhancing Barnet's reputation as a clean and green place with high quality public realm
- Increasing the appreciation, care and respect for the built and natural environment
- Engendering a greater sense of pride of place and community ownership of local issues
- Reducing the incidence of anti-social and nuisance behaviour, 'misuse' of the environment and the fear of crime.

The standards of cleanliness achieved on the streets and public places throughout the Borough will be monitored through regular inspections, providing meaningful trends in order to gauge whether the target for the year-on-year improvement has been successfully achieved. Public perception will continue to be assessed through opinion and satisfaction surveys.

The framework plan sets out key drivers, direction and policies for street care services. It will bring greater focus to the planning and delivery of street care activities, ensuring that design, education, enforcement and cleaning operations are effectively integrated in order to help realise these overall ambitions.

ACTION PLAN

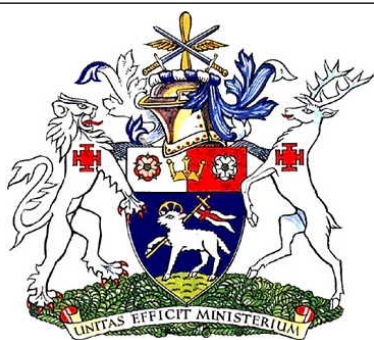
Short Term Objectives					
Target	Output	Action	Outcome	Priority	SMART Objective
Implement overarching Enforcement Strategy with its task specific policies and procedures.	Have a consistent approach to talking enviro-crime and knowledge across all the departments of the Council. Potential increase in FPN's/PCN's.	Embed waste enforcement policies and procedures into overarching waste enforcement strategy.	A reduction in the amount of littering.	A	Adopt and implement Enforcement Strategy. Adopt the powers in the ASB, Crime and Policing Act 2014, with the intention of using the powers to enforce enviro-crime.
Revision of street cleansing regime.	To tackle hot-spot areas and amend sweeping frequency to meet the need of individual areas.	Design and implement an Alternative Delivery Model to meet the needs of the Council.	A cleaner borough with more consistent standards and levels of performance and higher levels of satisfaction.	A	Revised street sweeping methodologies and routes and plan new street sweeping regime (ADM)
Fly-tipping campaign	To make the public aware that this is a serious and expensive offence, thereby reducing the incidence of fly-tipping	Treat all cases of fly-tipping as a crime to raise the profile of the offence and encourage the public to check the waste carrier's licence of any waste carrier.	A reduction in the amount of fly-tips recorded by Barnet Council.	A	Plan and launch a fly-tipping campaign in partnership with the Police, EA, DVLA & ROSPA and other agencies who have an interest in crimes related to illegal activities.
Dog Fouling Campaign	To encourage dog owners to clean up after their dogs and to dispose of the waste correctly	Launch a high profile targeted campaign to park areas and those affected by dog fouling	A reduction in the number of dog fouling offences	A	Work on a cross departmental basis to launch a targeted dog fouling campaign in each of the primary park and open spaces areas in 2016.
Chewing Gum Campaign	To encourage the public to dispose of chewing gum responsibly	Launch a high profile campaign in the retail areas and transport hubs involving outdoor media.	A reduction in the amount of chewing gum related litter	A	Plan and launch targeted, high profile, behaviour changing campaigns by January 2016 – with a programme of planned campaigns throughout the year
Cigarette Litter Campaign	To encourage responsible disposal of cigarette related litter	Launch a high profile campaign in the retail areas and transport hubs involving, outdoor media	A reduction in the amount of cigarette related litter	A	Plan and launch targeted, high profile, behaviour changing campaigns by January 2016 – with a programme of planned campaigns throughout the year

Medium Term Objectives					
Defacement Campaign	To reduce the amount of defacement in public places through graffiti and fly-posting	Launch a high profile campaign in targeted areas affected by defacement	A reduction in the defacement of public spaces and an improved feeling of safety within the community	B	Plan and launch a high profile defacement campaign in partnership with Community Safety the Police and any other interested agency.
Food on the Go campaign	To encourage the public to dispose of 'food on the go' related litter responsibly	Launch two high profile campaigns – daytime & night-time economy. Launches will include high profile outdoor media and other support mechanisms.	A reduction in the amount of fast food litter both during the day and at night.	B	Plan and launch targeted campaigns in each of the primary retail centres over a 12 month period.
Improve partnership working with the Police and other agencies.	To have an improved, more coordinated working relationship with the Police and other agencies. Encourage them to enforce enviro-crime thereby increasing the number of officers enforcing for litter.	Through close working and cooperation with the Police and other agencies., including	Greater care and respected for the environment, more responsible behaviour.	B	Work in partnership with the Police and other agencies to enforce enviro-crime.
Implement 'time band' restrictions for the storage and collection of commercial waste from the highway in the boroughs retail areas.	Reduction in the number of commercial waste containers stored on the public highway. Reduction in the amount of fly-tipped refuse on the highway.	Adopt and implement powers under the London local Authority Acts 2007.	Improved cleanliness of retail areas. Greater awareness from business owner of their Duty of Care towards their waste.	B	Work in partnership with local businesses to adopt 'time band' restrictions and improve the amenity of the retail areas.

Target	Output	Action	Outcome	Priority	SMART Objective
Introduce a Voluntary Code of Practice on 'food on the go' retailers.	To encourage all food outlets to sign up to the Voluntary Code of Practice on 'food on the go'.	Speak to each business to discuss environmental responsibility and to agree an action plan. Encourage coordinated sweeping where there is more than one outlet in an area.	Cleaner streets 100m either-side of the food outlets and correctly contained waste.	B	Introduce the Voluntary Code of Practice on 'food on the go' retailers, by launching an initial seminar and visiting independently. Programme to commence 2016.
Provide guidance to the public on reporting environmental problems and how to determine waste carriers are legitimate.	Provide informative leaflets designed to inform the public how to report enviro-crime and how to check a waste carrier's licence.	Liaise with Customer Services to determine FAQ's and reported problems. Design and distribute an information leaflet.	Better informed customers and a potential reduction in fly-tipping.	B	Compile guidance for the public to educate on enviro-crime and correct reporting.
Robust system of customer complaints/comment handling.	All customer complaints logged and followed up within five working days or sooner where relevant.	Review procedures and back office systems. Training to ensure all staff conform to the policy standards.	Improved levels of customer satisfaction. More reliable service.	B	Seamless CRM system that links customer complaints with operations for early rectification.
Adopt an 'Eyes and Ears' programme.	'Eyes and Ears' programme established for Barnet whereby 'champions' within the community are encouraged to report any incidents of enviro-crime.	Research into 'Eyes and Ears' programmes already used by other local authorities and analyse their effectiveness.	Improved standards of cleanliness and presentation. Reduced anti-social behaviour.	B	Research into the usefulness of an 'Eyes and Ears' programme where 'champions' of the community are encouraged to report any sightings of enviro-crime.

Long Term Objectives					
Set up a Tidy Business Standards scheme to encourage businesses to participate in environmental quality standards.	To encourage businesses to contain their waste correctly, reduce, reuse and recycle where possible.	Send information out to each business and visit as many as possible to encourage them to join the scheme.	Improved community ownership and responsibility – local environmental improvements.	C	Investigate and introduce the tidy business standards scheme to businesses in Barnet with the aim of encouraging them to become aware of correct waste containment and recycling.
Set up at least one community group a year to undertake a Neighbourhood Environmental Action Team (NEAT) project.	To encourage communities to take ownership over their local area and form actions plans to improve their area with support from the Council.	Determine where there are established community groups in Barnet and encourage them to adopt the scheme.	Improved community ownership and responsibility – local environmental improvements.	C	Compile a database of Barnet the community groups and investigate the interest of any groups to become a NEAT, with the intention of signing at least one group to the scheme per year.
Business Pack	Introduce a business pack informing them of all the restrictions affecting them embedded in the ASB, Crime and Policing Act 2014 and LLAA 2007.	Collate all the relevant information businesses should be aware of and distribute in the form of a pack.	Awareness amongst businesses regarding the correct presenting of waste and increased environmental responsibility.	C	Collate information that businesses should be made aware of in relation to waste presentation.
Carry out high profile 'blitz' cleaning initiatives in targeted areas.	Carry out between four & six additional deep cleanses in specific areas (e.g. back alleys)	Devise a work plan, to be included in the review of street cleansing.	A cleaner place to live and work with increased levels of public satisfaction.	C	Carry out an initiative of 'blitz' cleaning within Barnet and analyse its potential to be rolled out as a long-term initiative.
Design guide for street furniture.	Design a guide to ensure all future street furniture is appropriate and fit for purpose and does not cause obstruction to cleansing regimes.	Develop a guide to advice on the selection and location of street furniture so as to avoid causing an obstruction for street cleansing practices.	Matching street furniture and a tidier environment.	C	Street scene to have an active involvement in the development of a Design Guide to ensure street cleansing friendly surfaces and clutter reducing street furniture is adopted.
Review of vehicle fleet.	Reconfigure vehicle fleet ensuring that plant and equipment is fit for purpose, reliable and cost effective.	Research into suitable vehicles for the different services that are cost effective and practical.	Improved standards. Lower unit costs	C	Research into suitable vehicles to be embedded into the ADM project.

This page is intentionally left blank



Environment Committee

8 March 2016

Title	Commercial Waste Transformation
Report of	Commissioning Director - Environment
Wards	All
Urgent	No
Key	Yes
Status	Public
Enclosures	None
Officer Contact Details	Kitran Eastman Kitran.Eastman@barnet.gov.uk (020 8359 2803)

Summary

Officers have assessed the current Commercial Waste service run by the Council and believe that there are opportunities to transform and improve the services which it offers. These services need to help the growing business community, while also introducing recycling for businesses and reducing the amount of waste containers which blight our high-street.

