

Scrutiny Standing Panel Agenda



Safer, Cleaner, Greener Scrutiny Standing panel Thursday, 23rd July, 2009

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 7.00 pm

Democratic Services Officer: Adrian Hendry, Office of the Chief Executive
email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

Members:

Councillors G Pritchard (Vice-Chairman), D Bateman, R Barrett, M Colling, Miss R Cohen, R Frankel, Ms J Hedges, D Jacobs, R Law and Mrs E Webster

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

(Head of Research and Democratic Services). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

3. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

4. NOTE FROM PREVIOUS MEETING (Pages 3 - 8)

To consider and agree the notes from the meeting of the Panel held on 23 June 2009.

5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 9 - 14)

(Chairman / Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

6. BIRCHWOOD, HOE LANE, NAZEING (Pages 15 - 18)

At a recent Planning Services Scrutiny Panel, an emergency item was raised regarding events surrounding the above premises. This was the site where the chipping of waste wood takes place. There have been two major fires there in the last six months causing considerable local anxiety.

Attached are the notes from a recent multi-agency meeting to provide some background.

The Planning Services Panel referred this issue of environmental regulatory control to this Panel, with a request that you feedback to their Panel and the parent Overview and Scrutiny Committee.

The Panel is asked to consider the implications of these events and any future action that may need to be taken. Officers will furnish reports nearer the time.

7. ANY OTHER BUSINESS

8. FUTURE MEETINGS

To note the forward programme of meeting dates for the Panel. They are:

1st September 2009;
27th October 2009;
08th December 2009;
25th February 2010; and
29th April 2010.

Agenda Item 4

EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF SAFER, CLEANER, GREENER SCRUTINY STANDING
PANEL
HELD ON TUESDAY, 23 JUNE 2009
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 8.47 PM

Members Present: B Rolfe (Chairman), G Pritchard (Vice-Chairman), D Bateman, R Barrett, R Frankel, Ms J Hedges, D Jacobs, J Philip and Mrs E Webster

Other members present: K Angold-Stephens, Mrs D Collins, Mrs M Sartin, Ms S Stavrou and J M Whitehouse

Apologies for Absence: M Colling, Miss R Cohen and R Law

Officers Present J Nolan (Assistant Director Neighbourhoods), K Durrani (Assistant Director Technical Services) and A Hendry (Democratic Services Officer)

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. SUBSITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was reported that Councillor J Philip was substituting for Councillor M Colling.

3. NOTES FROM PREVIOUS MEETING

The notes from 24 February 2009 were agreed as a correct record.

4. TERMS OF REFERENCE / WORK PROGRAMME

The Terms of Reference and Work Programme were noted.

- (1) Safer Cleaner Greener:
 - a) They were now fully staffed. Officers were to be trained in July on a week long course;
 - b) -
 - c) They would be accredited after their training;
 - d) -
 - e) The Strategy document was currently at the printers.
- (2) Safer Communities
 - a) CCTV strategy to go to the next meeting.
- (3) Essex Waste Procurement process and Joint Committee
 - a) No recent meeting taken place, so no minutes available;
 - b) -
 - c) Letter of intent signed May 2009.
- (4) Waste Management Partnership Board

- a) Latest minutes on this agenda; noted that the June meeting was cancelled.
- (5) Nottingham Declaration
 - a) Still awaiting a report from Planning.
- (6) Residential Parking; and
- (7) County Highways. Both items to be deleted and moved to the new Highways Panel.
- (8) Bobbingworth Tip
 - a) In final stage of completion.
- (9) Flooding Matters
 - a) -
 - b) New Task and Finish Panel has been set up.
- (10) Safer – Crime and Disorder
To be discussed later on in the agenda.
- (11) Leisure Task & Finish Panel Workload; to be discussed later on in the agenda.

5. COMMUNITY SAFETY SCRUTINY ROLE - SCRUTINY OF CRIME AND DISORDER MATTERS

The Panel considered the report on the scrutiny of Crime and Disorder in the district. The Government had determined that crime was one of the top concerns for communities and has taken steps to address that. The Panel would be tasked to consider the scrutiny of Crime and Disorder matters along with its other matters and, in accordance with government regulations, two meetings a year are to be dedicated to Crime and Disorder matters. The Panel agreed that they would be the February and October meetings.

