



# Environment and Sustainability Committee

**Thursday, 8 June 2023 at 7.30 pm**

**Council Chamber - Civic Centre**

## **Members of the Committee**

Councillors: D Coen (Chair), V Cunningham (Vice-Chair), A Berardi, R Bromley, D Clarke, M K Cressey, S Jenkins, N Prescott, S Ringham and D Whyte

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

## **AGENDA**

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Democratic Services, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425622). (Email: [democratic.services@runnymede.gov.uk](mailto:democratic.services@runnymede.gov.uk)).**
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The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

**List of matters for consideration  
Part I**

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**Matters in respect of which reports have been made available for public inspection**

1.	<b>Minutes</b>	4 - 9
	To confirm and sign, as a correct record, the Minutes of the meeting of the Committee held on 9 <sup>th</sup> March (Appendix 'A').	
2.	<b>Apologies for absence</b>	
3.	<b>Declarations of interest</b>	
	Members are invited to declare any disclosable pecuniary interests or other registrable and non-registrable interests in items on the agenda.	
4.	<b>Chertsey Town Centre Street Licensing Review</b>	10 - 20
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14.	<b>Standing Order 42</b>	192 - 196
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**Part II**

**They are no matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection**

## Runnymede Borough Council

### Environment and Sustainability Committee

Thursday, 9 March 2023 at 7.30 pm

Members of the Committee present: Councillors N King (Chairman), D Coen (Vice-Chair), R Bromley, M Heath, S Jenkins, R King, S Lewis, N Prescott and D Whyte.

Members of the Committee absent: Councillors J Olorenshaw.

In attendance: Councillors A Berardi, L Gillham and J Gracey.

#### 1 Minutes

The minutes of the meeting of the Committee held on 12 January 2023 were confirmed and signed as a correct record.

#### 2 Apologies for absence

Apologies were received from Councillor J Olorenshaw

#### 3 Declarations of interest

Councillor M Heath disclosed a NRI in item 8 as she is Chair of the SEP. Councillor Heath remained in the Chamber for the meeting but abstained from voting.

Councillor L Gillham disclosed an ORI in item 8 as she is the Runnymede appointed Member of the SEP. Councillor Gillham remained in the Chamber for the meeting.

#### 4 Climate Change Update

The Committee noted a report on the various activities which had been undertaken, were ongoing or were planned to help the Council and the Borough of Runnymede to meet its net zero targets by 2030 and 2050 respectively.

The current focuses within the Climate Change team were:

- Providing Members with a comprehensive update on the projects which are planned and will help in the Council's response to climate change. Officers would work with the Project Management Officer to ensure all future reporting on climate change activities was easily accessible to Members
- Ensuring the Forward Programme for Committee Meetings was kept up to date and sets out the climate change items being brought to various Committees
- Finalising stage 1 of the Council's Climate Change Study which would set the carbon emissions baseline for the Borough
- Plan an exciting week of events and activities for this year's Great Big Green Week
- Improving monitoring procedures and increasing capacity in readiness to start tracking our progress in reducing our carbon emissions over time

Officers were congratulated on the report, which was more accessible than previous reports and a joy to read. The Committee commented that it was good to see the great work done coming together.

The Committee was also keen for Runnymede to champion initiatives. It was agreed that the Environmental Place Shaping MWP would look into pursuing this.

The Committee commented on the success of the warm hubs and asked Officers where cool hubs would be located in the Borough. Officers confirmed that this information was not yet available, but Members would be notified when the information was available.

The Committee was advised that carbon literacy training for Members would be set up for early June following the election period.

## 5 **Damp and Mould Consultation Response Update**

The Committee received an update on the response submitted to the Department of Levelling Up, Housing and Communities (DLUHC) following a letter from the Secretary of State for Levelling Up, Housing and Communities, the Rt Hon Michael Gove MP, in the wake of the tragic and avoidable death of Awaab Ishak.

Runnymede's initial response to the DLUHC highlighted the following:

- With regards to proposal on addressing damp and mould issues in the private rented sector, Runnymede's private sector housing enforcement policy aligned with the Housing Act 2004 which stated that – The Council had a duty to take action in respect of category one hazards and discretion to take action in respect of category two hazards. Runnymede planned to continue to make use of the appropriate enforcement measures available to address any assessed hazard identified, whether it was a category 1 or 2 hazard, namely;
  - Hazard awareness notices
  - Improvement notices
  - Prohibition orders
  - Emergency prohibition orders
- The Private Sector Housing (PSH) team additionally planned to review the current measures available to the private rented sector
- The PSH team also proposed to take specific action in relation to damp and mould

It was noted housing associations and sheltered housing had different standards to that of private sector housing.

Councillor J Gracey, who was present at the meeting advised all Members that she was happy to be contacted with any problems reported to them in relation to Runnymede's own housing stock.

It was noted that residents living in mobile homes were sadly not covered by government legislation.

## 6 **Planning Policy Service Area Plan**

The Committee was asked to approve the 2023/24 Service Area for Planning Policy and Economic Development and note the general fund business cases requiring growth.

Members were advised that the planning policy team had recently been expanded to incorporate the Council's Corporate Climate Change function, with direct reporting by the Local Plans Manager to the Chief Executive. Additionally, a number of new appointments had been made to the Planning Policy and Economic Development Business unit over the last year. These appointments had strengthened the resilience and experience of the team, which was now well placed to react to changes and support delivery of various service areas priorities.

In order to support new key area of work within the service area plan in 2023/24, the following proposed initiatives required growth to enable them to be delivered.

- £43,000 to support delivery of the Local Plan review. Underspend in 2022/23 would be used to provide for this budget.
- £20,000 to support delivery of two Neighbourhood Plans required to cover the costs of two Examinations in 2023/24, (£10,000 was budgeted in the following year to cover costs for a third Neighbourhood Plan Examination). The Council would receive a retrospective grant to cover these costs after the examinations were completed)
- Up to £70,000/annum to enable recruitment of a transport planner to assist with the LCWIP and other transport schemes.
- £56,000 to support delivery of the Business Growth and Innovation Hub. This would be funded by SPF
- £30,000 to support delivery of town centre events and markets.
- £20,000 to support delivery of feasibility designs for Chertsey Town Centre urban realm improvement
- £10,000 to support other economic development activity

Members were pleased to note the recruitment of a transport planner to assist with the LCWIP. Officers confirmed the planner would be working jointly with neighbouring boroughs, Surrey County Council and have involvement in the Surrey Infrastructure plan

It was noted that whilst Runnymede in general was a relatively affluent Borough the Borough did have areas of deprivation. Councillor D Whyte would meet with Officers in this regard, with a view to focussing on these areas.

**Resolved that:**

- i) **The 2023/24 Service Area Plan for Planning Policy and Economic Development be approved; and**

- ii) **The General Fund business cases required growth subject to approval by Corporate Management Committee (or Full Council depending on the sums) be noted.**

## 7 **Surrey Environmental Partnership (SEP) 25**

The Committee was advised that the Surrey Environmental Partnership (SEP) provided waste disposal services for all 11 Surrey County Council districts and boroughs including Runnymede Borough Council.

Since the Resources and Waste Strategy (RaWS) for England was published in December 2018, the Government has consulted on several of the strategy's ambitions across a range of subjects, the anticipated results would provide policy direction.

The Surrey Joint Municipal Waste Management Strategy (JMWMS) was last updated in 2015. Although due for revision SEP have decided to wait for clarity with respect to the Resource and Waste Strategy before reviewing the JMWMS.

In the interim SEP have developed SEP 25 to bridge the gap between the existing JMWMS and a revised future strategy to allow for further guidance from central government.

SEP 25 reflected the vision of SEP and provided a clear direction for the partnership for the next three years to 2025 and a longer-term vision that would allow SEP to continue to follow the waste hierarchy and work towards zero waste.

The strategy included three key measures:

1. Invoke the 'polluter pays' principle and extend producer responsibility (EPR) for packaging. To commence from April 2024
2. Introduce a deposit return scheme (DRS) for drinks containers, to reward people for bringing back bottles and encourage them not to litter. Proposed for late 2024.
3. Improve recycling rates by ensuring consistency in household and business recycling collections which is proposed to tie in with the launch of EPR.

The Key national targets were:

1. 55% recycling rate by 2025 and 65% by 2035.
2. Fleet owners and operators work towards 100% of vehicle fleets being zero emission by 2030, or earlier when markets allow (COP26 ambition)
3. 50% reduction in residual waste by 2042 from 2019 level (proposed in the environmental targets consultation – March 2022)

Significant achievements within Surrey had already be made possible by working together as a partnership; the most notable being improved recycling rates, which in 2010-11 was 46.4% (13<sup>th</sup> highest nationally) to 55.1% (3<sup>rd</sup> highest nationally) by 2020-21.

It was noted that SEP 25 was aligned with the Runnymede Climate Change Strategy.

The SEP 25 was currently being taken through individual Council's democratic processes with hopeful formal adoption across the SEP by April 2023.

In relation to electric vehicles, it was noted that Runnymede's Climate Change Strategy had committed the Council to have electric vehicles by 2030.

**Resolved that:**

- i) The Surrey Environmental Partnership approach to waste prevention and recycling in Surrey for the next three years known as the SEP 2025 be adopted; and**
- ii) Runnymede Borough Council's Service Delivery plan relating to SEP 25 be approved**

**8 Bin Policy**

The Committee was asked to approve a programmed removal of separate dog waste bins and introduction of signage on all new litter bins to explain that dog waste could be disposed of in general litter bins and to approve a pilot scheme introducing recycled waste bins at Runnymede Pleasure Grounds.