This will lead to a much improved service for our customers and residents. Options such as a pay as you go service, daily collections, evening collections, and smart phone Apps, to support easy payment and to schedule collections, will all be looked at as part of the new service. This links with strategic objectives of Entrepreneurial Barnet, ensuring we are meeting the needs of the businesses in the Borough.

To support this innovative approach, a number of policies that will need to be in place to support the aims of the business. This includes the introduction of time-banded collections on our high streets and compulsory commercial waste recycling. We will link to the Councils enforcement strategy, to ensure all business' are disposing of their waste legally, either through Council Services or a licenced private sector company. This ensures fairness to all businesses and stops the council having to pay to clear flytips.

Recommendations

1. That the Environment Committee approves the vision for the Commercial Waste Service in section 1.6
2. That the Environment Committee approves the introduction of policy 1 in section 1.14 to Maximise Recycling
3. That the Environment Committee approves the introduction of time banded collections and the introduction of policy 2 in section 1.14 related to time banded commercial and household waste and recycling collections, for those residents and businesses which fall in time banded high-street collection Zones. This also includes the option to specify the colours of the container/sacks used by the Council and other waste collectors
4. That the Environment Committee approves the introduction of policy 3 in section 1.14 to prevent bins from cluttering the Streetscene in high-street collection Zones
5. That the Environment Committee approves the introduction of policy 4 from 1 April 2016 in section 1.14 to enable commercial waste manager to be commercially flexible with customer charges and offers

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council is taking steps to address the demands of a developing Borough and the impacts on its built and natural environments through developing a number of strategies, frameworks and policies. These include strategies for parks and open spaces, recycling and waste, enforcement against environmental crime as well as a new cleansing framework. These will ensure that we are well placed to respond to these challenges now, and are prepared to be able to manage the issues in the future.
- 1.2 The current Commercial Waste service has opportunity to transform and improve the services to help the growing business community, while also introducing recycling for businesses and reducing the amount of waste containers which blight our high-street. This links with strategic objectives of Entrepreneurial Barnet, ensuring we are meeting the needs of the businesses in the Borough.

Current Commercial Waste Service

- 1.3 The Council provides an “in-house” commercial waste collection service with the preference of containerised collections. Currently the service only offers the collection of general commercial waste and not commercial recycling or food waste.
- 1.4 Income generated from the service for the financial year of 2014/15 was £2.34million. The service has circa 2,500 customers across the borough, predominantly small to medium size independent businesses requiring a variety of bin sizes and single or multiple lifts per week.

- 1.5 The service has an estimated 30% of the market share in regard to the number of businesses in the borough.

The Vision for Barnet's Commercial Waste Services

- 1.6 Barnet's vision for its commercial waste services is that it should:
- A. **Provide excellent customer service and customer satisfaction**
 - B. **Provide services that help the growing business community to manage its environmental impact; *Linked to the aims of the Municipal Recycling and Waste Strategy 2016-2030***
 - C. **Embrace new technology and ways of working that helps deliver services that respond better to the needs of our business community; *Linked to the aims of the Municipal Recycling and Waste Strategy 2016-2030***
 - D. **Meet the 50% municipal waste recycling target; *Linked to the aims of the Municipal Recycling and Waste Strategy 2016-2030***
 - E. **Be innovative to meet the needs of its customers;**
 - F. **Ensure that its service do not negatively impact the local street scene, and instead create a bin free high-street; *Linked to the aims of the Entrepreneurial Barnet 2015-2020***
 - G. **Expand the sack collection based service where it is more appropriate;**
 - H. **Meet the commitments of the Medium Term Financial Plan;**
- 1.7 This vision links with strategic objectives of Municipal Recycling and Waste Strategy and Entrepreneurial Barnet in particular helping improve customer access and ensure fit for purpose infrastructure.
- 1.8 To ensure a sustainable and transparent financial basis for the commercial waste service, and to achieve the visions of the service set out above, it is recommended that a standalone commercial waste service is created within the Streetscene Delivery Unit, with a clear separation between the household and the commercial services
- 1.9 Separation between the commercial collection and household collection will enable the service to work differently and be more reactive to the needs of our businesses customers. It will also enable better services to be delivered for flats above shop collections, and recycling and waste collections from back alleyways, as part of the household collections.
- 1.10 Collection frequencies will be reviewed to ensure they fit the needs of the customers. Some areas where waste storage is difficult or the business community dictate may need to have daily collections.

- 1.11 The commercial waste service will look at new ways of delivering elements of its services, i.e. the use of Amazon for the ordering and delivery of commercial recycling and waste sacks and “in store” recycling infrastructure.

The Barnet Group

- 1.12 The interim senior management role being taken on by the Barnet Group will support the project to transform the service.

Proposed Commercial Waste Services Policies

- 1.13 To enable the new commercial waste services to; i) increase the service which it offers, meet the commitments in the medium term financial plan (MTFP), and ii) fulfil the obligations of the new Municipal Recycling and Waste Strategy, a number of new policies will be needed
- 1.14 These proposed policies can be seen below:

#	Policy Areas	Description	Rationale
1.	Maximise Recycling	<p>All customers for Barnet Commercial Waste service have to contract for a minimum of collection of non-residual waste by volume of.</p> <p>25% by 2017/18*</p> <p>50% by 2018/19</p> <p><i>*unless a waste audit shows that a specific business does not have enough recyclable waste to meet this level once it is sorted</i></p>	<p>The Municipal Recycling and Waste strategy sets a target of 50% recycling. If our commercial waste service does not ensure businesses recycling then we will not reach this target.</p> <p>Business should be helped to take responsibility for their impact on the environment.</p> <p>The Councils principle of fairness will be met as business will be expected to recycle as residents do.</p>
2.	Time Banded Collections	<p>Once time banded collections are introduced in an area, Barnet's Commercial waste service will only collect recycling and waste from the highway in line with the time bandings for an area. Commercial operators will be prevented from collecting outside of these times</p>	<p>The time banding will reduce containers left out for collection and remove vehicles from busy areas in the rush hour</p>
3.	Bins on Highways	<p>From 1/04/2017 the Council will not provide any bins for businesses, or collect from them unless they can be kept and collected from off the public highway.</p> <p>Enforcement action will be taken against those who place recycling</p>	<p>To keep our street scene uncluttered and welcoming, and ensure business take responsibly for their waste containers</p>

		and waste out at the wrong time. This will be both for Council customers and Commercial operators customers.	
4.	Charges	That the commercial waste manger can authorise discount fees and charges for customers within 20% of the set fees and charges	To ensure new customers are secured and current customers are kept

Time banded Collections

- 1.15 Under Section 20 and 22 of the London Local Authorities Act 2007, the Council has the authority to introduce time banded recycling and waste collections. Many London Boroughs have already done so including Brent, City of London, Enfield, Hackney, Lambeth, Merton, and Westminster
- 1.16 Time banded collections scheme sets time specific slots during the day when sacks and bins of waste and recycling may be put out on the highway for collection. This enables specific slots for commercial waste contractors or the council to collect the recycling and waste, from business and households.
- 1.17 Outside of the time banding all business and residents in an area would be restricted from putting out recycling waste for collection on the public highway and footpaths. If they do the Council will be able to take enforcement action against them, which would result in a fine. As well as improving the street scene to the front of business it will improve back alleyways and areas behind shops. Controlling when and who can put recycling and waste in an area will cut down anti-social behaviour and increase the ability to carry out enforcement. We will ensure all business' are disposing of their waste in a legal manner, either through Council Services or a licenced private sector company. This ensures fairness to all businesses and stops the Council having to pay to clear flytips.
- 1.18 Time banding does not affect businesses and households who have waste collection from within their own property, such as those who use bin stores.
- 1.19 With increasing numbers of people living and visiting our town centres for business and leisure, there has been an increase in waste containers and sacks being presented making the street scene less attractive. This can be unpleasant and also hazardous for pedestrians when left on the public highway. Waste and recycling left for collection can also cause litter and encourage unwanted vermin
- 1.20 The implementation of time banded collections would aim to improve the local environmental quality, and in turn help make our town centres a more attractive place to live, work and visit.
- 1.21 The borough regulations will need to be amended to enable the introduction of time bands under the London Local Authorities Act 2007. These changes can also be used to stipulate the type and colour of the containers/sacks to be used, as well as, the location and the manner in which recycling and waste are presented. For example all waste from businesses could be place for collection at the front of the shops in colour coded sacks. While all waste from flats above

shops could be place for collection at the back of the shops in different colour coded sacks.

Enforcement

- 1.22 Under the Environmental Protection Act 1990, businesses have a “Duty of Care” to ensure that commercial waste is disposed of correctly and with a licenced company or local authority. It has been estimated that up to 30% of the current businesses in Barnet have no official waste collection arrangements.
- 1.23 The transformed commercial waste service will have strong links to an enhanced environmental enforcement approach. Businesses will be checked to ensure they have the correct waste contracts in place. Those who do not will be given a week to ensure they obtain the correct contract. Information on the Council service will be provided, although it will be clear that any licensed waste contractor can be used.
- 1.24 The Council will look to take enforcement action against those who dump waste in back alleyways and areas behind shops. This will apply to businesses residents, and visitors to the borough.
- 1.25 Enforcement against businesses who fly-tip within our borough will be increased, will be publicity on any warning and convictions obtained.