The Panel received a tabled document on delivering 'Safer and Confident Communities – Guidance for the Scrutiny of Crime and Disorder Matters'. This was a Home Office publication laying out the background to the implementing sections (19 and 20) of the Police and Justice Act 2006.

The Panel agreed to add scrutiny of Crime and Disorder matters to their terms of reference.

RESOLVED:

- (1) That the guidance on the establishment and operation of a Crime & Disorder Scrutiny Committee be noted;
- (2) That, notwithstanding the need to consider Crime and Disorder scrutiny matters at any time throughout the civic year, the Panel agreed to nominate two meetings per annum, in February and October, for the consideration of Crime and Disorder Scrutiny matters;
- (3) That the Panel's Terms of Reference should facilitate the co-opting of non Council Members onto the Panel should the need arise; and
- (4) That the changes to the Panel's Terms of Reference be referred to the

Overview and Scrutiny Committee for endorsement.

6. ENVIRONMENT AND STREET SCENE DIRECTORATE ENFORCEMENT POLICY

The Assistant Director Neighbourhoods, Jim Nolan, introduced the report to the Panel on the latest version of the Environment and Street Scene Directorates Enforcement Policy. The Policy was written in accordance with the Government Enforcement Concordat. The Policy was based on the principles that those in receipt of Council Services should:

- receive clear explanations from enforcers of what they need to do and by when;
- have opportunities to resolve differences before enforcement action was taken, unless immediate action was taken; and
- receive an explanation of their rights of appeal in the event of enforcement action being taken.

Councillor Whitehouse said it was helpful to say how things would be done and not just that we would do something.

Councillor Jacobs asked about the paragraph on helpfulness. The Council could not continue being helpful to repeat offenders. Mr Nolan said that they tried to be helpful at least once.

Councillor Jacobs then asked about the issuing of formal cautions, what if the person did not admit to the offence. Mr Nolan said they would have to make a decision one way or the other. In reality they would only issue a caution if they had a very strong case.

Councillor Jacobs asked about the meaning of one of the bullet points under the 'Prosecution' headline. He wanted to know exactly what "the likelihood of the defendant being able to establish a due diligence defence" meant. He was told that if the defendant could establish that they had done all they could, i.e. 'due diligence', they would not be prosecuted.

Councillor Philips asked about the paragraph about asking some of the people who they had dealt with to fill in a form to tell the council what they thought about the inspection. He was told that it fell under National Indicator (NI) 182. Councillor Philips said if it had to do with NI 182 then it should be referred to in the text as such.

RESOLVED:

That the members of the Panel endorsed the updated version of the Environment and Street Scene Directorate Enforcement Policy.

7. CCTV POLICY

The Panel noted that this report had been withdrawn and would be brought to their next meeting.

8. NOTES OF LAST WASTE MANAGEMENT PARTNERSHIP BOARD.

The Panel noted the minutes of the Waste Management Partnership Board Meeting for 20 April 2009.

Councillor Jacobs commented that the SITA representative had said that that no loads were rejected, but David Marsh (EFDC) said that a few loads were contaminated. Which is right? The Assistant Director Technical Services, Mr Durrani replied that it referred to contaminated wheeled bins, but no contamination at the disposal site.

Councillor Jacobs asked what “the anomalies” were, that were referred to in the minutes. Mr Durrani said they referred to any missed collection of individual wheeled bins; there was a system in place detailing problems encountered.

Commenting about the publicity for the new service implementation, Councillor Jacobs said that it was expensive to advertise in the local press and the council’s website should be used. Also, the local press was being read by less people.

Councillor Jacobs was also worried about the fact that County had indicated that bridleways and other areas such as traveller sites were no longer their responsibility as far as flytipping was concerned. Mr Durrani said that officers were presently in talks with county officers. The county said they were not the land owners, but EFDC still believe it was a county function.

Councillor Jacobs then asked about weed spraying on the verges; were they not doing it this year? Councillor Mrs Sartin replied that there was a delay in the funding this year.

