

MINUTES

STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY

23 OCTOBER 2018

Councillors:	Anderson (Chairman)	Matthews
	Bateman	Ransley
	Fisher	Riddick
	Hicks	Timmis
	Howard	C Wyatt-Lowe
Officers:	David Austin	Assistant Director - Neighbourhood Delivery
	Russell Ham	
	Paul O'Day	Environmental Health Team Leader
	Sarah Turner	PA to the Corporate Directors

Also Attendance:

Councillor Neil Harden
Councillor Janice Marshall
Councillor Graham Sutton

The meeting began at 7.30 pm

134 MINUTES

The minutes of the Strategic Planning and Environment Overview and Scrutiny Committee meeting held on 19 September 2018 were confirmed by the members present and signed by the chairman.

135 APOLOGIES FOR ABSENCE

Apologies were received from Cllr Birnie (Cllr McLean substituting), Cllr Hearn and Cllr Silwal.

136 DECLARATIONS OF INTEREST

There were no declarations of interest.

137 PUBLIC PARTICIPATION

There was no public participation.

138 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL-IN

None.

139 **FLY TIPPING**

D Austin provided an update on fly tipping. Following the presentation, members were asked if they had any questions.

Cllr Hicks asked if the waste left around the recycling areas was the result of fly tipping, the bins being full, or there not being bins for the waste concerned.

D Austin replied it was a mixture. Some people might turn up with a large bag of textiles that's too big for the hatch and just leave it by the bin. Others might come along with completely inappropriate items, thinking it's alright to leave for examples a chair, TV or fridge. Within that there were people genuinely coming along with items that may not fit, particularly at the sites that weren't overflowing. There had been some problems with the servicing of the textile banks, but he understood these had been resolved, so there shouldn't be any issues with overflowing bins.

Cllr Hicks said that if a bin was regularly overflowing it needed to be emptied more often.

Cllr Timmis reported that a part of her ward had been heavily contaminated with fly tipping. 25 fly tips had been left in a country lane near Flamstead called Chad Lane. A very large fly tip had currently been left just off the A5 by the sewage works. On her way to the meeting, she had seen 3 black bin bags full of rubbish just chucked at the side of the road. She appreciated that people will dump things next to bins if bins were too full, but the fly tippers menacing her ward were a different type of fly tipper and were not the type that could easily be caught. She welcomed attempts to tackle the problem by questioning people, but these were not the type of people that would be about during the day, as they fly tip by night. Many of the fly tippers came from London, and most of the tipped material was builders rubbish.

Cllr Timmis felt that two issues had been omitted from the presentation. The £1 million cost of dealing with and removing fly tips applied solely to public land, and excluded the amount of money that landowners/farmers unfairly have to spend when fly tips have been left on their land. The fly tipping was not their fault, and efforts to stop the problem were not their responsibility, so they should be entitled to some sort of help. Also the Police didn't have the time or the numbers of people to keep an eye out, although the rural Police do have a good idea of some of the local offenders. It would be difficult to do anything about fly tipping whilst offenders were so confident they would not be caught, and it was difficult for people to go to the tips that were available, because there were so many restrictions. It was no wonder people just didn't bother going, so it would be better to spend the £1 million on opening the tips more.

D Austin responded that it was correct that the majority of fly tipping was being done by a small minority of people, fly tipping was a criminal activity and he was aware of a case where people trying to stop fly tipping had been confronted by a firearm. Serious criminals commit the majority of the fly tipping across the county and wider afield, and there were no easy answers. But, the Council was continuing to work as much as it could to do something about it with the Police and other stakeholders.

D Austin advised that there had been a lot of research into things like charging for garden waste and household waste site opening hours and any link with fly tipping. Currently there was no proven scientific evidential link in that the majority of people were law abiding and would return if the tip was closed or queue if there was a wait, rather than fly tip. Fly tipping was not a natural behaviour that would come to them. Most of the fly tips the Council deals with involve skip loads of rubbish from small construction projects. He was happy to work with Nicola's enforcement team to try other new initiatives if they became aware of anything that could be tried.

Cllr Timmis said that Chris Briancon had given a presentation to the Watling Group. The Group had suggested providing signs that were a little more aggressive than simply saying 'Please take your rubbish home', and he was helping with that. The Group also suggested that anyone putting in a planning application should receive a notice telling them they are responsible for the disposal of any rubbish, and that anyone having construction work should be given a little marker to put in their rubbish, so that if the rubbish is illegally dumped, it can be traced.