Actions Needed

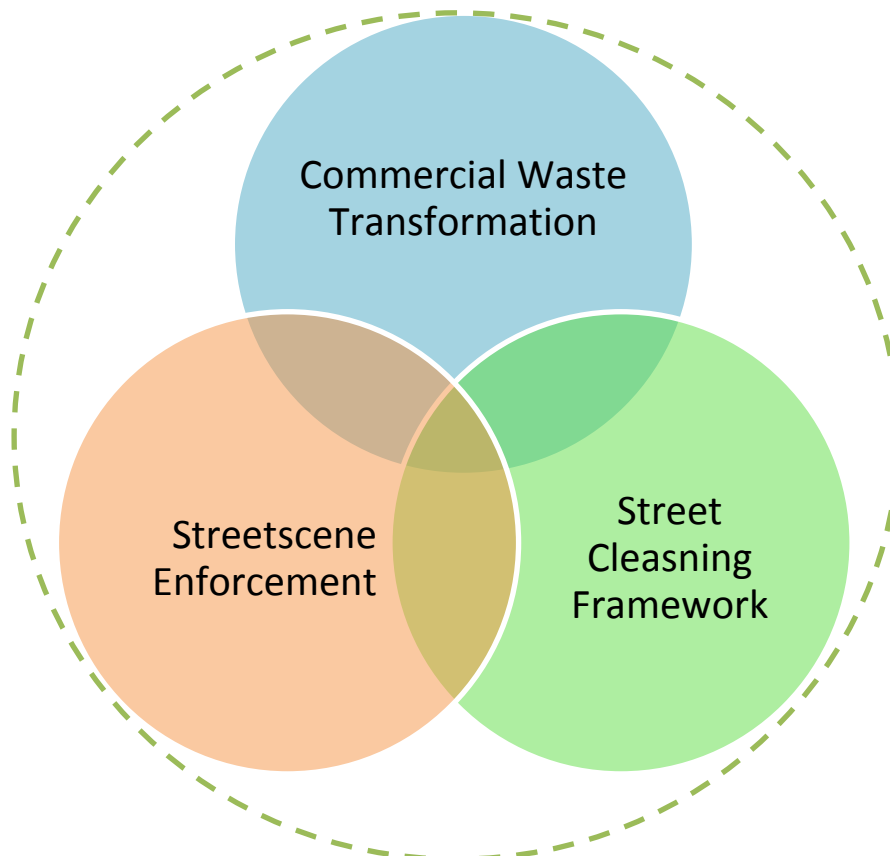
- 1.26 The table below highlights the key priority actions, milestone and resources which will be needed over the next 12 months.

#	Priority Actions Areas	Description	Milestone	Resources
1.	Revise service and collection offerings	Establish which services will be offered, the charges and how and where the waste and recycling will be taken. Including the expansion of a sack based service	1/9/2016	<ul style="list-style-type: none"> • Operations (DU) • Finance • Business Support
2.	Revise commercial waste service delivery model	Establish how the stand alone service will be structured and operate, making changes were needed in consultation with staff and unions	1/9/2016	<ul style="list-style-type: none"> • Operations (DU) • HR
3.	Establish time banded collection areas	Review collection areas, especially those in town centres to see which would benefit	1/9/2016	<ul style="list-style-type: none"> • Legal • Operations (DU) • Communications

		from restricted collection times and a reduction in containers on the highway		
4.	Business rebranding and expansion	Launch of the “new” service and what it can offer as a clear message to businesses in Barnet, on the good value services the council can provide	4/4/2017	<ul style="list-style-type: none"> • Communications • Advice from Entrepreneurial Barnet • Business Support
5.	Introduction on new technology for customers and service delivery	Explore and review areas where technology will lead to efficiency or a better customer experience	4/4/2017	<ul style="list-style-type: none"> • Operations (DU) • IT • Business Support

Links to other Streetscene Development

- 1.27 The Commercial Waste Transformation project sits alongside two other major Streetscene projects aimed at improving local environmental quality, while also meeting the objectives of the MTFP. If any of these projects are not implemented then it is likely to have a significant negative impact on the other areas, i.e. not implementing greater Streetscene enforcement would mean that greater resources would still be needed to tackle the clearing of fly tipped waste rather than reducing the amount of waste flytipped



2. REASONS FOR RECOMMENDATIONS

- 2.1 **Recommendation 1** - It is recommended that Environment Committee approves the vision of the commercial waste service. This will enable the service to have a clear focus on what it needs to accomplish while also achieving the commitments to the medium term financial plan.
- 2.2 **Recommendation 2** - It is recommended that Environment Committee approves the policy 1 in section 1.14 to Maximise Recycling. This will enable the new service to ensure that its customers are encouraged to recycling and reduce their impact on the environment. It will also aid the Council reaching its 50% recycling target.
- 2.3 **Recommendation 3 and 4** - It is recommended that Environment Committee approves the policy 2 and 3 in section 1.14. This will promote an improved Streetscene, preventing waste and recycling being on the street for prolonged periods of time.
- 2.4 **Recommendation 5** - It is recommended that Environment Committee approves the policy 4 in section 1.14. This will enable the Commercial Waste service to ensure new customers are secured and current customers are kept

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The council could continue to operate the service with no changes. This is not recommended as the commitments in the medium term financial plan would not be met. It would also prove difficult to meet the 50% municipal waste and recycling target.
- 3.2 The council has the option of scaling back its commercial waste service and only offering to businesses who insist the council must pick up their waste. This is not recommended as the commitments in the medium term financial plan would not be met.
- 3.3 The council could look at providing a service in partnership with a neighbouring authority. This is not recommended at this time as significant changes are need in 2016/17. It would, however, be prudent to continue to explore where partnership working maybe possible in the future.

4. POST DECISION IMPLEMENTATION

- 4.1 If the Committee is so minded to approve recommendations, current Commercial Waste model will be reviewed and revised. The key priority actions, milestone and resources will be followed as set out in 1.26

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:
- Of opportunity, where people can further their quality of life
 - Where people are helped to help themselves, recognising that prevention is better than cure
 - Where responsibility is shared, fairly
 - Where services are delivered efficiently to get value for money for the taxpayer
- 5.1.2 The Corporate Plan 2015-2020 includes the following aims:
- We will be a Leader in London for recycling
 - Over 50% of waste collected will be reused, recycled or composted in 2020
- 5.1.3 Changes to the commercial waste service could also help in facilitating removing any barriers or unnecessary costs of growth for successful local businesses
- 5.1.4 At this stage in the development the changes to the commercial waste service there are no implications relating to the Health and Wellbeing Strategy and its stated priorities, or the future health and wellbeing needs of the local population as identified in Barnet's Joint Strategic Needs Assessment.

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

- 5.2.1 The aim of the commercial waste commissioning plan is to reduce the council's net expenditure on recycling and waste services by looking at how Medium Term Financial Strategy (MTFS) savings can be achieved and how additional income can be brought into the service. The 2014/15 net budget for commercial waste service was £2.34 million. The aim will be to deliver an increase in net income of £200,000 in 2017/18, and further £300,000 in 2018/19 and then a further £300,000 in 2019/20.
- 5.2.2 For procurement and property at this stage there are no implications.
- 5.2.3 Staffing implications may arise from the restructuring of the service. Appropriate early consultation and engagement will be carried out with staff to ensure a smooth transition to the new service.
- 5.2.4 The vision for the commercial waste service includes those which are clearly linked to IT, these will be explored further through the actions plan
- 5.2.5 The vision for the commercial waste service includes those which are clearly linked to sustainability, including
- Provide services that help growing business community to manage its environmental impact
 - The service will encourage recycling aiming to achieve a 50% recycling rate.

5.3 Legal and Constitutional References

- 5.3.1 Local authorities have a number of different statutory powers in relation to recycling and waste collection, including collections from commercial premises. The environmental Protection Act 1990 (as amended), the Controlled Waste Regulation 1992 (as amended) the London Local Authorities Acts 2007 (as amended). These acts set out the duty to collect waste, the ability to charge for waste and recycling and the ability to introduce time banded collections.
- 5.3.2 The Council's Constitution (Clause 15A, Responsibility for Functions, Annex A) sets out the terms of reference of the Environment Committee. This includes
- commissioning refuse and recycling, waste minimisation and street cleaning,
 - approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources Committee.
 - approve fees and charges for those areas under the remit of the Committee
- 5.3.3 This matter is not reserved to Full Council or to the Policy and Resources Committee as the Constitution specifically allocates matters of this type to the Environment Committee.

5.4 Risk Management

- 5.4.1 The management of risk is done on a continual basis and reported as part of the Council Quarterly Performance regime and considered as part of the Performance and Contract Management Committee quarterly monitoring report.
- 5.4.2 Risks are managed through the project boards and reviewed and revised at its meeting. The current key risk areas are regarding:

Description	Likelihood	Impact	Risk Level	Mitigation	Likelihood	Impact	Risk Level
If business do not want to recycle their waste then recycling rates will not be achieved and/or customers will be lost	2	3	6	Ensure that the packages offered to business make recycling a good economic option	2	2	4
If new customers are not attracted by the new services then the financial commitments of the MTFP will not be met	3	3	9	Good promotion of new service and its benefits, as well as ensuring that it offers high customer service	2	3	6

Description	Likelihood	Impact	Risk Level	Mitigation	Likelihood	Impact	Risk Level
				and good value			
If staff are opposed to changes to the service then the change process will become more complex and the project may be delayed	3	2	6	Appropriate early consultation and engagement will be carried out with staff and unions to ensure a smooth transition to the new service	2	2	4

5.5 Equalities and Diversity

- 5.5.1 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.
- 5.5.2 The outline business Case for commercial Waste has been reviewed against the protective characteristics groups under the 2010 Equality Act namely age, disability, ethnicity, gender, gender reassignment, marriage and civil partnerships religion and belief, sexual orientation and transgender. No specific impact has been found. It has been noted, however, the promotion of the service within different ethnic business communities could have a positive impact on the service.

