

Appendix D – Environment Committee

Table 1 – Committee Decisions

Date of Decision	Decision	Summary of Decision	Legal Implications, Resources Implications, Other Implications (e.g. risk, equalities, consultation, etc.), Government directions or guidance
23.03.2020	Temporarily scaling back on some aspects of the Parking Enforcement Policy. Delegate to Head of Parking, Assistant Director Highways OR Director of Environment officer to temporarily Revise Parking Enforcement Policy in consultation with Chair of Environment Committee or Vice Chair.	Temporarily Significantly scale back parking enforcement activity and to focus exclusively on dealing with obstructions and the provision of help and advice in order to provide a proportionate service while protecting health and safety of staff and public.	<p>The Traffic Management Act 2004 Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions notes that Enforcement authorities should design their parking policies with particular regard to:</p> <ul style="list-style-type: none"> • managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under s 16 of the Traffic Management Act 2004 Network Management Duty; • improving road safety; • improving the local environment; • improving the quality and accessibility of public transport; • meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car; and • managing and reconciling the competing demands for kerb space. <p>In making this decision, officers took the above into account and this continues to happen, recognising the significantly changed demand and risk context.</p> <p>The measures taken also accord with the ‘Local Authority Parking and Traffic Management Operational Advice during Covid-19’ which was issued by London Councils, the Local Government Association and British Parking Association following consultation with the Department for Transport. https://www.britishparking.co.uk/write/Local_Authority_Parking_Operational_Advice_during_Covid_19_ENGLAND_V6.pdf version 6 6th April 2020</p> <p>Parking Penalty Charge Notices (PCNs) and associated charges will be reduced to negligible levels while this change is in effect and costs of service operation will not be covered.</p> <p>Impact reflected in financial implications set out in the covering report as part of overall loss of income from parking.</p>

26.03.2020	Recycling Collection Frequency	<p>Following the move to critical services, recycling collections temporarily moved to fortnightly frequency</p> <p>Staff absenteeism levels due to COVID-19 have been improving during w/c 06 April and are better than anticipated. Service capacity resulting from this has been deployed to undertake recycling collections where resources allow and where customers have presented their recycling containers for collection. The scheduled recycling collections for w/c 13 April were delivered as expected</p>	<p>Consultation took place with the Chairman and Vice-Chairman of the Environment Committee. All Members were advised during weekly all Member Briefing.</p> <p>Waste collection and disposal services are governed by the Environmental Protection Act 1990 (EPA 1990).</p> <p>Waste collection is the responsibility of the local authority acting as a waste collection authority (WCA). A WCA in England, is the district, metropolitan or city council, or a unitary authority.</p> <p>The waste collection duty:</p> <p>Under sections 45-48, EPA 1990, a WCA:</p> <ul style="list-style-type: none"> Must arrange for the collection of household waste (and, if requested, of commercial waste) in its area. May arrange for the collection of industrial waste in its area, if requested. This must be with the consent of the relevant waste disposal authority (WDA) in whose area the WCA is. Must deliver the controlled waste collected to a place specified by a WDA in whose area the WCA is (unless the controlled waste is recycled). Must comply with any directions about separation of waste given by the WDA for its area (in England only). <p>Under s45 EPA 1990;</p> <ul style="list-style-type: none"> (1) It shall be the duty of each waste collection authority— <ul style="list-style-type: none"> (a) to arrange for the collection of household waste in its area except waste— <ul style="list-style-type: none"> (i) which is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and (ii) as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste <p>Duty to dispose of waste:</p>
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31.03.2020	Deferral of Green Waste Collections	Following the move to critical services, all green waste collections deferred from 5 April 2020. Subscriptions will be extended to	Consultation took place with the Chairman and Vice-Chairman of the Environment Committee. All Members were advised during weekly all Member Briefing.