Officers advised the Committee that at present Runnymede Borough Council had over 631 waste litter bins and 292 dog waste bins. Currently there were no litter recycling bins.

From May 2023 Officers proposed to pilot the installation of dual waste and recycling bins with clear recycling messaging at Runnymede Pleasure Grounds and Chertsey Recreation Grounds. The pilot would run for one year and if the new waste/recycling bins, along with clear messaging was successful, similar dual bins would be rolled out to other locations in the Borough. Members were supportive of this pilot approach.

In addition, Officers were proposing to initiate a programmed removal of separate dog waste bins across the Borough as since 2015 dog waste could be safely disposed of in a standard waste bin.

The Committee raised various concerns regarding the removal of dog waste bins. The Committee expressed concerns that residents had not been consulted. Officers advised Members that some dog waste bins were greatly used, and some got very little use. The Committee suggested this should be part of any consultation process.

It was noted that where some dog waste bins were already missing due to vandalism and if the frame remained this seemed to encourage some dog owners to just dump the dog waste where the bin used to be situated. This wasn't something we would want replicated. Additionally, the Committee strongly felt that there should be feedback prior to considering what areas should be on any priority list.

**Resolved that:**

- i) To approve a pilot scheme introducing recycled waste bins at Runnymede Pleasure Grounds and Chertsey Recreation Ground; and**
- ii) To approve a public consultation in accordance with Annex 4 of the Consultation for the proposed;**
  - a) Programmed removal and/or replacement of separate dog waste bins (to include the review of any bin locations), and**



- b) Introduction of signage on all new litter bins to explain that dog waste can be disposed of in general litter bins; and**
- c) Introduction of a new litter bin policy as set out in Appendix A**

## 9 **Event Co-ordination Policy**

The Committee reviewed the proposed Event Coordination policy.

The policy covered two key areas of the event management process which were:

- Process of notification/requests to hold events
- Terms of reference and process for the Council's Safety Advisory Group

The policy addresses the need for a consistent approach to the Council being notified of events to be held, for considering requests to hold events on Council owned land and in the determination of whether events needed to be considered by the Safety Advisory Group.

It was noted that larger, long standing, annual events in the Borough would be prioritised in order to preserve their status and to ensure their dates were included with event calendars for the forthcoming year, before considering any other requests/notification.

The Committee thanked Officers for the policy which would provide much needed consistency on how events were booked.

## 10 **Exclusion of press and public**

(The meeting ended at 10.34 pm.)

Chairman

## **Chertsey Town Centre Street Licensing Review – Town Centres and Events Manager – (Azra Mukadam)**

### **Synopsis of report:**

**This report seeks authority to commence the process to increase the number of streets in which street trading is permitted to include Guildford Street, Chertsey**

### **Recommendation(s):**

**The Corporate Head of Law and Governance be authorised to review the designation of licence streets in the borough pursuant to its powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.**

**To proceed with public consultation to designate Guildford Street, Chertsey as a licence street to permit street trading.**

## **1. Context and background of report**

- 1.1 In 2021, the Chertsey Town Team and local businesses reported to officers, that they needed support to bring shoppers back into the town. The lack of footfall and vibrancy is a legacy from the covid pandemic and the impact from both hybrid working and online shopping popularity.
- 1.1 The most evident method identified to increase footfall to the area was to run regular events and markets in the town centres, drawing local people to the area and offering a wider range of goods.
- 1.2 A report was taken to the Environmental and Sustainability Committee (E&S Committee) in September 2021 to allow authority to develop street markets across the Borough's town centres with the first focus of development to be in Egham and to use this as way to further review opportunities for the rest of the Borough.
- 1.3 To add that, Egham is currently the only town that has permitted licenced streets to hold street markets making development easier to permit.
- 1.4 In March 2022, Officers briefed the E&S Committee on the progress of Egham market and that they were working on developing a variety of market offerings. Currently the market that was running in Egham was the vegan market.
- 1.5 Officers suggested that a review be reported back to the E&S Committee later in the year, whereby there should be sufficient outcomes from a breadth of markets held in Egham.
- 1.6 In November 2022, Egham Chamber of Commerce had introduced a new artisan market for the winter period. Officers were therefore unable to report back any progress to E&S Committee (in September 2022).

- 1.7 The winter markets proved to be a great success for Egham and the Chambers offered the market operator a regular market slot of 1<sup>st</sup> Saturday of each month from February 2023.
- 1.8 Egham markets are now well-established in the town's calendar and both market operators are happy working alongside the Egham Chambers to continue this work.
- 1.9 Both businesses and residents have received these events as a positive addition to the high street.
- 1.10 Market operators have reported that their traders and local businesses are building a cohesive partnership, both benefiting from the footfall.
- 1.11 Having demonstrated a thriving market in Egham, officers are committed to focusing their efforts to support Chertsey in developing a licenced street to accommodate future street trading, which includes street markets.
- 1.12 Chertsey is a priority area for the wider economic development strategy to levelling up Runnymede residents' pride in their local area. The objectives are to deliver improvements to Chertsey Town Centre. Chertsey will therefore be the focus for the investment to build '*pride in place*', as part of the Shared Prosperity Fund (SPF). Part of this proposal is to develop outdoor markets and events to build vibrancy and increase footfall and dwell time in the town centre.
- 1.13 Chertsey is a charter market town, which previously held a farmer's market (2006) which ran under a Charter granted by Elizabeth I in 1599, and just before the pandemic had a small market area on Windsor Street with a couple of traders providing pet food.
- 1.14 Windsor Street is the permitted location under the Charter to hold an outdoor market. However, Windsor Street's current infrastructure makes it impractical to host a safe environment that a street market requires.
- 1.15 Guildford Street currently allows for community events and street parades with a road closure request. It provides the ideal location for a street market as it is a one-way road and has access to other roads to divert traffic through the town.
- 1.16 Having demonstrated a safe and viable location with the recent trial market on May Day, Guildford Street showed minimum impact when closed off for the market. Businesses are still able to access the back of their shops through Heriot Road and Gogmore Road for both sides of shops. There was no major impact to road transport by this closure as adjacent roads are accessible in and out of Chertsey town.
- 1.17 It should also be noted that consent from the Trustees of the Charter, known as the Feoffees, will be required for any future markets to be held within six and two thirds miles of Chertsey. Officers have had discussions with the Feoffees, who are happy to give consent for markets to go ahead with the agreement that Market operators or traders contribute a fee.

## 2. **Report and, where applicable, options considered and recommended**

- 2.1 Addlestone Town Centre has potential to hold markets in front of the Civic Offices on Station Road. This area is not public highway and is owned by the Council, therefore, any street trader will require permission from the Council in addition to a street trading licence, should there be appetite for markets in the future.
- 2.2 The Council would have to take into account any restrictions affecting the land which would prevent the use of their land by the street trader.
- 2.3 Consideration to permitting licence streets in other parts of the borough like local centres and villages have also been reviewed. The main challenges that are faced by designating licensed streets in smaller and more localised centres are identified in the table below:

<ul style="list-style-type: none"> <li>Commercial market traders must see a viable financial proposition to set up regular markets in a location. This requires a certain level of retail offer and footfall potential. Village and local centres, , especially those within a short distance of a town centre are thus seen as less commercially attractive locations.</li> </ul>	<ul style="list-style-type: none"> <li>The Economic Development Strategy identifies the need to support RBC's town centres as the main hubs for the borough's local economy. It is also part of the Government's key priorities to increase vibrancy and increase footfall of UK high streets.</li> </ul>
<ul style="list-style-type: none"> <li>SA lack of alternative diversion routes to redirect road traffic would result in disruption and would cause residents and visitors frustration which could result in negative publicity and reputational damage to the Council.</li> </ul>	<ul style="list-style-type: none"> <li>Our villages and neighborhoods do not all have the infrastructure to accommodate a regular commercial market. For example, parking spaces for traders, narrow roads that cannot accommodate both foot traffic and stalls. Alternative parking areas for residents every month.</li> </ul>

- 2.4 The report also sets out issues and processes that will have to be addressed if the Council were to seek to designate additional licensed streets. The Borough's three main town centre's have very differing characteristics. Each town's infrastructure has its advantage for visitors but also has its own challenges in relation to holding regular markets and events, Chertsey is the focus town for the purpose of this report:

<b>Town:</b>	<b>Strengths</b>	<b>Weakness</b>
Chertsey	<ul style="list-style-type: none"> <li>Unique features and history of the town can influence bespoke market opportunities i.e. vintage market, artisan markets etc.</li> </ul>	<ul style="list-style-type: none"> <li>Relationship with Sainsbury's could impact on where the market is held</li> <li>No obvious toilet facilities for traders</li> <li>No electric points for traders</li> </ul>

	<ul style="list-style-type: none"> <li>• Using the history of the town will benefit the appeal to visitors from outside the borough.</li> <li>• Feoffee's Charter allows for a market in Chertsey</li> <li>• Train Station is within walking distance of the main town</li> <li>• Road closures for Guildford St does not impact traffic, as alternative options are available</li> </ul>	<ul style="list-style-type: none"> <li>• Loading and drop off points need to be considered</li> <li>• Concerns amongst some existing retailers that the markets do not occur weekly as could be direct competition</li> <li>• No drive through traffic opportunities to pick up passing traffic</li> <li>• Locating the right area for the market could be problematic</li> <li>• If road closure is needed, there may be implications to redirect traffic on Windsor St</li> <li>• Regular noisy events in one location may up-set residents</li> </ul>
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2.5 In 2020, Officers carried out engagement directly with 30 businesses in Chertsey Town Centre as part of a wider borough scoping exercise on street markets. Feedback for Chertsey Markets was very positive. There were few concerns on street parking and how often a market would run. Consensus was, a monthly market in Chertsey would be seen as beneficial to the town's businesses.