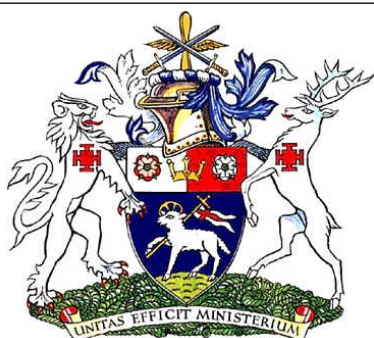
5.6 Consultation and Engagement

- 5.6.1 As part of the Recycling and Waste Strategy consultation which is live between 18 January 2016 and 13 March 2016, views were sought on whether businesses in Barnet should be offered recycling services and be expected to recycle. Feedback on the initial analysis will be available during the committee meeting.
- 5.6.2 Engagement will be carried out with local businesses providing them with opportunities to express their views on what services they would like.

6. BACKGROUND PAPERS

- 6.1 [Draft Municipal Recycling and Waste Strategy 2016-2030](#)
- 6.2 [Entrepreneurial Barnet 2015-2020](#)

This page is intentionally left blank



Environment Committee

8th March 2016

Title	Air Quality Action Plan
Report of	Commissioning Director for Environment
Wards	All Wards
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1 – Recommended actions to improve air quality in Barnet Appendix 2 -Mayor's Air Quality Fund 2013-16 Appendix 3 –Chartered Institute of Environmental Health Position Statement
Officer Contact Details	Ralph.Haynes@barnet.gov.uk 020 8359 7448 Lucy.Robson@barnet.gov.uk 020 8359 7406

Summary

In 2001 the Council designated the borough of Barnet as an Air Quality Management Area (AQMA) and in 2002 produced a strategy to improve air quality in Barnet. This strategy was superseded by the requirement for a statutory Action Plan to reduce air pollutants such as Nitrogen Dioxide and Fine Particles (PM10). This Action Plan is updated annually and update reports must be submitted to DEFRA in a prescribed format.

The purpose of this report is to seek Members' views on measures to improve air quality in Barnet that will be included in the draft updated Action Plan due to be submitted to DEFRA and the GLA.

Recommendations

- | |
|--|
| <p>1. That the Environment Committee note the proposed measures to improve air quality to be included in the updated Air Quality Action Plan.</p> |
| <p>2. That the Environment Committee proposes which measures outlined in Appendix 1 of this report it would wish to be included in a new Strategy to improve air quality in Barnet.</p> |
| <p>3. That authority be delegated to the Commissioning Director for Environment to submit the finalised Air Quality Action Plan to DEFRA in April 2016.</p> |

1. WHY THIS REPORT IS NEEDED

- 1.1 In 2001 the Council designated the borough of Barnet as an Air Quality Management Area (AQMA) and in 2002 produced a strategy to improve air quality in Barnet. This strategy was superseded by the requirement for a statutory Action Plan to reduce air pollutants such as Nitrogen Dioxide and Fine Particles (PM10). This Action Plan is updated annually and update reports must be submitted to DEFRA in a prescribed format. These are also published on the council website. The pollutants are mainly caused by high levels of motor vehicle use on the busy roads of the borough.
- 1.2 Each year DEFRA and the GLA approve the Action Plan as part of the Statutory Review and Assessment of the authorities' management of air quality. In 2015 there were qualifying comments received regarding the need to update the content of the Barnet Plan. The comments were that the plan was 12 years old, and needs refreshing to highlight the most recent work being done in Barnet. DEFRA are due to issue a new template for the Action Plan which will be used to address those comments once issued.
- 1.3 The Action Plan requires updating to include the recent work being undertaken through the Mayor's Air Quality Fund by the authorities' dedicated Air Quality Champion. This includes projects in North Finchley, promotion of sustainable transport, cycle and electric vehicle hire, walking and greening of polluted areas.
- 1.4 The revised Action Plan will also describe how the Environmental/ Parking Permit Policy will be designed to encourage residents to use less polluting cars and so reduce emissions of Carbon Dioxide, Nitrogen Dioxide and Fine Particles which currently affect local air quality due to exceedances of targets. Improvements in the Council Fleet and planned highways measures to promote sustainable transport will also be included.
- 1.5 The Plan will be finalised after receiving comments from the Committee meeting. This will be before the end of April when DEFRA and the GLA are due to release a new standardised template for action plan reports. The plan also requires a full year's worth of air quality monitoring data, which does not usually get checked and verified until the end of March.

- 1.6 The DEFRA/GLA timetable requires the Council to report its 2015 air quality results and update the statutory Action Plan by the end of April 2016.
- 1.7 Member's views are sought on what actions they would like to see incorporated in the new Action Plan. A finalised Plan will then be brought back to Environment Committee later in the year to incorporate a new Strategy and Policy on Air Quality linking with the new Transport and Highways strategies. This will include proposals for the Council's fleet and measures to reduce congestion and promote sustainable transport.
- 1.8 Please see appendix one for the list of recommended new and existing measures to include in the updated air quality action plan. Appendix two outlines the key measures taken to improve air quality as funded by the Mayor's Air Quality Fund 2013-2016. Appendix three is the Chartered Institute of Environmental Health policy statement on Air quality and provides the legislative context for the work needed to improve air quality.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The measures proposed for the updated Action Plan will help to improve air quality in Barnet, reduce congestion and encourage sustainable transport and reduce the likelihood of EU fines being handed down due to exceedances of poor air quality.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Air Quality Action Plan is a statutory report and therefore must be submitted to DEFRA/GLA in accordance with their timetable. To not submit a plan is therefore not recommended.

4. POST DECISION IMPLEMENTATION

- 4.1 Once DEFRA/GLA have issued the final template to be used to report 2015 air quality results and the revised action plan, this will be completed and submitted in accordance with their timetable in April 2016. The report and action plan will also be publicised on Barnet website

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Air quality is relevant to The Barnet Corporate Plan 2015-20 objectives:
"The council, working with local, regional and national partners, will strive to ensure that Barnet is a place of opportunity, where people can further their quality of life..."

"Where people are helped to help themselves, recognising that prevention is better than cure" which is relevant to promoting sustainable transport and physical activity rather than over reliance on the car.

5.1.2 To deliver the action plan will reflect our Strategic Equalities Objective (SEO), which is:

“That citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.”

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

Wellbeing in the Community: Improving air quality is creating circumstances that enable people to have greater life opportunities. How we live is encouraging healthier lifestyles”. The air quality action plan encourages sustainable transport such as walking and cycling that help the objective to focus on reducing obesity and preventing long term conditions through promoting physical activity

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

5.2.1 Re (Regional Enterprise) applied for £400K of funding from round two of the Mayor’s Air Quality Fund (2016-2019). The GLA granted £55K for a freight consolidation project (which is due to be claimed by the council), and £180K between Barnet, Enfield, Haringey and Waltham Forest to fund a Construction Site Emissions Enforcement Officer. Any costs for the officer are submitted to LB Enfield who holds the funding on behalf of the boroughs. Unfortunately no further funding was given. Re also applied for £60K of Defra’s grant scheme to improve air quality but none was given.

5.2.2 For the 2013-2016 first round of Mayor’s Air Quality Fund, £270K was awarded from the GLA, and this was matched by £95K of LIP funding through Highways, and £30K from Barnet and Harrow Public Health. All of expenditure for these areas will be claimed by the council and fully funded in 2015/16. The new LIP budget for 2016/17 does not currently include funding for air quality; however there is scope to influence as it is not finalised.

5.2.3 The Environmental Permitting of residential parking (proposed new action number 2) is self-financing from car owners and is described in more detail in the Barnet Parking Policy dated November 2015. All costs and income associated with this are contained within the Special parking account (SPA).

5.2.4 Depending on the agreed actions, the costs will be already covered by the existing Re contract (paid by the council), would be borne by another external agency (and be subject to agreed funding), or requires Council funding in order to implement.

Of the recommended new actions, the cost for 1, 6, and 7 would be borne by TfL and the Highways Agency. Action 2 is self-financing within the council’s SPA. Actions 3 and 10 have grant funding from the GLA, but action 3 would require Barnet Council procurement officer time. Actions 4, 5 and 8 would require the Highways department to bid for TfL funding through the LIP.

Action 9 would require Council funding from a source to be determined and the cost would vary according to scale. Re could apply for future grants for this action.

All of the existing measures to improve air quality listed in appendix 1 are covered by the existing Re contract and would incur no further costs to the council.

5.3 Social Value

5.3.1 The improvements in air quality promoted by the Air Quality Action Plan will have wide social and environmental benefits for all residents and workers especially those close to busy roads.

5.4 Legal and Constitutional References

5.4.1 S.82-84 Environment Act 1995 requires the issue of an Air Quality Action Plan once an Air Quality Management Area has been designated.

5.4.2 The delegated powers for this legislation fall within the remit of the Commissioning Director for Environment in line with the Scheme of delegation for Officers and are delivered through Re, Environmental Health Team.

5.4.3 In 2014, the European Court of Justice ruled that the Supreme Court had authority to ensure that the UK Government complied with EU air quality limit values in respect of NO₂ in certain geographical zones. Subsequently, DEFRA was ordered to bring forward new, compliant air quality plans for those zones by the end of 2015 which it did, following a series of related consultations from the department including drafts of those plans.