9. UPDATE ON PROGRESS ON REVISED WASTE SERVICE

The Assistant Director Technical Services, Kim Durrani, updated the meeting on the progress on the revised waste service. He informed the meeting that there was to be a new wheeled bin of 180ltr capacity with a green lid, this was to take garden and kitchen waste. Households were also to be issued with a kitchen caddy. There was also a third, optional, container and that was a kerbside caddy, but not everyone would get one. The new bin would be collected weekly, and the remainder residual bins still on a two week cycle. Officers were aiming for a start date of September 2009 for this new service. They were currently preparing the new bins and lorries etc. and there would be a letter going out soon explaining all this to the public. Councillors would get prior warning about the letter via an email, as would local Town and Parish Councils.

Officers were presently working on FAQs to go on the Council’s website. As before, SITA would not collect any side waste. If a household did not currently have a wheeled bin then officers would assume that they can’t have them and would not issue them to that household. Some households had room for one bin but not two; this would be assessed at the time. If the household had no garden then they would get a kerbside caddy but not a green wheeled bin. Kitchen waste could be wrapped up in newspaper and put in the caddy but not in plastic bags.

Councillor Rolfe asked if people could choose to have a composter instead of a green wheeled bin. He was told that officers were currently looking at the cost benefits of this; it was a finance issue now.

Councillor Jacobs asked if people could opt just for a kerb side caddy. He was told that it was not an automatic thing. Officers would have to assess the situation.

It was noted that flats were excluded this time; officers were exploring having large containers for houses of multiple occupation.

Rochford had rolled out an identical system and we have been liaising with them to help us in our own roll out.

Councillor Frankel asked if there was information available about the types of plastic that could be collected, as the list we have now is not comprehensive. He was told that it was a valid point; the difficulty was what recycling plant we went to. If the council gave too much detail or said not bottles or flowerpots etc. it could be some of these could be recycled. It depended on the recycling plant. So, we leave it up to them to sort out.

Councillor Barrett asked if the collection went on into the winter. He was told that it did, there was always a large amount of garden waste to be collected throughout the year.

Councillor Angold-Stephens said there were a lot of people using small bio-degradable bags. Councillor Mrs Sartin agreed but added a lot of people would also just use a plastic bag and not a compostable bag.

Councillor Barrett asked if the kerb side caddy was lockable, he was told that it was. It was to be taken out and placed on the kerb side by 7am.

Councillor Mrs Sartin said that a lot of effort had gone into the using the right wording of the literature that the council was putting out. Councillor Mrs Collins said that they had tried hard with the publicity and the wording used. They also had a hanger to be put on the bins saying what could be put in.

Councillor Whitehouse said that the hangers were ingenious. Could members have an advanced look at these before they go out? Councillor Mrs Sartin said they were still working on them but would be happy to email them out to members once completed.

10. CONSIDERATION OF LEISURE TASK AND FINISH ISSUES

The Panel considered the terms of reference of the Leisure Task and Finish Panel that had been wound up by the main Overview and Scrutiny Committee at the beginning of June 2009. The Committee passed the remainder of the workload over to the Safer, Cleaner, Greener, Standing Panel.

The Panel noted that it was unlikely that that Epping Forest College would be actively pursuing the provision of leisure/sports facilities as part of its current developments. Members thought they should delete this part of the terms of reference on the basis that in the event circumstances changed, consent could be sought from Overview and Scrutiny Committee to reinstate it.

RESOLVED:

- (1) That the Leisure Task and Finish Panel's terms of reference be included in this Panel terms of reference.
- (2) That the terms of reference include:
 - a) the Waltham Abbey Sports Centre, and

- b) the monitoring of the Youth Initiative Scheme and Play Strategy.

(3) That the Panel would not include the Task and Finish Panel's terms of reference on the evaluation of the provision of sporting facilities as part of the development of the Epping Forest College.

11. ANY OTHER BUSINESS

1. The Panel noted that the Planning Standing Panel had asked that the environmental aspects of the recent fires at Birchwood, Hoe Lane, Nazeing be considered by this Panel. Given that there was not another meeting of this Panel until September 2009 it was agreed that a special meeting be convened as soon as possible. The dates of 20 or 23 July was offered to members. They asked for time to consult their diaries and get back to the officer later on a suitable date for the meeting.

2. The Assistant Director Technical Services, Mr Durrani asked the Panel if a piece of Government consultation could be taken to the next meeting of the Overview and Scrutiny Committee. He explained that officers had recently received a consultation document consisting of a number of questions, coming out of the Flood and Water Management Bill, in answer to the recent Pitt Review on Flooding. Because of the tight timescale for returning the consultation document, officers could not wait until the next scheduled meeting of this Panel and taking it to the 9th July 2009 meeting of the Overview and Scrutiny Committee seemed to be a viable option.