2.6 Weekly markets were seen as less beneficial to the existing businesses as the market would then be directly competing with high street businesses.  
**(Survey available on request)**

2.7 Council officers ran a trial event in May 2023 to demonstrate the impact of a street market on Guildford Street. The event was an overwhelming success with an estimated 2000 people attending the market throughout the day, with 29 stalls selling a variety of local supplied produce. The market operator reported a sellout day. The high street businesses that opened on the day also reported as being busy from the overflow of business through the market.

### 3. Policy framework implications

3.1 Corporate Business Plan 2022- 2026 The Council's Corporate Business Plan identifies five key objectives: climate change, empowering communities, health and wellbeing, economic development and organisational development.

- 3.2 In line with some of the key objectives, this report aims to further the aim of the climate change strategy through creating a greener environment and encouraging a circular economy whereby we source local, support more ethically focused trading through the street markets and antique style market events. Also encouraging localised events that people can cycle or walk to.
- 3.3 This report aligns objectives from the Economic Development Strategy 2022-2026 through objective 3 of *developing the vitality and vibrancy of our town centres and growing the tourism and leisure economy* by providing a wider range of shopping experiences to the community by way of offering markets in the town centres. Allowing visitors to spend time dwelling and spending locally through the partnership opportunity of town businesses and the market offerings.
- 3.4 By creating more *vibrancy and vitality of our town centres* we aim to reduce leakage spend to neighbouring boroughs. Regular street markets will encourage the community to interact with local traders and local retailers, allowing the opportunity to visit shops while attending the market.

#### National Planning Policy Framework

- 3.5 Section 7. of the NPPF '*Enhancing the Vitality of Town Centres*' paragraph 86. This report aims to work within the planning policy framework to promote town centres and to retain, enhance and create new opportunities where possible to support *promoting the vitality of town centres*.  
<https://www.gov.uk/guidance/national-planning-policy-framework/7-ensuring-the-vitality-of-town-centres>

#### **4. Resource implications/Value for Money (where applicable)**

The proposed markets will impact on the following Council departments:

- 4.1 Legal – responsible for providing a Street Trading Licence to allow regular markets in Chertsey
- 4.2 Economic Development – Town Centre Management will be key in supporting the development of regular markets.
- 4.3 Environmental Services/Licensing – There are licensing issues around food hygiene and Licences will be required for the sale of alcohol and any kind of public entertainment. Licensing of alcohol and regulated entertainment is simply a case of submitting a Temporary Event Notice . This involves minimal resourcing from the Licensing and Environmental health Officers and is inexpensive at £21 per event.
- 4.4 Currently there has been no additional resources needed from Direct Services (DSO) Refuse, street cleaning and staff resources during market day. This will be reviewed at the end of the first year of this development.
- 4.5 Potential risks associated with more frequent markets are that there may not be enough demand to allow the traders to derive an income on a regular basis from the market, resulting in less interest from market operators to set up further markets.

## **5. Legal implications**

- 5.1 Street trading is regulated through local authorities adopting provisions contained in Section 3, Schedule 4 Local Government (Miscellaneous Provisions) Act 1982. In summary those provisions say that unless you fall within certain exceptions if you offer something for sale in the street you are street trading. Local authorities can decide if they wish to prohibit or allow street trading in their area. If a local authority decides to allow street trading it can do so by designating a street in its area as either a consent or a licence street, the two are slightly different. A street market, involving the use of stalls can only take place in a location where street trading is permitted.
- 5.2 Runnymede adopted the powers contained in Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 many years ago. When it adopted those powers, it decided to only permit street trading in two locations in the borough, High Street and Station Road North, Egham.
- 5.3 Station Road North has now become part pedestrianised through the development of Magna Square.
- 5.4 Those two locations are what are termed 'licence streets' i.e. the Council can issue what is termed a street trading licence to permit street trading in those locations.
- 5.5 In September 2021, the Environment and Sustainability Committee granted Egham up to 24 street trading licences in a calendar year to be managed by the Egham Chamber of Commerce in addition to the street trading licences which are already authorised.
- 5.6 This report is proposing to extend the street trading licence to Guildford Street, Chertsey as a suitable place for further events and market opportunities to other parts of the borough.
- 5.7 It should also be noted that in Chertsey, the Feoffees (Trustees) of Chertsey Market hold Market Charter Rights granted by Elizabeth I in 1599, which avoid the need for a street trading licence in Windsor Street if regular markets are to be held here.
- 5.8 At common law, the Trustees of a Charter Market have the right to prevent any other market being held within six and two thirds' miles of their own market. The consent of the Feoffees was obtained for Egham Markets. Therefore, the consent of the Feoffees of Chertsey Market will be required for the street market to be held. The Charter Rights do not, however, extend to being able to close Guildford Street without an order by the appropriate authority.
- 5.9 Closure of Guildford Street could be secured by the Highway Authority using powers contained in the Road Traffic Regulation Act 1984. For a single special occasion, or a limited number, it is probably open to the Council to close Guildford Street under the powers contained in the Town Police Clauses Act 1847.
- 5.10 The proposal carries no financial implications for the Council unless it makes an Order for the closure of Guildford Street without reimbursement. The cost of this would be comparatively modest.

- 5.11 The legal process for the next stage of action will be based on firstly the Environment and Sustainability Committee and Full Council agreeing on the expansion. Should the recommendations be considered to expand licence streets to Guildford Street Chertsey, the report will grant authority to publish a Notice in a local newspaper stating that the Council intend at a future date to pass a resolution designating a particular street as a licence street.
- 5.11 The Notice must appear in a local newspaper for two consecutive weeks.
- 5.12 The Notice must explain that the public has 28 days to submit representations about the proposal to designate a street as a licence street.
- 5.13 A copy of the Notice must be served on the Police and Highway Authority at the same time as it is published.
- 5.14 At the expiry of 28 days a further report must go to Environment and Sustainability Committee and Full Council in which any representations are considered and if appropriate the necessary resolution to designate a street as a licence street is contained.
- 5.15 If the resolution is passed, then the designation only comes into effect on a day not earlier than one month after the day on which the resolution is passed i.e. if the resolution is passed on the 1st March 2023 then the street can only become a licenced street on the 1st April 2023.

## 6. **Equality implications**

- 6.1 The Council has a Public Sector Duty under the Equality Act 2010 to have due regard to the need to:
  - a. Eliminate unlawful discrimination, harassment, or victimisation.
  - b. Advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it
  - c. Foster good relations between those who share a relevant protected characteristic and persons who do not share those characteristics.
- 6.2 An Equalities Impact Assessment was completed for the Economic Development Strategy (EDS) in April 2022. Increasing market and event activity within the Borough's towns directly relates to Priority three of the EDS which seeks to support the Borough's town centres.
- 6.2 A screening assessment has been undertaken in regard to this report, which has concluded that an equalities screening assessment is adequate at this stage. Attached at Appendix A

## 7. **Environmental/Sustainability/Biodiversity implications**

- 7.1 The Council's current terms and conditions stipulate that litter and rubbish should be removed by traders or market operators at the end of the day's trading. Furthermore, officers will continue to use their best endeavours to encourage localised walking or cycling to the town to attend the markets. Market operators already promote the markets on local social pages and resident groups to attract the local community



- 7.2 Moving forwards, to support the Council's wider response to climate change, officers propose to review the Council's market trading terms and conditions to consider the types of markets that are being developed in the towns. Markets could be required to demonstrate that they are working towards a more sustainable business model, for example only providing paper or recyclable bags to customers.
- 7.3 During this review process, officers will also consider, for example, whether amendments should be made to stipulate the types of products and equipment being used by markets, or to encourage local suppliers and/or the sale/display of local goods and produce where practical and feasible.
- 7.4 A report on the review of the market trading terms and conditions will be the consideration of a separate committee report, which will be brought through this committee at a later date (exact date to be confirmed).

## 8. **Timetable for Implementation**

Refer to points 5.10 to 5.14

## 9. **Conclusions**

In conclusion, this report presents an opportunity for regular annual markets to be held in Chertsey. The appetite is overwhelming from retailers and the market operator after a trial market day. Feedback from operators and businesses suggests that the local community and businesses on the high street benefit from the vibrancy and interaction in a safe and open setting. The town centre survey and the master plan review identify the benefits of street markets and events to town centres and a high street that under the current climate are suffering with the change of shopping habits.

**(To resolve)**

### **Background papers**

Available on request

# EQUALITY SCREENING

## Appendix A

Equality Impact Assessment guidance should be considered when completing this form.

POLICY/FUNCTION/ACTIVITY	LEAD OFFICER
Expanding the Current Street Licences.	Azra Mukadam

**A. What is the aim of this policy, function or activity?** Why is it needed? What is it hoped to achieve and how will it be ensured it works as intended? Does it affect service users, employees or the wider community?