5.4.4 The Council's Constitution comprising the current Scheme of Delegation states in Annex A to Part 15 Responsibility for Functions, that the Environment Committee has responsibility to approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources. The Scheme of Delegation also states that If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. The majority of the recommended new and existing actions set out in Appendix one consist of actions involving transport and traffic management and parking provision and enforcement, which are areas for which the Environment Committee has specific responsibility for commissioning and therefore it is the appropriate committee to discuss and determine this report.

5.5 Risk Management

5.5.1 The risks of not providing an adequate Air Quality Action Plan to help reduce exceedances of poor air quality in the L.B. Barnet are the potential impacts on the health of residents that are regularly exposed to poor air quality from highly trafficked roads.

5.5.2 EU legislation specifies that Member states can be fined for poor air quality. The national government, through DEFRA and GLA, check the effectiveness of local authority reports, as if exceedances occur that can be deemed to be the fault of poor management of Council controlled highways then LA's may be held directly responsible for a proportion of the fine.

5.5.3 Exceedances of air quality limits occur near the busy roads of Barnet and these can reasonably be expected to be still occurring in 2025. Current knowledge on emissions from vehicles suggests that unless there is improvement from other measures by 2020 there is risk of a fine from the EU possibly being handed down from DEFRA/GLA. There is a medium risk of a fine if the action plan is not accepted by DEFRA and the GLA and the actions are not completed.

5.5.4 In the press it has been quoted that the UK could be fined by the EU in the region of £300 million post 2020. The exceedances are in 16 out of 42 UK zones with London being the most polluted part of the UK.

5.5.5 As the borough has an expanding population this does increase the risk of continued exceedances if the development is not sustainably managed.

5.5.6 Therefore from the Corporate Risk management Framework there is a moderate risk of major financial impact over £150,000 due to the potential EU fine. There is also a moderate risk of major reputational and operational impact if there is no progress acknowledged by the GLA/DEFRA on improving Barnet's air quality from measures described in the action plan.

5.6 Equalities and Diversity

5.6.1 From the Corporate Plan to deliver the action plan will reflect our Strategic Equalities Objective (SEO), which is:

“That citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.”

5.6.2 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 action plan will affect every part of society. Whilst it is not anticipated that the proposals contained in Appendix one will cause detriment to any particular group, poor air quality may 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. The only point in the action plan which may have some equalities impact is the Environmental Permitting of residential car parking where disability is taken into account and is covered in the Barnet Parking Policy 2015.

5.7 Consultation and Engagement

5.7.1 The final Air Quality Action Plan must undergo a consultation process with neighbouring boroughs and other stakeholders including the public. It needs to be approved by Defra and the GLA.

5.8 Insight

5.8.1 There is DEFRA and GLA guidance concerning Air quality action plans. It is a statutory requirement to follow the guidance when producing plans.

6. BACKGROUND PAPERS

RECOMMENDED ACTIONS TO IMPROVE AIR QUALITY IN BARNET FOR
INCLUSION IN UPDATED AIR QUALITY ACTION PLAN 2016
MAYORS AIR QUALITY FUND 2013-16
CIEH POSITION STATEMENT

This page is intentionally left blank

Appendix One

Recommended actions to improve air quality in the London Borough of Barnet

Air Quality Action Plan Update 2016

The primary source of poor air quality (high air pollution) in Barnet is traffic on the main roads. Therefore actions are recommended that tackle congestion, promote alternatives to the traditional petrol and diesel vehicles, and promote active travel (cycling and walking).

Recommended new measures to include in the updated air quality action plan

Action	Description	Effectiveness in reducing air pollution
1	Ultra Low Emission Zone (ULEZ) for the whole Borough	Good
2	Differential parking charges based on pollutant emissions	Medium
3	Freight Consolidation Scheme	Medium
4	Increase cycle parking provision and key destinations	Low
5	Cycle lanes on key roads in the Borough	Medium
6	Actions on TfL-controlled roads	Good
7	Actions on M1 (Highways Agency-managed)	Good
8	Improve electric vehicle charging infrastructure	Medium
9	Green barriers and vegetation	Medium
10	Construction Site Enforcement	Medium

1. Membership of Ultra Low Emission Zone (ULEZ).

The ULEZ will come into being in September 2020. It includes all vehicles and covers the area of the current congestion charging zone. A feasibility study was carried out in 2015 to consider the expansion of the proposed ULEZ. One proposal is to have the boundary of the A406 as the limit of the zone. This could lead to residential streets close to tube, bus and railway stations near the A406 North circular in Barnet becoming more congested with people trying to avoid paying the charge. There are also highly polluted trunk roads north of the A406 in Barnet such as A1, M1, A41, A5 and A1000 that if not in ULEZ will not see a significant reduction in vehicle congestion or pollution reduction to residents. It is recommended to push for the whole of London to be part of the ULEZ and therefore to incorporate the whole of Barnet. This action is likely to have the most significant impact on reducing air pollution.

2. Differential parking charges based on pollutant emissions.

The Council's new parking permit scheme links the charges to the emissions in gCO₂ (grams of carbon dioxide) that the vehicle emits in order to try to persuade car owners to move towards less carbon dioxide polluting vehicles.. This action reflects the Council's Parking Policy and encourages the take-up of low emission vehicles.

3. Join Freight Consolidation Scheme.

Barnet has recently been awarded as part of the London Mayor's Air Quality Fund £55K over a period of two years to join the existing North London Freight Consolidation Scheme on a trial period. Boroughs work together to consolidate their deliveries. Goods are delivered to a consolidation centre, from which cleaner low emission vehicles make the final part of the journey to Council offices. The aim is to reduce the amount of vehicle trips and therefore the amount of air pollution. This action would require engagement with the Procurement Team within Barnet Council and Procurement officer time to manage the project. The benefits include a clear demonstration of the Council's commitment to lead by example and reduce pollution.

4. Increase provision of cycle parking

In order to make cycling to key destinations easier, better parking provision for cyclists needs to be provided. Sites should include shopping areas, rail and tube stations, and other transport hubs.

5. Cycle lanes on key roads in Barnet.

It is important to encourage alternative means of transport on Barnet's key roads as road traffic is the primary source of air pollution in Barnet. Many of these roads are sufficiently wide to accommodate a cycle lane (1-1.5m wide with a white line). This would improve car and bicycle lane discipline and reduce congestion for motorists, while making cycling a safer option.

Different key roads could be linked to make East to West and North to South cycling routes, This type of cycle lane is relatively inexpensive compared to dedicated superhighways / mini Holland schemes, and need not impede parking or restrict access to businesses. The effect of this action is high if a high modal shift is achieved.

6. Actions on TfL-controlled roads

Transport for London manage the roads which are the busiest and the source of the most air pollution in Barnet, namely the A406, A41, A5 and A1. The Council needs to work with TfL to ensure they prioritise work to reduce congestion and improve air quality on these roads. This includes deploying the newest lowest emission buses, creating cycle lanes where feasible, and better traffic signal management and junction design.

7. Actions on the M1

The M1 motorway is managed by the Highways Agency. It passes through very populated areas of Barnet, causing poor air quality and also high noise levels. The Council needs to work with the Highways Agency to ensure that Barnet is prioritised for spending. A barrier in Mill Hill for example could reduce noise and have a positive impact on air quality. Another option is reducing speed limits to 50mph to reduce noise and improve air quality.

8. Improve electric vehicle charging infrastructure

Encouraging motorists to choose electric vehicles rather than the traditional petrol or diesel car is a key government policy to improve air quality. However Barnet is currently not well served for charging points compared to other London Boroughs. The installation of more electric vehicle charging points in residential streets as well as car parks would encourage the take up of electric vehicles. Points should also be installed in the new council offices in Colindale.

9. Green barriers and vegetation

Belts of vegetation along roads can reduce the amount of air pollution that people behind it are exposed to. They consist of hedges between a road and pavement or cycle track. Urban vegetation is the sum of parks and smaller green patches within the city such as green walls made of ivy and green roofing. Vegetation has the ability to clean the air by filtering out pollutants.

10. Construction site enforcement

The GLA has awarded Barnet, Waltham Forest, Haringey and Enfield a grant to fund a construction site dust enforcement officer for three years. Due to the large amount of development in the Borough there are lots of massive construction sites. These create dust, and also have lots of machinery and non-road vehicles which are a source of pollution. The Enforcement Officer will visit construction sites and take enforcement action where appropriate to ensure that construction sites are being managed well and not causing excess pollution or nuisance to residents.

Recommended current measures to keep in the air quality action plan

It is proposed to retain the following measures within the updated air quality action plan.

Action	Description	Effectiveness in reducing air pollution
11	London Low Emission Zone	Medium
12	Promote alternative forms of transport for businesses and commercial properties	Low
13	Work to improve council fleet emissions	Medium
14	Promote alternative forms of transport in schools	Medium
15	Promote design of developments that reduces the need to travel	Medium
16	Promote alternative fuels for vehicles	Medium
17	Encourage cleaner energy sources for buildings	Medium
18	Promote good design and location of new development	Medium
19	Control air pollution from industrial / commercial and residential sources	Medium
20	Monitor air quality	Low

11. Barnet is within the London Low Emission Zone

The LEZ encourages the most polluting heavy diesel vehicles driving in London to become cleaner. The LEZ covers most of Greater London and is in operation 24 hours a day, 365 days of the year. It covers lorries, buses, large vans, and minibuses. It is operated by Transport for London. It has been in operation since 2007 and has been successful in reducing air pollution.