Cllr Wyatt-Lowe asked about the enforcement fixed penalty notice data. Broxbourne, Hertsmere, Stevenage and Watford were all issuing far more FPN's than Dacorum. She wanted to know if this was because the problem was worse in these areas or the councils were doing something that we would like to emulate.

D Austin replied that Dacorum issued 10 FPNs in 2017/2018, and some had issued more and others less. He didn't think the problem was particularly worse in the areas mentioned, but getting to the reasons behind the differences would require more research. Meanwhile, new powers had been made available, so that in the case of minor fly tips, the Council could issue a lower FPN, rather than be unable to prosecute, as that would be disproportionate. He expected the figure to rise for 2018/19.

Cllr Wyatt-Lowe asked about the anti-fly tipping publicity leaflet saying one should report fly tips to Hertfordshire County Council, but not saying anything about reporting fly tips to Dacorum Borough Council. Recently she had received notifications thanking her for reporting incidences of fly tipping. One issue had been resolved, but she had not been able to get to the bottom of what was going on with the others. She felt that if the public should report fly tips to the County Council, there was a need to publicise this. Reports to the Dacorum call centre could be routed to county, but if there was a publicity leaflet saying the public should go through the county website, that should be the process.

Cllr Riddick said that the collection centres had attracted a number of problems, especially the centre located in the Sainsburys car park at Apsley. Coral Watson of Planning Enforcement had had a discussion with the management of the store, because most people were just leaving things by the containers, and rats were present. The latter significantly raised the health & safety risk, given the proximity to a food supermarket. The store resolved the immediate problem, but one feared it would recur.

Cllr Riddick enquired if the Council was proceeding with a prosecution for fly tipping on Boxmoor Trust land. He praised the detective work put into identifying the perpetrators, who didn't turn up for the PACE interview, and asked for an update.

D Austin mentioned that the Sainsburys store at Apsley does not have any DBC containers, and that that collection centre is purely operated by Sainsburys as their own recycling operation. The Council used to have containers there, but some supermarkets chose to do their own thing with recycling.

D Austin confirmed Chris Briancon had given the fly tipping perpetrator a second and final opportunity to appear for interview. If the perpetrator fails to present for interview again, the Council will start a formal prosecution with the evidence it already has.

Cllr Matthews wanted to follow up on Cllr Hick's point about the recycling centres. He advised that the St Johns Well Lane recycling bottle bank in Berkhamsted was frequently full to overflowing and asked if it would be possible to display signage with contact and location details for the public to report full bins.

Cllr Matthews also reported the problems with people leaving piles of stuff outside charity shops. The front door of the Red Cross shop in Berkhamsted was frequently obscured on Monday mornings. He assumed there was some leeway with charity shops that if it was reported usually it was not going to be a big issue.

Cllr Matthews welcomed the anti fly tipping campaign and asked if the other councils pay to use the intellectual property that had been generated for the campaign.

D Austin said he would need to check the signage on the recycling centres, as it was a good idea. There used to be signage, and if it is absent, then some would be sorted.

D Austin confirmed the Council would take a proportionate approach and wouldn't do anything that was insensitive or unreasonable or disproportionate to charity shops.

D Austin said that the Council took a proportion relating to the campaign, but it was lead by Duncan Jones on behalf of the Herts Waste Partnership, and he made connections through the National Association of Waste Disposal Officers. They were charged, but he was not sure about the intellectual property in terms of the design. He said he could find out from Duncan Jones. Cllr Riddick wanted to know if DBC received any of this money.

The chairman advised that the leading charity shop in his ward had already left a sign in its window asking people not to leave items out of opening hours as this was fly tipping.

Cllr Ransley thanked D Austin for the interesting presentation. She asked if anything could be done about the small amounts of fly tipping, not commercial waste, left in water courses, for example broken bicycles and supermarket trolleys.

D Austin confirmed this was the landowner's responsibility, and the Council would work with stakeholders like the Canals and Rivers Trust. If it was the Council's land, then the Council would look at what could be done. The Council has done clearances, and has specific powers to enforce the retrieval of items such as

supermarket trolleys. Often the Council just has to roll up its sleeves and deal with it. If there were any specific locations where the Council could do a one off blitz, then the Council would look into it.

The chairman said that in terms of trying to tackle fly tipping and gaining the evidence, one of the issues that had kept cropping up over the years had been the affordability of covert cameras. Obviously not every fly tipper was going to use a vehicle with proper licence plates, and one couldn't camera the whole Borough. But he felt the fines raised by successful prosecutions could raise the money to pay for the cameras, so that one is effectively investing in the solution at much reduced eventual cost.