The impact of the recent pandemic has negatively impacted the town centre businesses across the borough. Businesses are seeing a rapid decline in footfall and residents are visiting less due to more online shopping options and easy access to supermarkets as a one-stop shopping offering.

The development of street markets across the borough gives opportunity for the town businesses to benefit from an increase in the number of visitors to the area and having a local market close to a community could have the effect of reducing the impact of loneliness within certain groups within the local area.

Egham is currently the only place in the borough to hold a street licence, permitting street trading and commercial markets to run.

In order to expand street licencing in other Town Centres in the borough, members of the Environment and Sustainability Committee (ESC) agreed in September 2021 that the Council would first focus on developing markets in Egham.

Since the first report was presented to the ESC in 2021, Egham has developed two regular street markets:

- 1) A vegan market that occurs on the third Saturday of each month.
- 2) A local artisan market that provides fresh produce sourced from the local area that's occurs the first Saturday of the month.

Having developed Egham as a location that hosts regular markets, Officers are committed to developing Chertsey Town Centre as the next location for regular markets and events.

Chertsey is a priority area for the wider economic development strategy to level up Runnymede residents' pride in their local area. The objectives are to deliver improvements to Chertsey Town Centre. Chertsey will therefore be the focus for the investment in '*Community and Place*'. Part of this proposal is to develop outdoor markets to build vibrancy and increase footfall.

The impact of having more roads with street licence will affect the wider community only during periods of the market day. Road closures and diversion of road traffic will be required but has no direct impact to council services or council employees.

**B. Is this policy, function or activity relevant to equality?** Does the policy, function or activity relate to an area in which there are known inequalities, or where different groups have different needs or experience? Remember, it may be relevant because there are opportunities to promote equality and greater access, not just potential for adverse impacts or unlawful discrimination. The Protected Characteristics are; Sex, Age, Disability, Race, Religion and Beliefs, Sexual Orientation, Marriage and Civil Partnership, Gender Reassignment, Pregnancy and Maternity.

Any impact from the street licencing on the wider borough community, including those groups with protected characteristics is likely to be positive by encouraging people from all ages, women who come within the protected characteristic of pregnant & maternity, and anyone with a disability to attend the markets. Opening the road to pedestrianisation will allow pushchairs and wheelchair users to easily access the market stalls. This may also help address loneliness and isolation and reduces the need to travel to neighbouring towns.

The table below highlights points that have been considered as positives and negatives of the expansion, that may directly impact those protected characteristics of age, pregnant & maternity, and disability the following points:

Positive of expansion	Negatives of expansion
<ul style="list-style-type: none"> <li>• Wider choice of products to suit all ages and abilities.</li> <li>• Reducing travel to bigger towns for shopping, saving those with disabilities and age having to get transport</li> <li>• Road closure for markets allows easier access for pushchairs, wheelchair users and those with physical disabilities.</li> <li>• Opening hours will align with general trading for high street businesses which suits all ages and disabilities</li> </ul>	<ul style="list-style-type: none"> <li>• Road closures will impact traffic diversion of road users, so those with disability car licence may have to park outside of the location identified for road closure.</li> <li>• Noise and footfall traffic in the town could impact residents that live directly in the area</li> <li>• Consideration on promotion to those that have hearing and visual impairment.</li> <li>• Consideration is needed for advertising/promotion to those with hearing and visual impairment</li> </ul>

The table shows that both the younger and older people of the protected characteristic of age would positively benefit from attending an open-air event with pollution from exhaust fumes reduced by the absence from cars in the area. This would also have a positive impact of the anyone within the protected characteristic of disability due to breathing related issues.

However, given that the traffic would be prevented from streets would be pedestrianised and closed off for anyone with a car modified for use by someone with mobility issues. In contrast, closing off the street would assist those who have mobility scooter.

The Markets may encourage parents with very young children to attend which may have a positive impact on women and older people who otherwise may not venture out into the local community as much.

If the policy, function or activity is considered to be relevant to equality then a full Equality Impact Assessment may need to be carried out. If the policy function or activity does not engage any protected characteristics then you should complete Part C below. Where Protected Characteristics are engaged, but Full Impact Assessment is not required because measures are in place or are proposed to be implemented that would mitigate the impact on those affected or would provide an opportunity to promote equalities please complete Part C.

**C. If the policy, function or activity is not considered to be relevant to equality, what are the reasons for this conclusion?** Alternatively, if there it is considered that there is an impact on any Protected of Characteristics but that measures are in place or are proposed to be implemented please state those measures and how it/they are expected to have the desired result. What evidence has been used to make this decision? A simple statement of 'no relevance' or 'no data' is not sufficient.

By widening the opportunity for street trading licencing to be granted to other parts of the borough, more residents of the wider community will be able to attend the markets and have an opportunity to meet the other members of the community, and purchase a wider range of products in their local area. Support for the independent shops and smaller businesses on the high street is needed.

In 2020, Officers carried out engagement directly with 100 town businesses about their views on regular street markets. Feedback was positive as businesses felt that the increase in footfall would benefit their business. There were few concerns about street parking and how often a market would run.

Considering the engagement carried out, officers believe this work demonstrates that there is little negative impact to the protected characteristics considered in Part B thus completing a equalities screening assessment is adequate at this stage.

This screening assessment will need to be referred to the Equality Group for challenge before sign-off.

Date completed:

Sign-off by senior manager:

## **Air Quality Annual Statement Report 2022 - Contaminated Land Officer (Lucy Hawkings)**

### **Synopsis of report:**

**To inform Members that Runnymede Borough Council's 2022 (for the period of 2020-2021) Air Quality Annual Status Report (ASR) was submitted to the Department for Environment, Food & Rural Affairs (Defra) and to have a discussion on air quality within Runnymede and outline of measures to improve it.**

### **Recommendation:**

**The Committee receive and note the 2022 Air Quality Annual Status Report (ASR) and note the ongoing actions regarding Air Quality.**

## **1. Context of report**

- 1.1 This report provides Members with updated Air Quality information in the form of Runnymede's 2022 ASR which has now been submitted to Defra. The report covers monitoring carried out in the year of 2020 – 2021.

## **2. Report**

- 2.1 This report fulfils Runnymede's obligations with respect to managing the Air Quality Management Areas (AQMAs) within Runnymede's area and reporting on the general air quality within the Borough.
- 2.2 Whilst there is a requirement for local authorities to submit their ASRs to Defra every June Members are made aware that due to the effects of Covid and the lack of staffing, the 2022 ASR covers years, 2020-2021 (meeting the 2022 June submission requirement). The next ASR submission date is June 2023 for the period of 2021-2022.
- 2.3 Whilst there is a requirement for local authorities to submit their ASRs to Defra in June, Members are made aware that, as is the case for a number of local authorities, the RBC submission occurs after that date as Officers seek to apply the 'bias correction factor' once it is finally published in the Autumn.
- 2.4 Runnymede's monitoring capability is totally reliant on diffusion tubes to monitor the air quality within the Borough. Diffusion tubes are a relatively inexpensive way to monitor for nitrogen dioxide however their accuracy must be corrected at the end of each year. This adjustment process is called bias correction. Bias correction data is created by having similar diffusion tubes to those used in Runnymede located next to very accurate continuous nitrogen dioxide monitors (located in other parts of the country), data from which can be used by Defra to determine what adjustment factor must be applied to the diffusion tubes in order to calibrate them against the accurate monitors. These determinations are posted, at different times through the year, on Defra's national bias correction website.

- 2.5 Over the last 20 years Runnymede has seen a large variation in the bias correction factors which have been applied to the diffusion tube results. The range of the bias correction factor is from 0.83 to 1.28. By way of example, if the annual level from the diffusion tubes indicated a nitrogen dioxide reading of 31.3 ug/m<sup>3</sup> (with 40ug/m<sup>3</sup> being the national standard above which the Council would need to consider declaring an area as an AQMA), then applying a bias correction of 1.28 to 31.3ug/m<sup>3</sup> would produce a result of nitrogen dioxide levels being greater than 40 ug/m<sup>3</sup>. Hence it can be shown that having a 28% correction factor plays a very significant part in the final determination.
- 2.6 To ensure that the correct bias correction figure has been applied, the monitoring data in the Runnymede Borough Council annual status report is presented 6 months to one year in arrears.

### **3. Report findings**

- 3.1 Nitrogen dioxide is the main air pollutant of concern within the Borough as there are small areas within the Borough where the level of nitrogen dioxide levels exceed or are close to prescribed objectives. The levels of nitrogen dioxide are in the main generated by vehicular transport and problems can occur in areas with high volumes of traffic.
- 3.2 The Borough has generally seen a slow decline in nitrogen dioxide levels across the Borough over the period that the Council has been monitoring the levels of nitrogen dioxide with some notable exceptions. When directly comparing the nitrogen dioxide levels of 2019 to 2021, the air quality situation within the Borough has overall seen an improvement in air quality year on year in so much that in 2021 there was only one exceedance, and five monitors out of 33 that reported values within 10% of the objective value.