12. This action includes work being done in Highways and Development Control to require travel plans for new developments, install electric charging points for new developments. The 2013-2016

Mayor's Air Quality Fund project enabled two electric charging points to be installed at Barnet House and contributed to the new electric charging points at Lodge Lane public car park.

13. Work to improve council fleet emissions

This action contained a variety of measures, some of which have been completed (see below). However it is important to maintain good practise so this action should be developed and kept in the action plan to demonstrate the Council's commitment to cutting its own pollutant emissions.

14. Promote alternative forms of transport in schools

The School Travel Advisors in Highways work with schools to promote safe and sustainable travel to school. This includes initiatives to increase cycling and walking. Schools have their own school travel plans and junior travel ambassadors. This work is very important, not only for the health and wellbeing of pupils, but also to decrease congestion and improve air pollution.

15. Promote design of developments that reduces the need to travel

This action links to the Council's key Plans and Strategies to promote sustainable development. For example the use of brownfield sites near to existing town centres and transport links, and mixed use developments where residential and commercial properties are near to each other.

16. Promote alternative fuels for vehicles

Increasing the take-up of cleaner fuels is part of the Mayor's Air Quality Strategy. Originally this action included LPG but nowadays the push is for zero emission vehicles such as electric.

17. Encourage cleaner energy sources for buildings

Buildings are a source of air pollution, caused by the type of energy used for heat and electricity. Council planning requirements encourage the use of renewable energy. Environmental Health advise planners on the environmental impacts of new local heat and power stations (CHP plants), as they produce nitrogen dioxide a key air pollutant.

18. Promote good design and location of new development

The supplementary planning guidance for sustainable design and construction includes a section on air quality – the aim is to manage the degree to which people are exposed to air pollutants. This is a key tool for the design of new buildings. Scientific Services (Environmental Health) ensure that air pollution is into account when assessing planning applications.

19. Control air pollution from industrial / commercial and residential sources

The Council has a statutory duty to regulate certain premises to reduce emissions to air, including cement batchers, dry cleaners, crematoria, printing press, petrol stations. vehicle re-sprayers and concrete crushers. It also has a duty to investigate complaints of dust nuisance including complaints about construction sites.

20. Monitor air quality

LB Barnet's Scientific Services team continues to maintain two air quality stations at Tally Ho and Chalgrove School (measuring particulates, PM10 and nitrogen dioxide, NO2. These results are published on the web at www.airqualityengland.co.uk. Nitrogen dioxide is also monitored using 15 diffusion tubes across the borough. The results allow us to report to Defra and the GLA, as well as informing residents, and consultants acting on behalf of developers.

Previous measures in the air quality action plan

These measures were in the original air quality action plan, and have been completed. Other measures have been removed in order to create a more stream-lined action plan with fewer actions. So although they do improve air quality, they exist as part of other Council strategies and policies.

Action	Description	Effectiveness in reducing air pollution
21	Vehicle emissions testing	Low
22	Introduction of penalties for stationary vehicles with idling engines	Low
23	Improve traffic flow in town centres by improved coordination of traffic lights	Medium
24	Introduce control parking zones (CPZs)	Low
25	Promotion of LPG fuel for council vehicles	Low
26	Improve emissions of refuse and street cleaning vehicles	Medium
27	Promote Council's Green Travel Plan	Low
28	Promote public transport	High
29	Encourage the use of rail for the movement of bulk freight	Medium
30	Encourage cleaner sources of energy in schools	Medium
31	Encourage energy efficiency	Low
	Encourage composting to reduce need for bonfires	Low

21. Vehicle emissions testing

This was the London Vehicle Emissions Testing programme and ran between July 2003 and March 2004. All vehicles that failed the emissions test were served with a fixed penalty fine. There was a 4.4% failure rate in Barnet.

22. Introduction of penalties for stationary vehicles with idling engines

This scheme was not implemented, and the majority of London Boroughs do not issue fixed penalty notices for idling vehicles.

23. Improve traffic flow in town centres by improved coordination of traffic lights

This is a TfL responsibility and so was removed as an action. Liaison continues between the Council and TfL's traffic signals team.

24. Introduce control parking zones (CPZs)

Originally the CPZs were experimental but they are now a permanent feature of Council policy and it is no longer considered relevant to have this as an action.

25. Promotion of LPG

This action was discontinued due to widespread difficulties with the technology.

26. Improve emissions of refuse and street cleaning vehicles

The Council's fleet meets the requirements of the Low Emission Zone. Fuel additives were also trialled to further improve emissions. All vehicles use low sulphur diesel fuels and are regularly maintained and tested. Drivers receive advanced training that includes styles to reduce emissions.

27. Promote Council's Green Travel Plan

The Council had a Green Travel Plan, and a dedicated Travel Plan Officer. Initiatives included upgrading shower facilities at NLBP to make cycling a viable option; cycle training for staff; pool Oyster Cards to encourage use of public transport. The post was discontinued, and no regular reviews of the travel plan are being carried out. Therefore it was decided to remove this action from the travel plan.

28. Promote public transport

Using public transport cuts congestion as it reduces the amount of private vehicles on the road. While this is an important tool in improving air quality, and highways officers continue to liaise with Transport for London and the North London Transport Forum it was removed from the action plan as the Council has no direct control over public transport.

29. Encourage the use of rail for the movement of bulk freight

It is better to use rail and not lorries for bulk freight as less pollution is caused. A new rail freight facility is planned as part of the Brent Cross / Cricklewood regeneration scheme. It was decided that this action is not directly relevant to the air quality action plan.

30. Encourage cleaner sources of energy in schools

The government's Building Schools for the Future programme saw many schools retrofitting clean renewable energy systems. However the government stopped this scheme.

31. Encourage energy efficiency

This is a requirement in the Council's development control policies and is not directly relevant to the air quality action plan.

32. Encourage composting to reduce need for bonfires

Bonfires cause smoke nuisance to neighbours, and air pollution. The Council's nuisance team reacts to complaints of smoky bonfires. It was decided to remove the action from the plan as bonfires are not a big contributor to the air quality problems in Barnet.

This page is intentionally left blank

Appendix Two

Mayor's Air Quality Fund 2013-2016

In 2013 the GLA announced the Mayor's Air Quality Fund. The London Borough of Barnet was successfully awarded funding for two projects. Work on the projects started in 2014 and will finish in March 2016. The MAQF projects are the Council's current key priorities in terms of a proactive approach to air quality action planning. A final report will be written in April 2016.