D Austin advised that the Council could use covert cameras more, but it would have to go to the magistrates court to get RIPA authorisations, and it would need to justify need and demonstrate it has exhausted all other avenues. The Council has to show how it will minimise the risk of collateral intrusion, but he felt the balance could go a bit more towards new cameras. There were problems with using cameras, most notably the quality and range of the picture, there being a need to use more than one camera at each location to obtain the required details. But, he felt the Council could use covert cameras more as an important part of the jigsaw, so long as one is careful with their use.

Cllr Riddick enquired how much the cameras cost. D Austin said he believed the infra-red cameras which had been bought were between £4k and £5k for 4 or 5 cameras. Cllr Riddick was disappointed with the high cost, as he had just bought a trial camera, albeit without infra-red, for £100. The chairman advised that one had to pay the premium amount to get good enough quality images to support prosecutions.

Cllr Sutton felt there was a need to lobby the County Council about the licensing of commercial vehicles to use the tips, because whilst it was good and worked well, there was a fine line between what is meant by 'commercial' and 'private'. He had visited the tip in Hemel Hempstead using a small van, which is used as a private vehicle, to leave only two bags of rubbish, but was sent home. On returning with a normal car, he was allowed to use the recycling centre. This was frustrating as others in his position would have just dumped the rubbish by the side of the road. The operators at the site needed to be a bit more flexible. D Austin was happy to feed this back to his peers at Hertford.

In connection with the advice to the public to report fly tipping to the County Council, Cllr Hicks asked if this related to fly tipping on the roads or all fly tipping, as some of the fly tipping could be on council verges or estates or private properties. D Austin said he would have to clarify this with colleagues before responding. Ultimately, if a fly tip was on the highway then it clearly was the responsibility of the highways authority, and there were different responsibilities around different landowners.

Cllr Hicks asked if the Council could offer charity shops an official shop window notice asking people not to leave items outside their shops as it is fly tipping and otherwise items of value could be stolen. Particularly in London, people were regularly going through items left outside these shops and removing anything of value.

Cllr Timmis commented on contradictions in the anti fly tipping campaign leaflet. Initially the leaflet says if you see fly tipping in action, you should call the Police on 999 and report it as a crime in progress. Then, the leaflet says you should report fly tipping at [hertfordshire.gov.uk/fly tipping](http://hertfordshire.gov.uk/fly-tipping). Finally, the leaflet says that all fly tipping should be reported online to the local council regardless of whether you saw it in progress or have just discovered it. This was quite confusing. D Austin noted the comments.

Cllr Howard said she was involved in a topic group about knife crime and one of the things that was mentioned was that people are taking knives from the bags left outside charity shops. This was another reason to resolve fly tipping outside charity shops.

Cllr Marshall said that the anti fly tipping leaflet issued by the fly tipping group was generic for the whole county, so it wasn't possible to include Dacorum's details on it. Further to the reporting of fly tipping, she advised members to try out the reporting facility on Dacorum's website. If anyone saw fly tipping in action, then they needed to call the Police on 999, and this website tool provided an easy way to report it thereafter.

Cllr Marshall appreciated the frustration, but the key to the term 'household' was that it did not relate to commercial waste, as commercial operations have their own facilities. Some contractors may not like to pay for the disposal of the waste collected in their business, even though in some cases they charge their customers for it. But there were waste sites for businesses in the area, and it should not be difficult for those businesses in terms of convenience to use those waste sites instead of the household waste sites.

The chairman thanked D Austin for the presentation and answering questions. It was proposed, seconded and agreed that:

'The Committee welcomes and supports the work of the Herts Waste Partnership fly tipping team; hopes Dacorum can continue to play its role in combating the problem; and looks forward to increased enforcement as a key part of that effort.'

140 FOOD HYGIENE SERVICE UPDATE

P O'Day provided a presentation on the food hygiene service, and members were asked if they had any questions.

Cllr Timmis asked if Dacorum inspected mobile vans selling food at markets/on the street.

P O'Day said that mobile premises registered in Dacorum were inspected, but if they were registered elsewhere and traded in Dacorum, it very much depended. If Dacorum had a formal arrangement with the registering authority, then the Council would inspect it, for example a business registered in Watford and trading in Dacorum. However, if the business moved from market to market, they would be

inspected by the registering authority for that district. With a big event, for example Chillfest, the Council would probably do a cursory check on these businesses and advise the organisers to permit only caterers who are 4 or 5 star rated.

Cllr Timmis asked if businesses involving a caravan selling coffee or tea at a big event, for example the Hertfordshire Show, or some sort of smaller outdoor event, have to be registered, even though they were not doing much.