### **4. Overall Conclusion**

- 4.1 Due to Covid, 2021 was a difficult year to quantify, with implications on travelling.
- 4.2 In addition to the high-level national programmes policies and initiatives that are seeking to reduce levels of emissions there is a joint working approach through the efforts of the Surrey Air Alliance in such areas as schools air quality projects. Runnymede Borough Council have also joined the Air Alert scheme which provides a valuable service to vulnerable people about poor air quality days.
- 4.3 Current AQMAs

There are two Air Quality Management Areas (AQMAs) in Runnymede Borough Council for exceedances of the annual mean nitrogen dioxide objective.

#### **M25 and Egham extension**

It had been noted from the 2019 ASR that the levels of nitrogen dioxide within this area had been falling, however, in 2019 it was discovered that the levels of nitrogen dioxide had risen back up to almost the objective level, hence the consideration of removing this area from the AQMA was postponed. However, in 2020 it has been discovered that in this Covid hit year the levels have fallen and so should these current levels be maintained next year then further consideration

will be made to revoking this extended AQMA. In 2021, the concentration remained below the objective, but there remained some uncertainty due to Covid-19. Further consideration will be made next year to revoking this extended AQMA, should levels continue to remain below the objective.

#### Addlestone

The general trend indicates a decrease in nitrogen dioxide concentrations, to below objective levels, at locations that are located on the roads leading up to the actual 4-way junction, however the area immediately adjacent to the traffic light controlled junction at the centre of the AQMA, continues to indicate a level above the air quality objective. In 2021, the concentration was 41.0 µg/m<sup>3</sup>. It appears that because of the congested nature of traffic flow and the high sided building close to the road then it is proving difficult to obtain any improvements in air quality and since the problem relates specifically to road transport and highway issues then it is suggested that SCC should further consider highway improvements to this area in order to seek to achieve a reduction in nitrogen dioxide level produced by traffic on the highway.

#### 4.4 Investigation for a potential AQMA at Chertsey

At a busy roadside junction controlled by traffic lights in Chertsey it has been shown that there were exceedances in the air quality objective at the kerbside, however once all the necessary correction factors had been applied then the levels at the closest residential facades were within the objective limits. The Council is attempting to keep a “watching brief” at this location however in 2018 there had been a spate of missing diffusion tubes. As a result, measures were taken such as moving some of the monitors closer to the highway and to a less prominent position then it appears that these measures have helped in providing more reliable returns of the diffusion tubes. For 2021 it is again discovered that at the facades of residential properties within the area, after making the appropriate adjustments for bias and distance, the level of nitrogen dioxide is close to the prescribed objective level and hence the determination is that this area will remain under the “watching brief”.

In March 2023 RBC commissioned a Dispersion Modelling Study into the Chertsey area to ascertain if a full detailed assessment is needed with a view to a potential AQMA declaration in the area. This study suggests an exceedance of the annual mean NO<sub>2</sub> Air quality objective (AQO) at 11 residential properties along Bridge Road. Predicted concentration at the road façade of several residential properties elsewhere on Bridge Road and on Weir Road were below the AQO, but within 90% of the AQO (i.e., above 36 µg/m<sup>3</sup>). The need for an AQMA in Bridge Road/Weir Road should be confirmed using the 2022 monitoring data once the bias adjustment factor is published by DEFRA. If the 2022 monitoring data shows exceedances of the annual mean NO<sub>2</sub> AQO, it is recommended that an AQMA should be declared. A further modelling assessment of this area is recommended to understand whether the proposed AQMA should be increased in size to include this area.

#### 4.5 Particulate Matter (PM)

In 2021 the World Health Organization published new Air Quality Guidelines (AQG) which concludes there are health effects at much lower concentrations than their 2005 AQG suggested, and no safe limit for fine Particulate Matter (PM<sub>2.5</sub>). The Environment Act 2021 requires the Secretary of State to set a long-term target to

reduce people's exposure to PM2.5. The Government was legally bound to bring forward the PM2.5 target by the 31st October 2022. This has been delayed until sometime in 2023.

Consultants were instructed at the beginning of 2023 who will obtain a baseline review of PM sources in the Borough. Once sources and risks had been identified, an action plan will be produced and a monitoring strategy prepared, this would include a review of where PM monitoring would be most beneficial. This approach would also ensure Runnymede was ready for any change in the legislation. For PM2.5 there is no low-cost measurement method equivalent to diffusion tubes. Historically only expensive instruments have been available for measuring this pollutant, and therefore, there is relatively little PM2.5 data available. There are several potential monitoring surveys that could be adopted, which will be considered in full.

Consideration of how to improve air quality have been included in the Council's approved Air Quality Action Plan 2018 (currently under revision) and this includes a raft of measures such as consideration for planning applications within or near the Borough's AQMAs as per the Supplementary Planning Document (SPD) recently produced as part of the Local Plan. The SPD contains guidance on when an air quality impact assessment is required to be submitted with a planning application, as well as the information which should be covered within the assessments.

## **5. Resource Implications**

- 1.1 Additional funding via the Contain Outbreak Management Fund (COMF) is currently being used to develop the service and update the AQAP, complete the detailed assessment of potential Chertsey AQMA and to explore our potential additional responsibilities for particulate monitoring pending publication of the government's guidance.

## **6. Legal Implications**

- 6.1 There is an obligation to provide Defra with an annual status report on air quality. This has been achieved.

## **7 Equality Implications**

There are no Equality Implications arising from this report.

## **8 Environmental implications**

- 8.1 Nitrogen dioxide levels within the Borough continue to fluctuate and in some places are in decline resulting in a negative impact for the local environment and for resident's health.

## **9 Conclusion**

**(To resolve)**

**Background papers**



ASR report is at Appendix 'A' and available in the Member's Room and online at <https://www.runnymede.gov.uk/airquality>



AIR POLLUTION  
SERVICES

## 2022 Air Quality Annual Status Report (ASR)

In fulfilment of Part IV of the  
Environment Act 1995  
Local Air Quality Management

September, 2022

Local Authority	Runnymede Borough Council
Local Authority Officer	Lucy Hawkings
Department	Environmental Health & Licensing
Address	Civic Centre, Station Road, Addlestone, Surrey KT15 2AH
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Report Reference number	RBC/ASR/2022
Date	27 September 2022

## Report Prepared By:



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SERVICES

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## Quality Assurance

<b>Reference:</b> L1009A_A1-2	<b>Status:</b> Final
<b>Author:</b> Katya Kaczmarczyk and Ellie Tsiarapa	<b>Date Published:</b> 27 September 2022
<b>Approver:</b> Dr Austin Cogan	<b>Date Approved:</b> 27 September 2022

This report has been prepared by Air Pollution Services on behalf of the Local Authority, taking account of the agreed scope of works. In preparing this report, Air Pollution Services has exercised all reasonable skill and care, taking account of the objectives and the agreed scope of works. Air Pollution Services does not accept any liability in negligence for any matters arising outside of the agreed scope of works. Air Pollution Services shall not be liable for the use of or reliance on any information, advice, recommendations and opinions in this document for any purpose by any person other than the Local Authority. Reliance may be granted to a third party only if Air Pollution Services and the third party have executed a reliance agreement or collateral warranty. Information, advice, recommendations and opinions in this document should only be relied upon in the context of the whole document and any documents referenced explicitly herein and should then only be used within the context of the appointment. Air Pollution Services does not accept any responsibility for any unauthorised changes made by others.

## Executive Summary: Air Quality in Our Area

### Air Quality in Runnymede Borough Council's area

Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. There is also often a strong correlation with equalities issues because areas with poor air quality are also often the less affluent areas (Benedict W Wheeler, 2005) (Defra, 2006).

The annual health cost to society of the impacts of particulate matter alone in the UK is estimated to be around £16 billion (Defra, 2013). Previous Reviews and Assessments within Runnymede Borough Council have concluded that concentrations of carbon monoxide, benzene, 1,3-butadiene, lead, sulphur dioxide and PM<sub>10</sub> are compliant with the relevant national and European objectives.

Air Quality Management Areas (AQMAs) have however been declared at two locations in Runnymede Borough Council for exceedances of the annual mean nitrogen dioxide objective, namely land adjacent to the M25 and at a traffic light-controlled junction in Addlestone town centre.

Details of the current AQMAs can be found on the Defra UK Air website ([www.uk-air.defra.gov.uk](http://www.uk-air.defra.gov.uk)) or via the following link:

[https://uk-air.defra.gov.uk/aqma/local-authorities?la\\_id=26](https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=26)

The highways authorities for Runnymede are Highways England for the major strategic network roads (M25, M3) and Surrey County Council (SCC) for the other roads within the Borough. The SCC Local Transport Plan (LTP3) includes a number of supporting strategies including the Surrey Air Quality Strategy and the Surrey Climate Change Strategy.

The aim of the air quality strategy is to improve air quality in AQMAs on the county road network such that Surrey's Borough and District Councils can undeclared these areas as soon as possible.

#### M25

Monitoring carried out in 2013/2014 confirmed that nitrogen dioxide concentrations adjacent to the M25 AQMA in Egham at the Pooley Green railway level-crossing were above the air

quality objective at relevant locations and as a result the M25's AQMA was extended to include the area adjacent to the level-crossing. Hence, in 2015 the department's available resource for air quality at that time was dedicated to declaring an extension of the AQMA to include the area adjacent to the crossing. It had been noted from the latest annual monitoring results that the levels of nitrogen dioxide within this area had been falling in line with national trends and were thought to be consistently lower than the objective level. However, in 2019 it was discovered that the levels of nitrogen dioxide had risen back up to almost the objective level for nitrogen dioxide and hence the consideration of removing this area from the AQMA was postponed. However, in 2020 it has been discovered that in this covid hit year the levels have fallen and hence should these current levels be maintained next year then further consideration will be made to revoking this extended AQMA. In 2021, the concentration remained below the objective, but there remained some uncertainty due to Covid-19. Further consideration will be made next year to revoking this extended AQMA, should levels continue to remain below the objective.