Councillor Frankel asked if a short powerpoint presentation could be given to the Committee to bring them up to speed on the background to this consultation. Mr Durrani said that he would provide a short presentation for the Committee.

RESOLVED:

That the consultation paper on Flooding and Water Management be taken to the July 2009 meeting of the Overview and Scrutiny Panel for their consideration.

3. Councillor Pritchard said that he was keen to look at the tree strategy and asked if it could be brought to a future meeting for their consideration.

AGREED: that the tree strategy be brought to a future meeting of this Panel.

4. Councillor Pritchard also wanted to know how a member could add an item onto an agenda for the Panel's consideration. It was noted that members should ask the lead officer to add an item to the agenda for the next meeting if it was considered urgent or, ideally, they should bring it up at a meeting under any other business to enable the Panel to decide if they wished to consider it and when.

12. FUTURE MEETINGS

The dates of the future meetings of the Panel were noted.

TERMS OF REFERENCE - STANDING PANEL

Title: Safer, Cleaner, Greener

Status: Standing Panel

Terms of Reference:

1. To approve and keep under review the “Safer, Cleaner, Greener” initiative development programme.

(Note: this development programme will encompass the three main issues and will therefore include matters such as:

- (i) environmental enforcement activity*
- (ii) safer communities activities*
- (iii) waste management activities (in addition to WMPB information))*

2. To keep under review the activity and decisions of the West Essex Joint Waste Committee.
3. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract
4. To monitor and keep under review the Nottingham Declaration “action plan” and the Council’s progress towards the preparation and adoption of a sustainability policy and to receive progress reports on the Council’s Climate Change Strategy from the Green Working Group
5. To monitor the recommendations of the 2005/06 Task and Finish Panel on parking in residential areas in respect of wider parking enforcement issues only. – **Item 5 now moved to the Highways Panel**
6.
 - i) To receive, review and comment upon County Council Highways strategic policies on speed and freight management; and
 - ii) To keep an overview on transport matters that were the subject of a focus day in Nazeing in March 2007, and the action plan in respect thereof and
 - iii) To keep a watch on Highway accidents within the District and to include specifically data on accidents resulting in death or serious injuries.**Item 6 now moved to the Highways Panel.**
7. (Subject to Cabinet approval of the Group) to receive and review the reports of the Bobbingworth Tip Management Group.
8. To act as the Council's Crime and Disorder Scrutiny Committee and to keep under review the activities of the Epping Forest Safer Communities Partnership as a whole or any of the individual partners which make up the partnership.
(a) That at least two meeting a year be dedicated as Community Safety Committee meetings.

Work from The Leisure Task and Finish Panel:

9. Waltham Abbey Sports Centre/ Swimming Pool:

- To assess the feasibility of providing a new sports hall at the Waltham Abbey Swimming Pool;
- To conclude the assessment commenced in 2007/08 of evaluating the current and potential future management arrangements at Waltham Abbey Sports Centre.

10. The on-going monitoring of the Youth Initiatives Scheme and Play Strategy.

Chairman: Cllr B Rolfe

**Safer, Cleaner, Greener Standing Panel
Work Programme – 2009/10**

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Safer, Cleaner, Greener (general) (a) completion of establishment etc (b) formal "launch" (c) accreditation progress (d) enforcement activity (e) Strategy Document	(a) Completed (b) June 2009 (c) August 2009 (d) August 2009 (e) September 2009	(a) Establishment now complete (b) Now scheduled for July 2009 (c) Corporate accreditation achieved May 2009. Individual officer training scheduled for completion mid August 2009. (d) Enforcement policy document to the 23 June meeting. (e) agreed by this Panel at its February 2009 meeting, to Cabinet for adoption in Sept. 09.	23 June 2009 23 July (extra) 1 September 27 October 8 December 25 February 2010 29 April
(2) Safer communities (Safer) (a) CCTV policy	(a) September 2009	(a) policy document to the 1 September 09 meeting with example warning signs for consideration.	