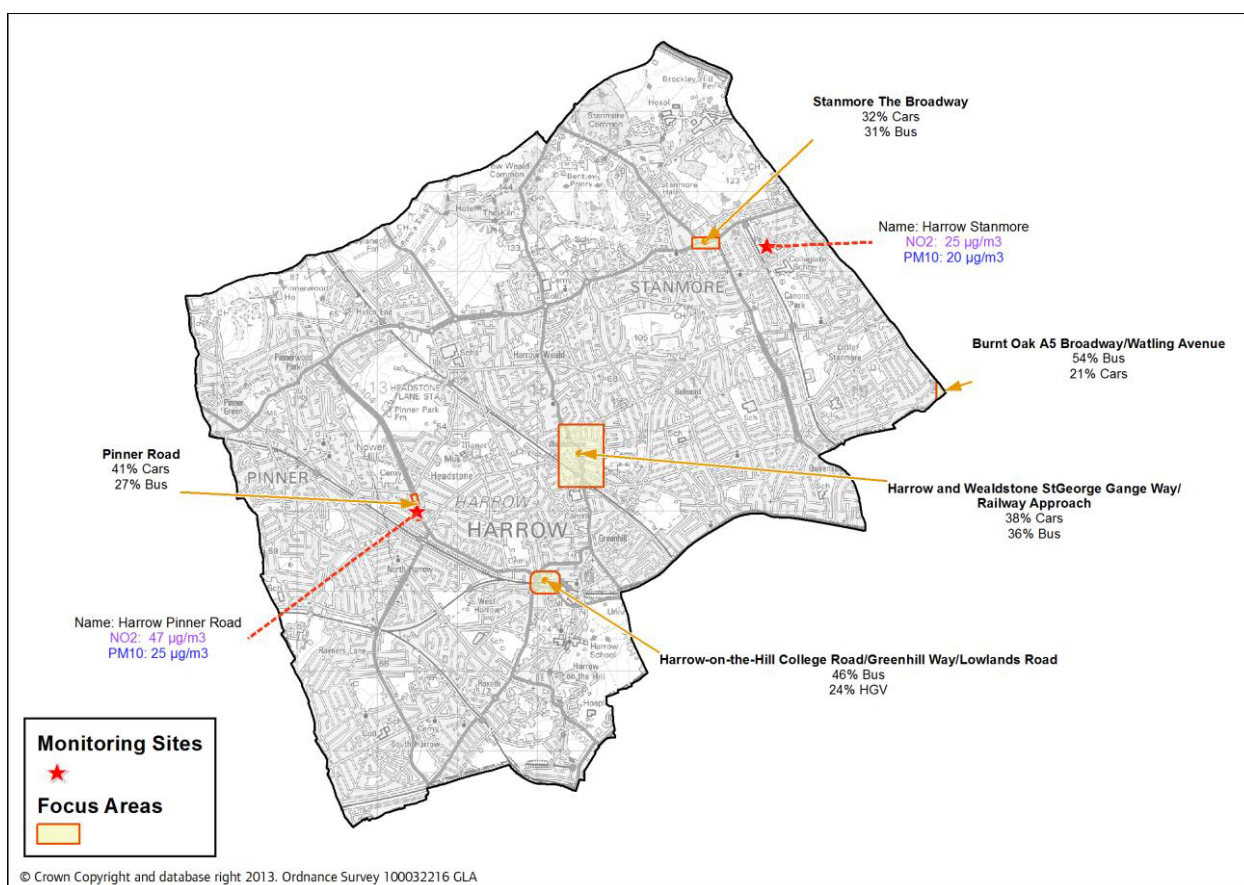
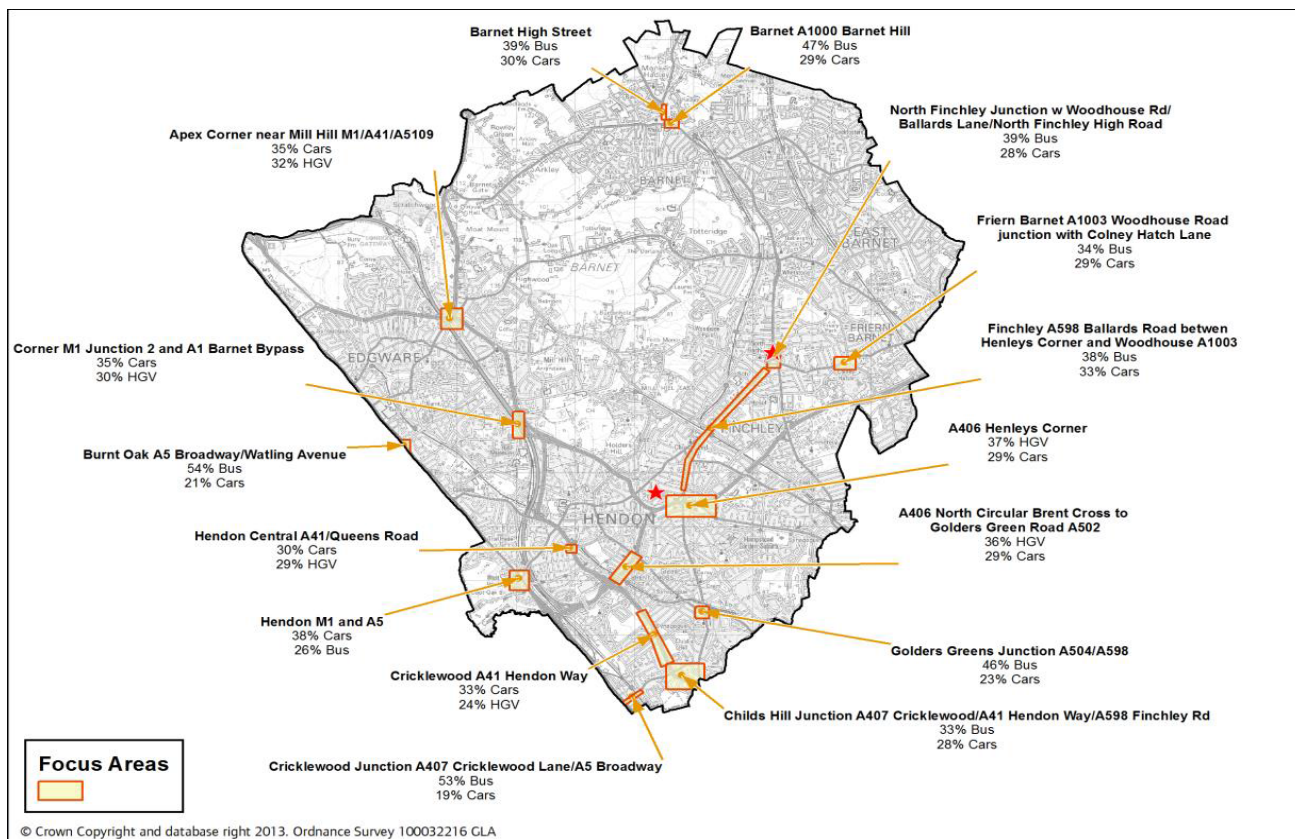
Air Quality Champion Project

This project is a joint project between Harrow and Barnet Councils, and also involves the public health authority.

Project Description

The focus of this project was to hire an air quality champion to engage with local residents, schools and businesses to support smarter travel choices and emphasise the links between poor health, air pollution, and sedentary behaviour. The champion used existing resources such as the Cleaner Air 4 Primary Schools Toolkit and linked this work into existing travel planning support.

Fifteen Air Quality Focus Areas have been identified in LB Barnet, and five in LB Harrow. Schools and businesses close to and within these areas were targeted.



Project Objectives

- To raise awareness of the importance of improving air quality for health
- To reduce idling of vehicles near schools
- To increase the amount of trips to school and work by walking, cycling and public transport
- To re-engage schools that have not been recently active with their School Travel Plans
- To improve the health of children by promoting active travel choices
- To improve air quality in air quality focus areas especially close to schools
- To create awareness in local businesses about poor air quality
- To launch an air quality champion scheme for local businesses

Desired Outcomes

- Improved health of children as they are undertaking more physical exercise by walking or cycling to school
- An increased awareness of the links between poor health, air pollution and sedentary behaviour
- Raised community awareness of air quality issues
- A change in how children travel to school
- An improvement in air quality around schools, and in air quality focus areas
- Reduced idling by cars outside schools
- Action initiated by business to reduce their vehicle mileage
- A decrease in residents' dissatisfaction with congestion

Key achievements to date

- Working with School Travel Plan officers during anti-idling events at schools
- On track to deliver engagement work at 30 schools within Harrow and Barnet.
- Delivered special sessions for “science weeks” at schools.
- A theatre company will be visiting 12 primary schools in Barnet to deliver a message on sustainable travel and air quality.
- Secondary schools will be engaged by using an organisation that uses music and live bands to deliver its environmental message
- Attended Health Promotion Day at QEII Girls’ School
- A website and twitter feed has been developed.
- <http://www.barnetandharrowcleanerair.com/> and <https://twitter.com/BarnetHarrowCA>

North Finchley Clean Air Project

The purpose of the project is two-fold. The first is to target North Finchley, an air quality focus area and one of the largest town centres in the London Borough of Barnet, with a package of measures to improve air quality.

The second purpose is to reduce nitrogen dioxide concentrations in North Finchley as well as across the Borough’s air quality focus areas, by planting magnolia, pea and silver birch trees.

Project Objectives

- To directly involve the local community in implementing air quality improvement measures.
- To address the local traffic issue
- To create awareness in local businesses about poor air quality
- To launch an air quality champion scheme for local businesses
- To reduce levels of nitrogen dioxide
- To work with schools in the area to encourage alternative transport to school

Desired Outcomes

- Improved air quality in the North Finchley Cleaner Air area and the other air quality action areas
- Reduction in trips made to North Finchley town centre by car
- Raised community awareness of air quality issues
- A change in how children travel to school
- Reduced idling by cars outside schools
- Action initiated by business to reduce their vehicle mileage
- A decrease in residents' dissatisfaction with congestion

An increase in local people cycling for leisure and for commuting

Key achievements to date

Greening

- A total of 300 street trees have been planted across the Borough. Species were chosen that have the capability of removing nitrogen dioxide from the air, thus improving air quality and improving the street scene.
- The greening of the local Percy Road pocket park

Bicycle Hire Scheme

- 18 bike stands were installed to encourage cycling across the North Finchley area.
- 6 bicycles for hire were provided to a cycle shop in a pilot scheme to encourage leisure cycling.

Electric Vehicles

- Funding contribution to install electric vehicle charging points in Lodge Lane carpark in the centre of North Finchley.
- Two electric vehicle charging points installed at Barnet House
- Membership of E-Car Club; a car sharing club using two electric vehicles, situated at Barnet House

Green Infrastructure

- A 50m long and 2m high green screen made of ivy has been erected at St Joseph's Roman Catholic School in Hendon. This is alongside the boundary of the school playground with the A41. The aim is to reduce pollution levels in the playground.

Promotion of Cycling

- A wide variety of cycling promotion projects has been carried out at schools, including Dr Bike to fix bicycles so they can be used again, bicycle training, and providing pool bicycles to enable training sessions for those without their own bicycles.
- Works were carried out to enable a bicycle and scooter park to be installed at Northside School, North Finchley, to encourage pupils to use sustainable travel to school.

Promotion of Walking

- The Council is working with the walking charity Living Streets to encourage children to walk to school, and educate them about the importance of clean air.

Other

- Using MP Smarter Travel to engage vulnerable people in environments that are typically hard to engage in (hospitals, GPs surgeries etc.). They will engage vulnerable people (COPD, asthma etc.) with stands and events throughout North Finchley and Barnet. Large scale air quality maps have been produced to convey key messages. Decision makers, GPs and nurses will also be engaged by means of a presentation to offer up to date advice so that patients can be treated more effectively and prevent issues.

This is run in conjunction with Barnet's Winter Well program which also targets vulnerable groups.

Schools Champion

- We have a member of staff who speaks to children at their schools about air quality and the project and work to change their views on walking to school, idling engines, etc.
- He works with the schools' travel plan champions to get interest and publicise the project.

Website

- A website has been developed. This allows members of the public to post their own photos, drawings, videos and comments about their views of the project, how it affects them and how they see it helping North Finchley. For example, school children can show how their day has changed by walking to school instead of being driven.
- The website has content from every aspect of the project and so pull it all together into a single "user experience" that will be easier for people to understand and thus buy into it encouraging wider participation.
- The website has been built to encourage social sharing which we hope will help promote the project.

This page is intentionally left blank

CIEH Position Statement

Improving local air quality

Background

Public and political focus on local air quality has increased in recent years, spurred by the publication of epidemiological estimates of the mortality burdens of fine particles nationally¹ and in each local authority area² and, especially, in London³. A similar estimate was recently attempted for the first time for NO₂⁴, the other main pollutant of concern, in London. Work is continuing by COMEAP to quantify the wider geographic association of mortality and long-term average concentrations of NO₂⁵.