### Addlestone

There is an area associated with a four-way traffic light-controlled junction in Addlestone town centre which has been declared an AQMA. The general trend indicates a decrease in nitrogen dioxide concentrations, to below objective levels, at locations that are located on the roads leading up to the actual 4-way junction where the traffic lights are located.

However, it is interesting to note that the area immediately adjacent to the traffic light-controlled junction at the centre of the AQMA, where there is a monitor located on the façade of a residential premise, this location continues to indicate a level above the air quality objective. In 2021, the concentration was  $41.0 \mu\text{g}/\text{m}^3$ .

It appears that because of the congested nature of traffic flow and the high sided building close to the road then it is proving difficult to obtain any improvements in air quality and since the problem relates specifically to road transport and highway issues then it is suggested that SCC should further consider highway improvements to this area in order to seek to achieve a reduction in nitrogen dioxide level produced by traffic on the highway.

A photograph has been provided which depicts the proximity of the diffusion tube to the façade of the building at the traffic light-controlled junction to provide an indication of the type of situation that is encountered with properties directly abutting the footway.

**Figure 1 - Photograph of Monitoring Site at the AQMA Addlestone traffic light junction**



### **Investigation for a potential AQMA at Chertsey**

At a busy roadside junction controlled by traffic lights in Chertsey it has been shown that there were exceedances in the air quality objective at the kerbside, however once all the necessary correction factors had been applied then the levels at the closest residential facades were within the objective limits. The Council is attempting to keep a “watching brief” at this location however in 2018 there had been a spate of missing diffusion tubes. As a result, measures were taken such as moving some of the monitors closer to the highway and to a less prominent position then it appears that these measures have helped in providing more reliable returns of the diffusion tubes. For 2021 it is again discovered that at the facades of residential properties within the area, after making the appropriate adjustments for bias and distance, the level of nitrogen dioxide is fairly close to the prescribed objective level and hence the determination is that this area will remain under the “watching brief”.

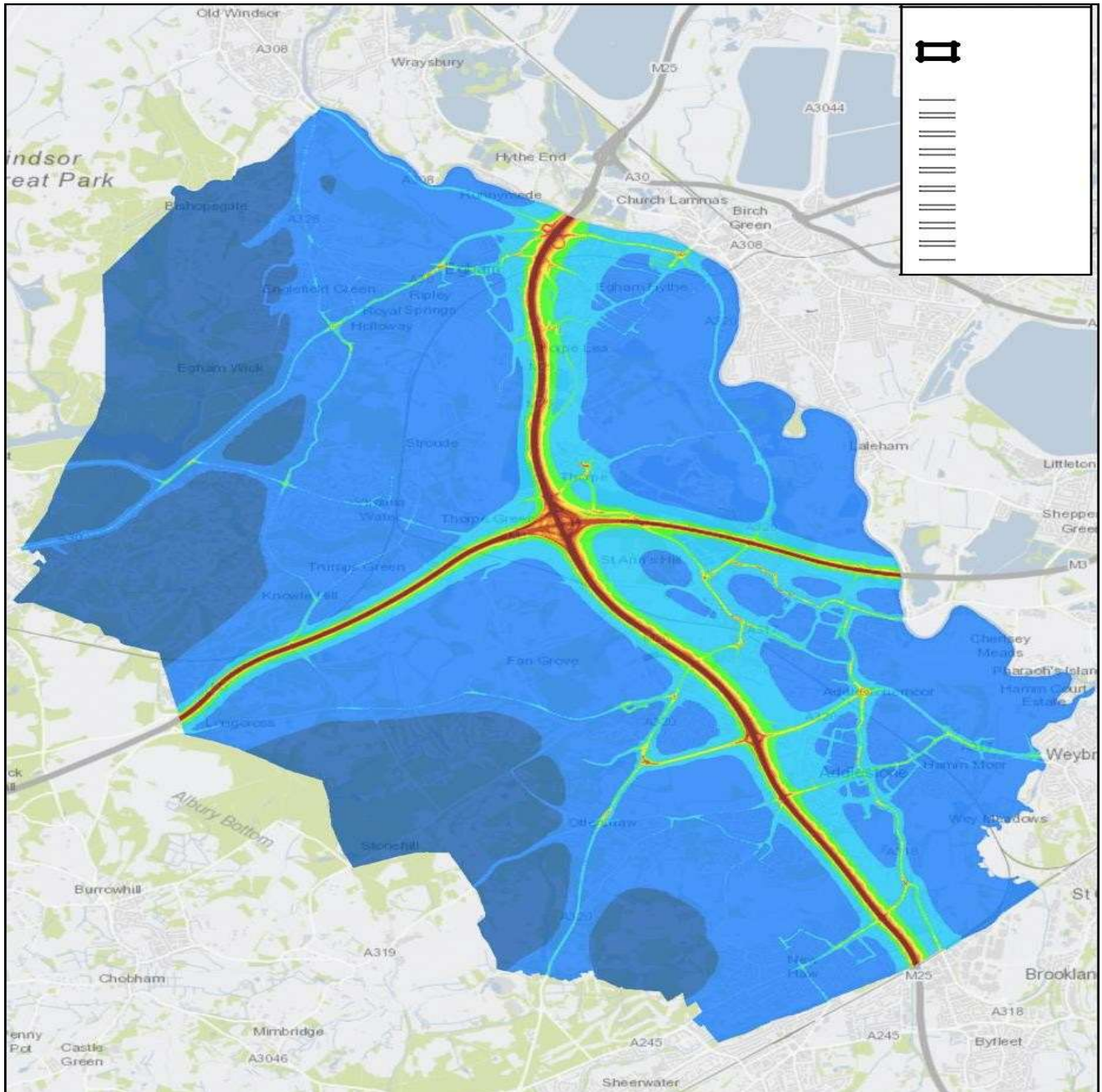
## Source of Air Pollution

Road modelling of annual nitrogen dioxide levels shows the influence of road traffic on levels across the Borough, with major trunk routes such as the M25 and M3 motorways. Modelling was undertaken in association with the Council's planning department in relation to the now approved Local Plan. Further air quality modelling work has been commissioned on a county wide scale by Surrey Air Alliance.

Runnymede's modelling exercise was based on road traffic information for 2015. The modelling was done in order to consider proposed traffic pollution with regards to the future areas of development. This information was submitted to the Planning Inspector as evidence for the now approved Local Plan. The modelling has demonstrated the main source of nitrogen dioxide to originate from the road networks, see Figure 2.

Runnymede also continues to support Surrey Air Alliance (SAA), a working group of air quality officers from across the Surrey Districts and Boroughs, which is also attended by officers from Surrey County Council and Surrey Public Health. Further air quality modelling work across all of Surrey was commissioned by SAA.

**Figure 2 – Predicted NO<sub>2</sub> Concentrations across the Borough**



**Aircraft; Heathrow Airport expansion**

Heathrow southern runway is at its nearest point some 4 km from the boundary of Runnymede Borough Council. Parliament in 2018 passed the Airports National Policy Statement, being the policy that sets out the criteria under which consent will be given for expansion of the airport. Thereafter, Heathrow Airport commenced various discussions surrounding the expansion of the airport. A Judicial Review considered the decision regarding the Government’s Airports National Policy Statement since it was suggested that the statement had not taken the Climate



Change Convention, which the Government had become a signatory to, fully into account and hence any Airport expansion should not proceed until a new Policy Statement is published by the UK Government. The matter came before the Supreme Court and they came to the view that this is not the case.

The Covid-19 pandemic had a profound impact on the aviation industry and the wider economy in 2020 and uncertainty still continues, and hence it is not currently abundantly clear as to the intentions of Heathrow with regards to expansion however it is understood that there are fresh discussions starting to take place as to resurrecting expansions plans.

In terms of air quality and over-flights within the Borough, according to information from DEFRA that once an aircraft in the process of taking off reaches an altitude of greater than 450 m, then the on-ground contribution to air quality from aircraft overhead would be negligible. Hence, in terms of aircraft taking off from Heathrow airport, and maintaining the required climb gradient then it is expected that aircraft would be above 450 m height when entering into airspace above the Borough of Runnymede and hence would produce negligible, direct, on ground air quality issues in relation to the current applicable air quality standards.

It should be noted that it has been suggested that there is to be a privately funded Heathrow Southern Railway line associated with an expanded Heathrow Airport. The proposed route of the new railway line would take it from the southern boundary to the northern boundary of the Borough and then link into Heathrow airport and hence create a railway feed from the South of the airport.

### Major projects for consideration

- Heathrow Airport expansion (see above for discussion point).
- South West railway line in support of a potentially expanded Heathrow Airport. (see above for discussion point).
- Southampton to London Pipeline – Esso are proposing to replace 56 miles of the 65-mile Southampton to London Pipeline. The existing underground pipeline enters into the Borough at Longcross and leaves the Borough at Chertsey where it crosses the River Thames. The preferred route of the new pipeline was consulted on in Autumn 2018, and a Development Consent Order application was made in June 2019 and consultation over the finer detail is ongoing. The consented project could start in 2022.