		ensure customers receive the number of collections they have signed up for.	<p>DEFRA released guidance on the prioritisation of waste services in response to COVID-19 on Tuesday 7 April. Barnet's amended service configuration is in line with this guidance. DEFRA COVID19 Waste Guidance https://www.gov.uk/government/publications/coronavirus-covid-19-advice-to-local-authorities-on-prioritising-waste-collections/guidance-on-prioritising-waste-collection-services-during-coronavirus-covid-19-pandemic</p> <p>Financial implications are detailed in the cover report.</p>
14.04.2020	Reinstatement of weekly recycling collections	Staff absenteeism levels have been better than those anticipated within PHE modelling and the. Staff attendance levels are being maintained at a level to support the reinstatement of weekly recycling collections.	<p>Consultation took place with the Chairman and Vice-Chairman of the Environment Committee and Corporate Management Team.</p> <p>Financial implications are detailed in the cover report.</p>

Table 2 – Officers Decisions

Date of Decision	Decision	Summary of Decision	Legal Implications, Resources Implications, Other Implications (e.g. risk, equalities, consultation, etc.), Government directions or guidance
26.03.2020	Service Prioritisation - Grounds Maintenance	Services focused on visual inspections of play equipment and temporarily closing play areas and ball parks, and litter bin emptying in parks. Grass cutting undertaken where resourcing allows.	<p>Consultation took place with the Chairman and Vice-Chairman of the Environment Committee. All Members were advised during weekly all Member Briefing.</p> <p>Services prioritised to statutory functions and functions that could result in liability or safety issues if not completed. The temporary closures were designed to assist with social distancing measures. Officers had due regard to the public sector equality duty when making this temporary decision. It was felt that as residents would still have access to the parks that this was a proportionate decision.</p>

26.03.2020	Service Prioritisation - Street Cleansing	Services focused temporarily on town centre cleansing and litter bin emptying in town centres. Street sweeping in other locations undertaken as staffing levels allow.	Consultation took place with the Chairman and Vice-Chairman of the Environment Committee. All Members were advised during weekly all Member Briefing. Officers had due regard to the public sector equality duty when making this temporary decision
25.03.2020	Commercial Charging Adjustment	Offer commercial waste customers the option to suspend or downgrade their services FOC on request to prevent cancellations of accounts, long term losses and an additional administrative burden.	<p>Decision was taken in consultation with the Chairman and Vice-Chairman of the Environment Committee.</p> <p>The council could adhere to the contractual notification and termination process stipulated within the Terms and Conditions of the agreement with each customer. This decision may however prevent business and future income being lost and may help support the local economy through the pandemic.</p> <p>Overall loss of commercial waste income estimated as £340K.</p>
23.03.2020	Winter Gritting Operations	Vary Winter Gritting Operations due to reduced driver resources and to prioritise the North of the borough gritting routes. Winter Service routes for remainder of the Winter Service to be based on double shift (needing to start early) to cover all routes. (The designated Winter Season is due to end on Friday 17th April).	<p>Doubling up the gritting routes will extend the timescales to complete the gritting operation, however at this time of year we would only expect to be reacting to Zero temperatures over night and therefore we will have plenty of advance warning of when this may occur and start planning our resources earlier than usual thereby allowing the additional time required to complete the gritting operation in advance of the road temperatures hitting Zero degrees.</p> <p>We would potentially struggle if we were to have an unplanned snow event but this is very low risk at this time of year.</p> <p>The legislation related to the clearance of snow from the public highway places a duty on the Authority to meet reasonable expectations to keep the roads clear of snow and ice. In the circumstances that we are operating (within an emergency situation) the determination of reasonableness should be more forgiving and take account of the wider issues that have arisen in adversely impacting on resource availability.</p>

			The designated Winter Season is due to end on Friday 17th April and as such the risk is now extremely low based on the latest weather forecasts provided up until the weekend of 18th and 19th of April, which suggests temperature will remain well above Zero over this period.
26.03.2020	Network Recovery Programme	Impact on Highways Programme Delivery proposed delay in Network Recovery Programme. Focus on Cat 1, 2 and 3 and back log. Noting Letter from TfL and Early Warning Notice from Conway Aecom. AG to arrange a Risk reduction meeting with Conway Aecom regarding the Early Warning Notice. Assistant Director, Transport and Highways, Environment and Executive Director for Environment confirmation that the NRP Programme is pushed back to June and a condensed programme run June until circa October 2020. Resources focused on Cat 1, 2, 3 and backlog and also footway defects which are a concern for Members	This situation is due to change in working practices as a result of Covid-19 and Government Guidelines which have meant that working practices need to be reappraised. The decision taken by the Commissioner enables staff that are working in isolation to plan work and those on the network to focus on backlog including the Term Maintenance Contractor
26.03.2020	Vehicle Crossover Process	Agreed service covering urgent correspondence and completion of current orders, but not to progress any further orders	The service has been reduced to urgent due to staff shortages (key members of staff self-isolating and not working). The service is focusing on the existing Vehicle Crossover Process i.e. completing existing requests and logging future requests. Where a new application is received no monies will be taken unless the application can be processed.