P O'Day replied that it depended on whether there was an undertaking, as per the relevant regulation EC1782002. If the business was being done on a regular basis, even if it was very low risk, it would still have to be registered. However, if it was a church group fundraiser done once per year, it wouldn't have to be registered.

Cllr Riddick asked if things like the sausage sizzle fundraisers that had been run outside the Homebase store in Apsley had been registered and were being inspected.

P O'Day wasn't aware of food being sold at this location. Generally if large stores like Homebase ran a promotion involving food, the Council would advise them as it does event organisers, i.e. ensure caterers were 4 or 5 star rated, registered with a local authority and covered with the correct liability insurance. If it was a regular undertaking, like the van at the B&Q car park, then it would be inspected, but if it was ad hoc, it would make things more difficult to control. He said he would look into this particular case.

Cllr Riddick asked how one could differentiate a counterfeit food hygiene rating sign from a genuine one in a restaurant window.

P O'Day replied there was a handwritten part of the sign which states Dacorum, the date of the inspection, and the signature of the officer who did the inspection. Verification was available on the Council's website. If a sign is false, it's a trading standard offence, and the Council has reported businesses which have displayed old signs.

Cllr Hicks asked if the Council has an obligation to confirm if caterers have to have a food hygiene standard for a one-off event.

P O'Day said that if one is hiring a professional caterer, he would strongly recommend choosing only one that has a 4 or 5 star rating, has appropriate insurance and is registered with its local authority. However, if the event involved a group of people getting together, for example at a street party, these requirements would not be necessary.

Cllr Hicks said that once a month there was a street food event in Tring, where the Town Council hired the traders who sell food and drink. He couldn't remember what was in the hiring conditions, and he wasn't sure about the food safety ratings, but the Town Council had public liability insurance.

P O'Day advised that in order to protect itself, the Town Council should look for 4 or 5 star food safety ratings, make sure the sellers were registered with a local authority, (one could ask them for a letter to confirm that their businesses are registered), and ensure the traders have had food hygiene training. There was a lot of that training

available online, but it would be better to be taught a course, so one could interact with a tutor. The Chartered Institute of Environmental Health provided the benchmark training, but it didn't have to be provided by the institute as a lot of private equivalents were available.

Cllr Hicks asked if there was anything on the Council's website or online to which he could refer the Clerk to the Town Council, to ensure they were complying with regulations.

P O'Day replied the Council was already giving advice to people who run events, but he could provide something if required. Cllr Hicks said he would be grateful for the advice.

Cllr Timmis referred to the legal action that had been taken against an illegal halal chicken slaughterhouse and asked if the Council inspected slaughterhouses.

P O'Day replied that if slaughterhouses were registered, the responsibility for inspections lay with the Food Standards Agency, but if they weren't registered, as was the situation in this case, the responsibility was Dacorum's. It was the same with meat processing plants, as they too should be registered with the Food Standards Agency.

Cllr Riddick asked how the hygiene routine would be controlled in a situation where two hotels in the Borough were using external marquees to cater for events, and the food was transported from a kitchen, rather than prepared within the marquees.

P O'Day replied it would be no different to serving bar meals in the beer garden, so the food hygiene would be controlled via the food hygiene control of the kitchen. If premises such as hotels do weddings and conferences, the Council asks for the extent of the food operation. The Council asks whether it involves a plate service via wheeled cabinets, whether they have a spirit burner, or whether they have other methods like distributed food stations. Care homes for example might have various wings, produce food in one kitchen, and then distribute the food to the wings in heated cabinets.

When he first started working in food safety, one generally could get incidents of food poisoning from weddings and the like because the cooking and the cooling was quite poor. However, everybody was more cautious these days, and much more production takes place offsite. There was a time when one prepared chicken that one had to butcher the chicken itself to get to the chicken breast, whereas now one can get the chicken breast already cooked in a sauce, with all the preparation taken out.

Cllr Ransley enquired how one policed food hygiene at site-only woodland weddings, where the catering was done offsite and then brought to the woods.

P O'Day replied that this would be no different to any outdoor catering event. It would be no different for example to Chillfest, where a number of stalls use generators to provide the electricity or propane to provide the heat. Many venues of this type might not do any washing up on site, as they put all the dirty dishes etc into a big container and take them offsite back to the function kitchens. The Council would be looking at large trailers which include refrigerated and freezer storage that

will run off the vehicle battery or a backup generator, as these vehicles were now so much better than they used to be. The cooking and keeping cool side of things wasn't too bad, but the problem tended to be water, as water was very heavy and took up much space. Thus big festival caterers might have water butts and use chlorination tablets to keep the chlorine levels high.