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/southampton-to-london-pipeline-project/>

- Thames flood water relief scheme. Major engineering works at the River Thames in order to provide a series of measure that will help protect residents within the Borough from flooding. A major project of the Environment Agency and Local Authorities. Information is available from Surrey County Council here:

<https://news.surreycc.gov.uk/2021/06/10/major-river-thames-flood-alleviationproject-passes-key-milestone/>

and for the Environment Agency here:

<https://www.gov.uk/government/publications/river-thames-scheme>

## Executive Summary

The summary is designed to provide an overview for people who reside and work within the area of RBC as to the air quality that was present within the Borough during 2021. The report also provides detail of how the issue of air quality is being addressed within the Borough and the intentions of the Council in determining any future action.

The main conclusions of the report are the following:

- Nitrogen dioxide is the main air pollutant of concern within the Borough since there are small areas within the Borough where the level of nitrogen dioxide levels exceed or are close to prescribed objectives. The levels of nitrogen dioxide are in the main generated by vehicular transport and problems can occur in areas with high volumes of traffic.
- Air quality within the Borough has generally seen a slow decline in nitrogen dioxide levels across the Borough over the time period that the Council has been monitoring the levels of nitrogen dioxide with some notable exceptions.
- When directly comparing the nitrogen dioxide levels of 2019 to 2021, the air quality situation within the Borough has overall seen an improvement in air quality year on year in so much that in 2021 there was only one exceedance, and five monitors out of 33 that reported values within 10% of the objective value.
- The area which was declared as an extension to the Air Quality Management Area (AQMA) in Egham that had previously showed an indication that the situation was improving, unfortunately 2019 showed levels at the facade of residential building which have risen back up towards the objective level. However, 2020 and 2021 both showed a fall in levels and if current levels are maintained then this AQMA will be revoked.
- The difficulties that were reported last year at the area held under a “watching brief” in relation to an area adjacent to a road junction controlled by traffic lights in Chertsey due to the fact that during 2018 there was a spate of diffusion tubes going missing, prior to collection. However, it was decided to move some of the tubes to less prominent positions and in some of them were moved closer to the highway in an attempt to make the unauthorised removal more difficult.

Following the introduction of these measures, it appears that this has helped to improve the security of the tubes since all of the exposed diffusion tubes were recovered.

- In 2021, there was one notable area of concern (RY14) within the Borough where annual average nitrogen dioxide levels exceeded the national air quality objective of 40 µg/m<sup>3</sup>. The tube is located close to a four-way traffic light-controlled junction at Addlestone, within the Addlestone AQMA. In 2021 the bias adjusted result shows that the level of nitrogen dioxide at the facade of a residential property was 41.0 µg/m<sup>3</sup>, a reduction in the previous year of 2020 which had a result of 49.2 µg/m<sup>3</sup>.
- RBC continues to work in close collaboration with colleagues at Surrey County Council within such networks as the Surrey Air Alliance (SAA).

## Actions to Improve Air Quality

Whilst air quality has improved significantly in recent decades and will continue to improve due to national policy decisions, there are some areas where local action is needed to improve air quality further.

The 2019 Clean Air Strategy (Defra, 2019) sets out the case for action, with goals even more ambitious than EU requirements to reduce exposure to harmful pollutants. The Road to Zero (Defra, 2018a) sets out the approach to reduce exhaust emissions from road transport through a number of mechanisms; this is extremely important given that the majority of Air Quality Management Areas (AQMAs) are designated due to elevated concentrations heavily influenced by transport emissions.

- Consideration of how to improve air quality have been included in the Council's approved Air Quality Action Plan and this includes a raft of measures such as consideration for planning applications within or near the Borough's AQMA. Many planning applications have had conditions in relation to air quality requirements due to the fact that the development was close to or within a defined AQMA. For the full range of measures see Runnymede's Air Quality Action Plan.
- Runnymede Borough Council monitors local air quality through an extensive

diffusion tube monitoring network within the Borough.

- Runnymede Borough Council, together with the other ten Surrey Local Authorities and representatives from Surrey County Council (Public Health and Transport) have established the SAA Group which aims to coordinate certain actions to reduce air pollution within Surrey. The group has commissioned a modelling exercise of air pollution.
- Approval of the Council's Local Plan.
- Bid to Defra in 2019 for an air quality grant by Runnymede Borough Council for funding for an educational campaign to try to change drivers' behaviours toward switching their engines off at level crossings [NB Grant not awarded].
- In order to meet the Borough's development needs and growth opportunities then the Local Planning Authority has to have in place a Local Plan. The new Local Plan was adopted in July 2020. Air quality modelling work was commissioned in 2018 in relation to the proposals within the emerging plan in order to understand the potential impact that the policies and plans of the approved Local Plan would have on air quality.
- Schools Project: In Spring 2018, the SAA consortium was awarded £145,188 from the Defra's AQ Grant Fund to run an engagement and behaviour change programme at up to 40 schools across Surrey near to an AQMA (see the 2018 and 2019 Annual Status Reports for further details). The objective of the project was to give school children an increased awareness of the health impacts of poor air quality and where the Air Quality Management Areas are near their school, to understand what they could do to improve local air quality and reduce exposure, and ultimately to change behaviour. The majority of the project was run in the 2018/19 academic year with further work in 2020/21.
- Following the success of the Defra Grant Funded Surrey schools AQ programme, the Surrey Air Alliance worked with the Surrey County Council Safer Travel Team to continue the programme as a self-funded initiative by seven of the Surrey districts and boroughs, including Runnymede. This programme was for the continuance of three measures in the 2019/20

academic year: Theatre in Education, school workshops including air quality monitoring by pupils using diffusion tubes, and anti-idling events however due to the Covid -19 pandemic in 2020 it was not possible to undertake class workshops, air quality monitoring by pupils, school assemblies, anti-idling workshops or pedestrian and cycle training. The Surrey County Council Safer Travel Team continued to work with Global Action Plan who undertook the production of online materials and videos for use in the virtual classroom. Prior to the initial 2020 lockdown period Theatre in Education workshops were undertaken in several Primary Schools within the Borough. Post June 2020 online workshops and assemblies were delivered by Global Action Plan.

- From September 2021 Surrey County Council created a temporary post for a dedicated Eco Schools Engagement Officer, to encourage and promote the Eco Schools agenda in Surrey and to increase the number of Green Flag schools within the county.
- Resources will be on offer to all schools across Surrey including Modeshift STARS Travel Plans, Bikeability cycle training, Golden Boot/ Green boot Challenge, Global Action Plan resources, Anti-Idling Equipment to loan to schools and there will be a return to school/ anti idling campaign in September 2021.
- Surrey County Council have undertaken an analysis of Surrey Primary School travel and Secondary School travel based on surveys of parents/carers and pupils in Surrey undertaken in November and December 2020. The purpose of the analysis was to better understand the travel patterns of Surrey school populations in both a pre Covid- 19 landscape and during the pandemic, to understand pinch points and barriers to active travel, and to understand what might incentivise parents to favour active travel methods. By having a better understanding of these factors Surrey County Council who are the Transport Authority within Spelthorne aim to reduce congestion, improve the roads around schools and confront barriers to active travel. 13095 survey responses were received for Primary Schools and 7253 responses were received from Secondary Schools. Runnymede Council Officers continue to work with Surrey County Council to give local knowledge and local air quality expertise.

- In October 2020, the Surrey Air Alliance, applied for a Defra 2020/21 Air Quality Grant to fund a project to encourage a greater uptake of Electric Vehicles as Taxi's across 7 eligible Boroughs and Districts in Surrey. Taxis were selected as the target vehicles given the high mileage and multiple trips the vehicles make within Surreys Air Quality Management Areas and the nature of the journeys which take the vehicles into areas frequented by the members of our communities who are most sensitive to air pollution such as to hospitals, care facilities and schools. In March 2021, the project was awarded £256.686 from the Defra AQ Grant. It is since become evident that the proposed scheme which the grant was awarded for is not feasible and hence a very different scheme has been suggested. Runnymede did not support the original bid since it was evident that there were fundamental issues with the original scheme however Runnymede Council has expressed its desire to be part of the new proposal.
- In November 2018, Surrey County Council adopted an Electric Vehicle Strategy setting out how SCC will support and promote the uptake of electric vehicles in Surrey. Surrey is an area that is well-suited to adopting electric vehicles. The document will be key in ensuring a coordinated approach across the County and to place Surrey in the best possible position to bid for external funding for projects. In Autumn 2019 a funding award was made by the M3 Local Enterprise Partnership for a wide-ranging trial programme of on-street EV charging technologies by Surrey County Council in partnership with Spelthorne, Woking, Guildford and Waverley Borough Councils.
- Runnymede Council are supporting energy efficiency measures in fuel poor homes through the Energy Company Obligation (ECO) scheme. The Government launched the Green Homes Grant Local Authority Delivery Scheme in 2020 making funding available to support fuel poor and low energy inefficient homes. In partnership with other Surrey Boroughs and working with Action Surrey £6.2million was secured from the Local Authority Delivery Scheme, to support up to 600 fuel poor homes in Surrey. A second phase of funding under was released and another £3million was secured to support a

further 300 homes in Surrey. This work is currently progressing having experienced significant delays due to the Covid-19 pandemic.