27.03.2020	Reduced Scope of Street Lighting service	<p>Following central government guidance and correspondence from DfT's PFI Management Team, a decision was taken to accept our Street lighting PFI Service Providers proposal to cease some aspects of the service delivery. This includes all routine works and responding to non-priority street lighting defects (single outages at non-critical locations). As part of this decision the LED Conversion Programme has been put on temporary hold.</p>	<p>This decision followed consideration of the UK Cabinet Office Guidance Procurement Policy Note PPN02/20 and the Infrastructure and Policy Authority and HM Treasury (IPA Guidance) Supporting Vital Service Provision in PFI Contracts during the COVID-19 emergency. Also, further guidance was issued by the DfT PFI Portfolio Manager following dialogue with various PFI Service Providers, including our Service Provider Equitex.</p> <p>This decision was also complementary with all guidance issued by the UK Government and Public Health England in respect to social distancing requirements.</p> <p>Business Continuity Plans have been enacted and all parties (Service Provider, Contractor and the Authority) have worked closely to ensure that essential services are maintained, whilst less critical services were suspended to ensure the reducing resources could be correctly prioritised.</p> <p>The operation of the streetlights can and will be monitored remotely using a Central Management System which records all inoperative lights. Those categorised as high priority and emergency will be responded to ensuring that the maintenance and network management duty is met.</p> <p>Whilst the PFI contract requirement does not recognise this event as a Force Majeure or Relief Event the guidance referred to above does propose that Authorities take a relaxed view in respect to Contract Default and Financial Adjustments whilst the current situation persists.</p>
17.04.2020	Working within the Enforcement Policy but temporarily scaling back on some activities and sanctions.	<p>Agreement to temporarily significantly scale back all proactive enforcement activity in relation to littering and fly-tipping.</p> <p>Delegated authority to update Enforcement Policy to include other</p>	<p>Covid19 legislation dictates that social distance needs to be adhered to for the purpose of reducing infection rates.</p> <p>The decision to provide waste enforcement by means of third party contractor was approved by the committee in March 2017. This decision included the approval of the sums for Fixed Penalty Notices for offences such as Littering, Householder Waste Notices, Business Waste Notices, Distributing Free Literature</p>

	Delegate authority to the Director of Assurance in consultation with the Chairman or Vice Chairman to amend the Enforcement Policy	sanction and/or dispersal methods such as formal cautions/warnings.	<p>without Consent, Failing to Produce Authority, Failing to Produce Transfer Notes, Community Protection Notices, Public Sector Protection Orders, Abandoned Vehicles, Graffiti and Fly Posting, Nuisance Vehicles, Fly tipping, Local Waste Regulation, Wilful obstruction of the highway and smoking in smoke free premises or work vehicles</p> <p>Local authorities are responsible for the assessment and administration of sanctions as a form of case disposal, and do so in accordance with the non-statutory guidance issued by the Ministry of Justice for sanctions such as simple cautions. This also falls in line with the London Borough of Barnet's Prosecution Policy and allows a wider range of remedial actions to be considered.</p>
23.03.2020	Closure and lockdown of all Play areas, Outdoor Gyms and Sports Courts	The temporary closure and securing of all play areas, outdoor gyms and sports courts in all of the borough's parks and open spaces.	<p>Consultation took place with the Chairman and Vice-Chairman of the Environment Committee. All Members were advised during weekly all Member Briefing.</p> <p>The decision was in line with the Centre Government Guidance of the closure of all such facilities announced on the same day.</p> <p>Officers had due regard to the public sector equality duty when making this temporary decision. It was felt that as the parks were still open to residents that it was a proportionate in the circumstances.</p>
19.03.2020	Suspension of Parks Locking	Due to available staff resources parks locking was suspended with parks left open at all times and parks toilets were locked closed.	Consultation took place with the Chairman and Vice-Chairman of the Environment Committee. All Members were advised during weekly all Member Briefing.
01.04.2020	Relocations and removals	To commence the operation of a removal and relocation service with a focus on relocation of vehicles parked in an obstructive manner in order to preserve the free flow of traffic and essential services. This	The Removal and Disposal of Vehicles Regulations 1986, made under the provisions of the Road Traffic Regulation Act 1984, provide the legal basis for the removal of vehicles with reference to the Traffic Management Act 2004, under which provision a penalty charge notice must first have been issued to a vehicle prior to removal. Authorisation to introduce a removal service was granted by the Environment Committee on 14 March 2019.