<p>(3) Essex Waste Procurement process and Joint Committee (Cleaner, Greener)</p> <p>(a) minutes of joint Committee (b) JMWMS (e) Inter authority agreements</p>	<p>(a) Ongoing (b) Adopted. (c) Completed.</p>	<p>(a) No recent meeting to report. (b) No further action required until review. (c) Agreed at March 2009 Cabinet. Letter of intent signed May 2009.</p>	
<p>(4) Waste Management Partnership Board (Greener)</p> <p>(a) minutes of Board (b) review of garden waste (c) Introduction of food waste collection (d) recycling in flats and similar buildings (e) new food and garden recycling service.</p>	<p>(a) Ongoing (b to c) prelim results went to October 08 meeting. (d) Ongoing (e) Implementation Team updates</p>	<p>(a) Minutes of WMPB for 20 April went to 23 June meeting. (b & c) new service agreed at Cabinet at special meeting on 19 January 2009. New scheme due to commence September 2009. (d) Some progress in 08/09. Further progress as part of new service rollout. (e) Procurement of major assets in progress. Key Partners/stakeholders being identified road shows being programmed. Presentation to SCG Standing Panel.</p>	
<p>(5) Nottingham Declaration (Greener)</p> <p>(a) Sustainability action plan (b) Climate change strategy – completed.</p>	<p>(a) First draft went to February 09 meeting (b) Went to February 09 meeting</p>	<p>A report on the consultation exercise on the green strategy is to be produced by the Director of Planning and Economic Development. New Cycle scheme now being advertised. Staff travel survey is underway. Climate change went to February 09 meeting. Went to Cabinet in April 09.</p>	
<p>(6) Residential parking (Safer, Greener)</p>		<p>Parking on Housing estates. Topic to be transferred to the newly formed Highways Panel in 2009/10 Council year.</p>	

<p>(7) County Highways matters (Safer)</p> <p>(a) Nazeing Action Group (b) speed management (c) freight strategy (d) Monitoring of Road Accidents.</p>		<p>(a) Follow up meeting on 26 Nov.08 – to report back.</p> <p>All matters on highways to go to the new Localism Highways Panel.</p>	
<p>(8) Bobbingworth Tip (Greener)</p> <p>(a) Management Group</p>		<p>Cabinet has agreed to defer creating a monitoring Group until scheme is completed. In final stage of completion.</p> <p>(a) Management group to be set up in new municipal year.</p>	
<p>(9) Flooding matters</p> <p>(a) Strategic Flood Risk assessment (b) Pitt Review and Flood and Water Bill</p>	<p>(a) to be completed in time to contribute to East of England development plan (b) Overview and Scrutiny currently considering request for inclusion in programme</p>	<p>(a) Being produced jointly with Harlow District Council. Bulk of the work completed, final report compilation outstanding.</p> <p>(b) The Council responded to the consultation for the Pitt Review, this and the forthcoming Flood and Water Bill will have implications for the Council. A Task and Finish Panel reviewing the implications of the Pitt review for the Council has now been set up.</p>	
<p>10) Safer - Crime and Disorder.</p> <p>Council's Community Safety Committee.</p>	<p>To be considered in October 2009 and February 2010</p>	<p>By law, at least two meetings a year have to be dedicated to Crime and Disorder issues October and February seem to be best placed.</p>	

(11) From former Leisure Task and Finish Panel		a) To review the Waltham Abbey Sports Centre; and b) The monitoring of the Youth Initiative Scheme and Play Strategy.	
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Notes of meeting regarding Birchwood, Hoe Lane, Nazeing

Location: Epping Forest DC, Civic Offices

Time: 14.00

Present:

John Gilbert - Director of Environment & Street Scene (EFDC) (JG)

Stephan Solon – Planning Enforcement Manager (EFDC) (SS)

Fay Rusby – Environmental Health Officer (EFDC) (FR)

Caroline Skinner - Senior Health Improvement (NHS West Essex) on behalf of Alison Cowie –
Director of Public Health NHS West Essex (West Essex PCT) (CS)

Ruth Shaw – Senior Environment Officer (Environment Agency) (RS)

Richard Rajham – HM Inspector of Health & Safety (HSE) (RR)

Richard Bassett – Cabinet Member for Emergency Planning (EFDC) (RB)

Alex Chown – Team Leader – Lower Lee Catchment (Environment Agency) (AC)

Stuart McMillan – Asst. Divisional Fire Officer (Essex Fire & Rescue) (SM)

JG assumed the Chair of the meeting and all present introduced themselves and their role within their organisations. The meeting then opened by each agency present setting out the present position as regards the history of and involvement in the site.