Adding to the awareness generated, in 2014, the European Court of Justice ruled that the Supreme Court had authority to ensure that the UK Government complied with EU air quality limit values in respect of NO₂ in certain geographical zones. Subsequently, Defra was ordered to bring forward new, compliant air quality plans for those zones by the end of 2015⁶ which, following a series of related consultations from the department⁷ including drafts of those plans, it did⁸.

Meanwhile, air quality has also been a debating point in early hustings for this year's Mayoral election in London and Mayor Johnson has released his own draft of a plan⁹ intended to take effect in London in place of Defra's.

¹ *The Mortality Effects of Long-Term Exposure to Particulate Air Pollution in the United Kingdom*, Health Protection Agency, London, 2010 at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/304641/COMEAP_mortality_effects_of_long_term_exposure.pdf

² *Estimating Local Mortality Burdens associated with Particulate Air Pollution*, Public Health England, Chilton, 2014 at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332854/PHE_CRCE_010.pdf

³ *Understanding the Health Impacts of Air Pollution in London*, Kings College London, 2015 at:

http://www.london.gov.uk/sites/default/files/HIAinLondon_KingsReport_14072015_final.pdf

⁴ *ibid*

⁵ See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485373/COMEAP_NO2_Mortality_Interim_Statement.pdf

⁶ *R. (on the application of Clientearth) v Secretary of State for the Environment, Food and Rural Affairs* [2015] UKSC 28

⁷ Including *Review of Local Air Quality in England*, Defra, London, 2013 at:

https://consult.defra.gov.uk/communications/https-consult-defra-gov-uk-laqm_review and *Review of LAQM: consultation on regulatory and guidance changes*, Defra, London, 2014 at:

<https://consult.defra.gov.uk/communications/laqm-review-next-steps/>

⁸ See <https://www.gov.uk/government/publications/air-quality-in-the-uk-plan-to-reduce-nitrogen-dioxide-emissions>

⁹ *Draft London Local Air Quality Management Framework*, Greater London Authority, London, 2015 at:

https://www.london.gov.uk/sites/default/files/LAQM%20Framework%20Summary%20and%20Consultation%20Questions_13th%20July_Final.pdf

Against this backdrop, the CIEH has adopted a series of recommended steps to bring cleaner air to the non-compliant zones and beyond which, drawing on our views over a number of years, conveniently provide the concise expression of our position on the improvement of local air quality below:

Europe-wide

- While the European Commission's proposal for a revised National Emission Ceilings Directive¹⁰ contains no new legally binding targets until 2030, we believe that **a new EU air quality package is needed containing stricter national emission targets** to restrict man-made pollution at source, reduce trans-boundary effects and deliver tangible improvements faster than those currently proposed.
- Though the European Commission has no current plans to revise the Ambient Air Quality Directive of 2008 despite the disparity between the limit values¹¹ in that and guidelines published by WHO (Euro) in 2005¹² and reviewed in 2013¹³, we believe that **stricter air quality objectives are needed for the longer-term**, taking account of evolving evidence of the adverse effects of pollutants on health.

Nationally

- **A new National Air Quality Strategy needs to be developed** drawing together the responsibilities of all the relevant government departments – Defra, DH, DfT and DECC - as well as local authorities at every tier, to replace the strategy adopted in 2007¹⁴ and which has proved insufficient.
- Focussing on the transport sector, **additional tools including changes to fuel and car taxation and the creation of more Low Emission Zones are needed to bring about a reduction in diesel pollution** where, encouraged for their lower CO2 emissions, diesel-fuelled vehicles now comprise more than a third of the national fleet¹⁵ and, since 2010, have outsold petrol-fuelled versions. They nevertheless produce higher amounts of Nitrogen oxides and, especially, fine particles while abatement technologies have fallen short of promised performance.

¹⁰ At: http://eur-lex.europa.eu/resource.html?uri=cellar:5fbb1091-77a9-11e3-b889-01aa75ed71a1.0021.04/DOC_1&format=PDF

¹¹ Directive 2008/50/EC on ambient air quality and cleaner air for Europe at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:152:0001:0044:en:PDF>

¹² WHO Air quality guidelines for particulate matter, ozone, nitrogen dioxide and sulfur dioxide - Global update 2005, WHO (Euro), Copenhagen, 2005 at: http://www.euro.who.int/__data/assets/pdf_file/0005/78638/E90038.pdf?ua=1

¹³ Review of evidence on health aspects of air pollution – REVIHAAP Project, WHO (Euro), Copenhagen, 2013 at: http://www.euro.who.int/__data/assets/pdf_file/0004/193108/REVIHAAP-Final-technical-report-final-version.pdf?ua=1

¹⁴ The Air Quality Strategy for England, Scotland, Wales and N Ireland, Defra, London, 2007 at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf

¹⁵ Vehicle licensing statistics 2014, DfT, London 2015 at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421337/vls-2014.pdf

Locally

- Diesel vehicles are not the whole problem though and, by a variety of measures appropriate to different localities, from improving perceived safety in urban streets to providing better rural bus services and from building dedicated city cycle routes to supporting village shops, and more, **a shift to more than the current 40% of local trips made by walking, cycling and public transport needs to be encouraged**, reducing overall levels of traffic, total emissions¹⁶, and bringing benefits from increased physical activity too.
- Even where air quality objectives are being met, **consideration should be given to controlling, mitigating and reducing airborne pollutants** through the use, for example, of planning powers, 'natural' means such as tree-planting, 'green walls' etc. and energy-efficiency programmes.
- To help people reduce their personal exposure and to encourage wider behaviour change, **better and more accurate public information on air pollution needs to be provided** and given both more general prominence through the mass media and, targeting the most vulnerable, issued through tailored channels such as SMS messaging¹⁷.
- Local authorities are key both to identifying the extent of poor air quality and to improving it but for them to continue to do that, **expert capacity needs to be retained**, reversing reductions in the monitoring infrastructure and in the expert personnel¹⁸ who interpret and apply the results to plan for better air quality.

Past and future activity

Past activity by the CIEH in this field has consisted of engagement with government, partner organisations and members through, for example, consultations, membership of IPCLAG, the Healthy Air Campaign, PHE's Air Pollution and Health Group and the Partnership for Active Travel, Transport and Health. That engagement will continue within our capacity to promote this position and, in particular, the role and capacity of our local authority members in this field whose support it also aims to encourage in their own work.

¹⁶ In 2013 approx 18% of PM10s and 1/3rd of NO_x emissions, most of which came from diesel vehicles, arose in the UK from road transport: Defra, 2014 at: http://naei.defra.gov.uk/overview/pollutants?pollutant_id=6

¹⁷ See eg airAlert run by Sussex AQ Partnership at: <https://www.airalert.info/Splash.aspx>

¹⁸ Respondents to the *Environmental Health Workforce Survey 2014/15*, CIEH, 2015 at: <http://www.cieh.org/Environmental-Health-Workforce-Survey-2014-15/> reported the service area most affected by budget cuts has been environmental protection and identified air quality in particular as an area of work 'at risk.'

This page is intentionally left blank



Environment Committee

08 March 2016

Title	Environment Committee Work Programme
Report of	Commissioning Director – Environment
Wards	All
Status	Public
Key	No
Enclosures	Appendix A - Committee Work Programme March 2016 - May 2016
Officer Contact Details	Paul Frost Governance Service Team Leader Paul.frost@barnet.gov.uk

Summary

The Committee is requested to consider and comment on the items included in the 2015/16 work programme highlighted in appendix A.

Recommendations

1. That the Committee consider and comment on the items included in the 2015/16 work programme.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Environment Committee Work Programme 2015 indicates forthcoming items of business.
- 1.2 The work programme of this Committee is intended to be a responsive tool, which will be updated on a rolling basis following each meeting, for the inclusion of areas which may arise through the course of the year.
- 1.3 The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

2. REASONS FOR RECOMMENDATIONS

- 2.1 There are no specific recommendations in the report. The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 Any alterations made by the Committee to its Work Programme will be published on the Council's website.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Committee Work Programme is in accordance with the Council's strategic objectives and priorities as stated in the Corporate Plan.

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

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Terms of Reference of the Environment Committee is included in the Constitution, Responsibility for Functions, Annex A.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 None in the context of this report.

5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None.

This page is intentionally left blank

**London Borough of Barnet
Environment Committee
March 2016 - May 2016**

Title of Report	Overview of decision	Report Of (officer)	Issue Type (Non key/Key/Urgent)
Title of Report	Overview of decision	Report Of (officer)	Issue Type (Non key/Key/Urgent)
12 May 2016			
2015/16 Planned Maintenance: Q4 Update	To update members on progress against the 15/16 programme of works	Commissioning Director Environment	Non-key
Implementation of Parking Policy – Footway Parking	To consider the arrangement for footway parking on an initial list of roads	Commissioning Director Environment	Non-key
Environment Commissioning Plan: Annual Report 2015/16	To note 2015/16 performance against the Commission Plan	Commissioning Director Environment	Non-key
Public Realm arboriculture – future policy implications	To note and comment on the development of an arboriculture policy for new and established trees	Commissioning Director Environment	Non-key
Waste and Recycling Strategy 2015 to 2030	To approve the Municipal Waste and Recycling Strategy 2015 to 2030	Commissioning Director Environment	Non-key
Parks & Open Spaces Strategy:	To the approve the Parks & Open Spaces Strategy	Commissioning Director Environment	Non-key