		<p>was a service that was going to be implemented in due course but the implementation has been brought forward.</p>	<p>Vehicle and drivers procured through existing enforcement contract with NSL Services Ltd at an hourly rate chargeable for all hours for which it is on standby.</p> <p>The measures taken also accord with the 'Local Authority Parking and Traffic Management Operational Advice during Covid-19' which was issued by London Councils, the Local Government Association and British Parking Association following consultation with the Department for Transport. https://www.britishparking.co.uk/write/Local_Authority_Parking_Operational_Advice_during_Covid_19_ENGLAND_V6.pdf version 6 6th April 2020</p>
25.03.2020	Suspension of Parking Bays	<p>To limit the grant of parking suspensions to urgent circumstances in order to minimise disruption to residents self-isolating and to offer the deferment of any suspension already requested without further cost to the purchaser.</p>	<p>Road Traffic Regulation Act 1984: '49(4) ... the authority by whom a parking place is designated under section 45 of this Act may by order empower the local authority, ... to suspend the use of the parking place or any part of it on such occasions or in such circumstances as may be determined by or under the order...'. The Barnet (Charged-For Parking Places) Consolidation Order 2014: '20. (1) Any person duly authorised by the Council or the Commissioner of Police of the Metropolis may suspend the use of a parking place or parking area or any part thereof whenever they consider such suspension reasonably necessary...'. The Barnet (Free Parking Places, Loading Places and Waiting, Loading And Stopping Restrictions) Consolidation Order 2014: '13. (1) Any person, in uniform, duly authorised by the Council or the Commissioner of Police of the Metropolis may suspend the use of a parking place or loading place or any part thereof whenever he considers such suspension reasonably necessary...'. [emphasis added]</p>

17.03.2020	Changes to Blue Badge assessments	Face to face assessments for Blue Badges suspended and replaced with desk based and telephone assessments.	<p>Advice note circulated by Department for Transport dated 2 April (Blue Badge (Disabled Parking) Scheme – Advice for Local Authorities confirms that face to face assessments should not be carried out.</p> <p>Local authorities are responsible for the assessment and administration of Blue Badges, and do so according to the non-statutory guidance issued by the Department for Transport.</p>
24.03.2020	Parking permit refunds	Temporary suspension of the processing of resident permit refunds (only to be processed in exceptional circumstances for a period of time) and requirement of evidence of reason for surrender.	<p>In order to prioritise critical activities and resources refunds will only be process in exceptional circumstances.</p> <p>The traffic management order sets out that a refund will be due on the surrender of a permit and that refunds are to be paid for the number of whole months remaining on a permit at the time it is cancelled (Article 31, THE BARNET (CHARGED-FOR PARKING PLACES) CONSOLIDATION ORDER 2014).</p> <p>The permit may only be surrendered in defined circumstances (Article 32, THE BARNET (CHARGED-FOR PARKING PLACES) CONSOLIDATION ORDER 2014).</p> <p>Evidence would not normally be required to demonstrate reason for surrender, but to prevent the incurring of processing costs from stop-starting of permits during relaxed enforcement regime, evidence will be required during this period.</p>