Agency history and regulatory involvement to date

SS set out the planning situation as follows:

- o the site has consent for “General Industrial Purposes”. This was granted by the Planning Inspectorate on appeal and has no limiting conditions other than some working hours restrictions which include part working on a Saturday and no working on a Sunday
- o Issues started to develop around 3 years ago when the site was being operated by Essex Wood Recycling (EWR). Waste wood was brought onto the site for chipping. EFDC took the view that this activity was waste related and therefore fell outside of the general Industrial Purpose planning approval. However, Counsel’s advice was sought which indicated a contrary view. This contrary view was shared by Essex County Council (as Waste Planning Authority) who concluded that this not a ‘waste operation’.
- o the pile of wood on site got ever larger such that EFDC took the view that the core operation on site was now one of storage and not wood processing. Around this time the operator of the site changed and the new operators Scott & Scott approached EFDC to seek consent for incineration. This was rejected by EFDC and the EA. In October 2007 EFDC issued an enforcement notice for the unauthorised use of ‘storage’. This notice was appealed with a public inquiry scheduled for December 2008. In the meantime a new planning application was made for a temporary consent for a mixed use – storage and general industrial. Unfortunately the date of consideration of this application clashed with the public inquiry, and because the Planning Inspectorate would not rearrange its Inquiry date, the decision was made to withdraw the enforcement notice and proceed with the new application. EFDC gave consent for the new usage and attached a raft of operational conditions. In January 2009, the timber caught fire, and in view of that the new consent was not taken up, leaving the original consent in place, but now without the enforcement notice in being
- o EFDC and the EA were content throughout that chipping was actually taking place on site
- o the most recent fire has resulted in a cessation of use, but once the site is cleared, the original process could recommence as before.
- o Whilst there remains surprise that the County Council do not consider this to be a wate operation, EFDC does not wish to push this point, because of the possible implications on other sites within the district

FR then set out the environmental regulatory position from EFDC's point of view

- o when the site commenced operations EFDC took the view that it was caught by the pollution prevention and control (PPC) legislation. However, the English Regulations, as to differ from Scotland, do not include timber shredding within their remit and therefore PPC did not apply
- o EFDC was therefore left with the nuisance powers within the Environmental Protection Act to deal with dust and similar nuisances. An abatement notice was served upon EWR but just prior to the matter going before the Courts, EWR went into liquidation, and the case could not proceed
- o since Scott & Scott have been on the site complaints have been few, and no evidence to justify the service of notice has been obtained. Local residents have not actively complained, nor kept diaries etc as requested. No quantitative monitoring has been undertaken.
- o recent changes in the law, and the introduction of the Environmental Permitting Regulations (EPR), has resulted in all nuisance matters being dealt with by the EA

AC then set out the EA's regulatory position

- o Alex confirmed that the EPR had shifted lead responsibility from EFDC to the EA. However, they were prepared to act if evidence existed, but residents and other agencies would have to be able to provide / support that evidence.
- o Scott & Scott operated under an exemption under the EPR. This enabled them to bring wood onto the site for chipping, subject to certain controls such as a maximum tonnage (20,000 tonnes on site). The EA accepted that there may be other waste on the site, but unless it could be clearly shown that this was delivered to the site with the waste timber, it was assumed that this was already present on the site. (Within the timber metal arisings should be incidental such as screws, nails, metal straps associated with packing)
- o Government was aware of abuses of the current exemptions process and a consultation was currently underway with a view to tightening regulatory controls. These would not be available for some time.
- o The major power available to the EA was to remove the exemption (deregister). The burden of proof to support this action was high and in any event it did not prevent an immediate reapplication which could be made on-line and would be approved (no facility to take past activities into account!)
- o A part from the fires this year we hold no records of complaint from this site.

SM set out the regulatory position of the Essex Fire Service (EFS)

- o EFS viewed the site as a workplace with its primary concern being the safety of the workforce on site or others visiting the site.
- o The volume of water available in the Nazeing area via water mains for firefighting is as expected for a rural risk area; water supplies for the site itself are as expected by the Essex Fire & Rescue Service given its location. Additional water supplies to the site would be for the occupiers/operators to provide and pay for via the local water company.
- o In terms of managing a fire of such magnitude at such a location, firefighting operations employed are normally to contain and control rather than to seek to extinguish. In managing a fire in this way some of the considerations are: availability of water, risk to fire-fighters and the general public, contaminated water run off, the operational fire cover required for other areas in the county.