Cllr Ransley asked if the Council would inspect the food hygiene on a wedding day.

P O'Day confirmed that he was reasonably familiar with this type of operation and that with this kind of event it was usually left to the people whose wedding it was to organise the catering. Sometimes it was left to the event organiser, and they would have a selection of caterers they would use. The Council would advise them to check if the caterer is registered with the local authority, the caterer's previous history, and so on.

Cllr Harden queried where the liability lay between the operator and the local council, and, so long as the monitoring aspect of what the Council did was fulfilled, whether all the liability was on the business, leaving the Council solely responsible for enforcement.

P O'Day said that he used this question for his research project in his graduate diploma in law. Essentially the liability rested with the business. However, as a public body the Council had some liability. His research project was based on whether the local council would be liable if it didn't take enforcement action in a situation where it inspected a food business, gave it a 0 or a 1 star rating, and then didn't take enforcement action. Liability would include financial considerations, so would be greater in cases where larger amounts of money was involved, for example high earning wealthy diners having to take time off as a result of obtaining food poisoning from an expensive restaurant. This was one of the reasons why when the rating of a food premises falls below 3 stars, a peer review is undertaken to ensure the scoring is correct and that the appropriate action is taken. The Council was required by the Food Law Code of Practice to comply with legal requirements and recommendations, and has served a number of notices, or gone back and re-done inspections. When a food business received a 0 or 1 star rating, the Council would take further action.

Cllr Harden felt that the Council had performed well in dealing with food safety.

P O'Day replied that was because the Council employed some very competent officers.

The chairman reported as a long-serving member that he had kept an eye on the food safety inspections performance indicator over the years, and remembered a time when the Council had been able to carry out 100% of its food safety inspections. However, the performance had been quite impaired on occasions when the Council had struggled to secure the resources required to carry out the work. He asked for an update.

P O'Day said that the proportion of higher risk premises categorised A-C, which had been inspected, was the team's key performance indicator. In the last quarter the team had, as a result of hard work, achieved 100%. But, one and a half posts remained

empty, temporary staff came and went, and the management of resource levels had been challenging.

Cllr Fisher asked if the Council provided advice or guidance to the public on food safety.

P O'Day said the Council's website carried a lot of advice, which generally replicated the advice from the Food Standards Agency. The latter tended to run food safety campaigns to advise the public in the Summer to cook barbecue chicken all the way through, and at Christmas to cook the turkey all the way through.

Cllr Fisher queried what happened if someone hired a venue for their wedding and did the catering themselves.

P O'Day replied if somebody did the catering themselves that wouldn't fall under the team's remit, as it wouldn't involve an undertaking. It would purely be just a one-off.

Cllr Fisher asked if the venue would have any responsibility.

P O'Day replied that the venue would not have any responsibility.

Cllr Hicks asked if raw chicken packaging should be washed for recycling or binned with residual waste.

P O'Day said that the issue with raw chicken was an organism called campylobacter, and one needed only a tiny amount of it to become seriously ill. It could last for nearly two weeks, was very painful, caused significant diarrhoea and was only good for losing weight. He disposed of his raw meat packaging in the residual waste without washing, as there were so many different organisms in the residual waste anyway.

The chairman took the other view that so long as one took precautions, by using an anti-bacterial agent, one could wash this packaging for recycling, and make one's wheelie bins spotless, but conceded this might involve too much effort for some.

D Austin commented that he was very pleased when Paul O'Day returned to Dacorum, as he was an exceptional officer, and introduced Russell Ham, who had taken on the Council's Corporate Health, Safety & Resilience role.

The chairman said he was pleased to see the Council filling vacancies in key roles, as it had been struggling to secure these resources.

The chairman thanked P O'Day for the presentation and answering questions.

The chairman said that during the presentation, P O'Day had mentioned that when the Council took food safety legal action in court, the proceedings were held in public, so members could attend and see the Council at work. This made the chairman think that it might be a good idea, resource permitting, to ask that all future public legal proceedings involving the Council are advertised to all members, as part of the weekly bulletin. Members agreed, and the chairman agreed to ask Mark Brookes.

141 **WORK PROGRAMME**

The chairman advised that it hadn't been possible to avoid adding an eighth item for the next meeting, and asked members if they would be willing to start the meeting earlier at 7pm. Members agreed, and S Turner agreed to advise Corporate & Democratic Support.

The Meeting ended at 9.30 pm