RR set out the position of the Health & Safety Executive (HSE)

- o the site had a previous history with the HSE. A prohibition Notice had been served on EWR in respect of the safety of the timber being stockpiled, and the Notice prevented any further addition of timber to then stockpile. As soon as material had left the site, such that the risk had been abated, the Notice was deemed to have been complied with
- o EWR was also served with an Improvement Notice to secure the site. This was not followed up or reserved when the business transferred to Scott & Scott

- o the HSE could be minded to reserve an Improvement Notice again in order to secure the site, but further technical advice would have to be sought

CS explained the concerns of the West Essex Primary Care Trust (PCT)

- o PCT would be concerned about the potential dangers to children from access to the site
- o PCT to seek information on the extent to which there have been additional GP referrals for respiratory illness in the area and also the contention that there may be cancer clusters located in and around the area

General discussion

JG explained that there was a very high level of concern amongst local residents supported by locally elected Members and Members (including prospective members) of Parliament. The local feeling was very clear – they wanted the facility to be closed down and clearly could not understand why the regulatory authorities were unable to achieve this. Following the latest fire this pressure has increased with a number of petitions circulating demanding that something be done.

AC explained that proposed revisions to the EPR would provide the EA with additional regulatory powers. However, these were still subject to consultation and would not be available in the short term.

CS sought information on how the fires started. SM explained that it was likely that there had been “human intervention” but that the who and the how would never be established. Even if it were deliberate, the Police would not pursue since there has been no attempt, as far as is known, to benefit from, the fire e.g. false insurance claims etc.

RR felt that it might be possible to support the service of an Improvement Notice to secure the site, although such a notice would not seek any specific solution. However, he indicated that the minimum sought would mirror the requirements for a building site.

SM added that it would also be beneficial for the stockpiles of timber to be sub-divided into smaller units, thus providing additional fire breaks and an easier to manage situation in the event that a further fire was to occur.

Possible interventions by the regulatory agencies

Each agency was requested to detail what regulatory action it might be able to take:

- o The HSE and Fire Service agreed that some action could be taken to deal with the current levels of site security, possibly, as mentioned earlier, through the HES serving an Improvement Notice on both the site owners and the operators
- o The EA had already “threatened” to remove the existing exemption and effectively deregister the premises. However, they were allowing the operators time to make good on their commitments to improve the management of the site. The EA accepted it was important to maintain their regulatory pressure on the operator. AC also emphasised the importance of the EA receiving usable evidence of nuisance or misuse of the site. Although residents were reluctant on the basis of “what’s the point”, evidence was vital to the EA’s ability to maintain regulatory pressure on the operator.
- o EFDC were asked whether it was possible to seek relocation of the operation. SS explained the options available, but each had its difficulties including the site remaining available to another operator to come in and do the same (or worse!) or the costs of compensation that would need to be paid if a process of discontinuance was pursued

- o EFDC could approach the operator seeking information as to why they had not brought forward previously discussed proposals for site fencing and constructing a building to fully enclose the operation
- o CS asked whether pressure might be applied to the operator on the basis of them wanting to be a welcomed element of the local community and to be seen as a responsible local business

Agreed actions

- (1) a joint letter, from all the agencies, to be sent to the local residents explaining the regulatory position, what could be achieved and any proposed actions. The importance of the provision of evidence would also be included in the letter
- (2) a joint letter, from all the agencies, to be sent to the owner and operator, setting out the regulatory position, and the depth of feeling of local residents and the potential actions of the agencies
- (3) more frequent regulatory inspections carried out jointly by the agencies. This is intended to increase and then maintain the regulatory pressures on the owner/operator
- (4) HSE and Fire Service to seek expert advice from their organisations regarding the nature of action which could be taken now, particularly regarding site security
- (5) EFDC to liaise with the Essex County Council regarding waste planning issues
- (6) WE PCT to seek information on local GP referrals and cancer clusters
- (7) To meet again in 4 to 6 weeks time to discuss progress