- The National Clean Air Day was delayed until October 2020 due to the Covid19 pandemic. Following government restrictions promotions were predominantly pushed out via online platforms. The Surrey Air Alliance produced a short animation on good practice in using and maintaining domestic wood burning stoves.

## 1.1 Conclusions and Priorities

Overall, 2021 was seen as a difficult year to quantify, mostly due to the covid and its implications on travelling. There were areas that showed encouraging signs that the levels of nitrogen dioxide within the Borough decreasing however it seems that there is still one areas of concern most notably within the AQMA at Addlestone. In addition to the high-level national programmes policies and initiatives that are seeking to reduce levels of emissions there is sterling work being undertaken across the County due to the concerted effort of the SAA in such areas as schools air quality projects.

RBC have also joined the Air Alert scheme and hence provides this valuable service to people who have a need to know about poor air quality days. Currently there are over 1,000 residents within Surrey's air alert scheme.

## 1.2 Local Engagement and How to get Involved

There is continual interest in air quality locally from Councillors, residents' groups, consultants and individual residents. Information is displayed on the Councils web site to promote special events such as clean air day and Air Alert. Information such as the following:

- Clean air day

As most air pollution of concern in the district is related to traffic, there are some easy changes we can make to all do our bit to reduce emissions:

1. Do you need to take the car? – consider alternatives to using your car; public transport, walking or cycling will help reduce emissions.  
For timetables, guides and maps visit the Travel Smart in Surrey



website:

[www.travelsmartsurrey.info/](http://www.travelsmartsurrey.info/)

There is also information there on car sharing and car clubs.

Research has indicated that levels of air quality pollutants inside vehicles, even with the windows shut, can lead to higher exposure than pedestrians and cyclists on the same streets. So, by walking or cycling you could reduce your exposure and improve your fitness and health.

2. Need to take the car? – Think about how you drive. Small changes improving your driving style can save lots of fuel, significantly reduce wear and tear, and improve the life of your vehicle:
  - Regular maintenance improves fuel efficiency by as much as 10% plus underinflated tyres increase rolling resistance, further increasing fuel consumption.
  - Reduce excess weight and wind resistance (caused by roof racks, open windows and boot clutter);
  - Reduce engine idling – a modern engine is designed to be used ‘from cold’. Warming up an engine whilst stationary wastes fuel and leads to undue engine wear.
  - Avoid aggressive acceleration and braking – aggressive driving can raise fuel consumption by 37%;
  - Change up gears as soon as possible.
  - Review trip data after a journey to learn how to improve driving style, or to reinforce eco-driving lessons already learnt. A number of apps and satnavs can help with this. Only use such tools when it is safe and legal to do so.
3. Thinking about changing your car or van? – consider an ultra-low emission vehicle such as a plug-in electric or hybrid vehicle. More options are becoming available each year, technology is improving the range of vehicles, running and servicing costs are much lower, and

grants are available to help towards their purchase.

- Air Alert

The Council has recently subscribed to Air Alert and has invited people suffering from asthma, chronic obstructive pulmonary disease (COPD) or a respiratory condition to sign-up for AirAlert, a free service provided by the Council to help those with respiratory conditions manage their health when air quality is poor. While air pollution levels in Runnymede are generally “Low”, on ~20 days per year pollution levels are reached that are capable of causing short term health symptoms for people with pre-existing respiratory conditions.

People who register for the free service receive an email, text or voicemail message, informing them the day before of an expected elevation of air pollution in their area. This enables them to make choices about what they do and how they manage their medication, so they can stay in control of their own health.

Health advice in the AirAlert message is approved by UK experts and varies according to a simple air pollution index (low, moderate, high and very high). The index is based on the levels of five pollutants (nitrogen dioxide, sulphur dioxide, ozone, carbon monoxide and particles). For more information on the AirAlert service visit [www.airalert.info/Surrey](http://www.airalert.info/Surrey) to register. For residents without internet access, please phone 01784 446 251 to sign up.

A survey of AirAlert users showed that 88% of survey respondents found AirAlert a useful or very useful service, and two thirds had recommended it to someone else. They found the service helped them manage their symptoms and reduce their exposure to air pollution. They also reported increased confidence to participate in social and recreational activities.

In addition to the phone/ email service, users of AirAlert and any other interested resident can also download the airAlert app to a Smartphone (android and iOS) from Google Play or the App Store.

It is envisaged that Air Alert will be a valuable addition to the promulgation of information to a receptive audience.

If you have any queries on the AQMA or the local air quality management process, please contact us using the details below:

Email: [lucy.hawkings@runnymede.gov.uk](mailto:lucy.hawkings@runnymede.gov.uk)

Phone: 01932 838383

Write to: Civic Centre, Station Road, Addlestone, Surrey KT15 2AH

Further information on air quality in the UK, including the latest news, air quality monitoring results and forecasts, can be obtained by visiting the Defra website at:

<https://uk-air.defra.gov.uk/>

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## 1 Local Air Quality Management

This report provides an overview of air quality in Runnymede Borough Council (RBC) during 2021. It fulfils the requirements of Local Air Quality Management (LAQM) as set out in Part IV of the Environment Act (1995) and amendments through the Environment Act 2021 along with the relevant Policy and Technical Guidance documents.

The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether the air quality objectives are likely to be achieved. Where an exceedance is considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives. This Annual Status Report (ASR) is an annual requirement showing the strategies employed by RBC to improve air quality and any progress that has been made. Local Authorities in England are expected to report on nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub>) and sulphur dioxide (SO<sub>2</sub>) as standard within their ASRs. The Government does not expect local authorities to report annually on benzene, 1,3-butadiene, carbon monoxide and lead as objectives for these pollutants have been met for several years.

The statutory air quality objectives applicable to LAQM in England are presented in Table F.1 in Appendix F.

## 2 Actions to Improve Air Quality

### 2.1 Air Quality Management Areas

Air Quality Management Areas (AQMAs) are declared when there is an exceedance or likely exceedance of an air quality objective. After declaration, the authority should prepare an Air Quality Action Plan (AQAP) within 12 months setting out measures it intends to put in place in pursuit of compliance with the objectives.

A summary of AQMAs declared by RBC can be found in Table 2.1, which presents a description of the two AQMAs that are currently designated within RBC. Maps of the AQMA locations are provided in Appendix D. The air quality objectives pertinent to the current AQMA designations are as follows:

- NO<sub>2</sub> annual mean.

Table 2.1 – Declared Air Quality Management Areas

AQMA Name	Date of Declaration	Pollutants and Air Quality Objectives	City / Town	One Line Description	Is air quality in the AQMA influenced by roads controlled by Highways England?	Level of Exceedance (maximum monitored/modelled concentration at a location of relevant exposure)				Action Plan		
						At Declaration		Now		Name	Date of Publication	Link
AQMA M25	Declared 3/12/2001  Amended 20/10/2015	NO <sub>2</sub> Annual Mean	M25	Entire length of M25 within the Borough and an extended area in December 2016 to include area in Egham near to railway crossing	Yes	<40	µg/m <sup>3</sup>	26.2	µg/m <sup>3</sup>	AQAP	April 2014	<a href="https://www.runnymede.gov.uk/C/HttpHandler.ashx?id=5497&amp;p=0">https://www.runnymede.gov.uk/C/HttpHandler.ashx?id=5497&amp;p=0</a>
AQMA Addlestone town	Declared 4/7/2008	NO <sub>2</sub> Annual Mean	Addlestone	Addlestone	Yes	<40	µg/m <sup>3</sup>	<b>40.1</b>	µg/m <sup>3</sup>	AQAP	April 2014	<a href="https://www.runnymede.gov.uk/C/HttpHandler.ashx?id=5497&amp;p=0">https://www.runnymede.gov.uk/C/HttpHandler.ashx?id=5497&amp;p=0</a>



Note: The NO<sub>2</sub> concentrations shown in the table above are from the monitoring sites, within the AQMAs, where the highest concentration was reported in the year of declaration and the current year. The maximum concentration will not necessarily be at the same monitoring site for both years. In 2021, the greatest exceedance was at Site RY14 in the Addlestone.

- RBC confirm the information on UK-Air regarding their AQMA(s) is up to date.**
- RBC confirm that all current AQAPs have been submitted to Defra.**

## 2.2 Progress and Impact of Measures to address Air Quality in the RBC

Defra acknowledged the receipt of last year's ASR however there was no appraisal or further comment made in relation to the content of the report.

Details of the Council's Air Quality Action Plan 2014 can be found at:

<https://www.runnymede.gov.uk/CHttpHandler.ashx?id=5497&p=0>

Key completed measures are:

- Consider planning applications near to or within the designated AQMAs to ensure that suitable measures are adopted in relation to air quality.
- Supporting SCC with plans and funding bids to assist with improving air quality within the Borough.
- Maintain a strong presence within Surrey Air Alliance group.
- Joining the AirAlert scheme.

Progress on the following measures has been slower than expected in relation to:

- Highway infrastructure improvements – Liaison with agencies with responsibilities for transportation networks within AQMAs to deal with: (i) improving the road layout and flow of traffic within AQMA and (ii) ensuring that any temporary road works to roads adjacent or within the AQMA's have strict conditions applied to any permit to minimise additional congestion within the AQMA.
- Attempted to maintain a close "watching brief" on the nitrogen dioxide levels at Bridge Road /Weir Road Chertsey but has been hampered due to missing tubes.
- Consider unification of an emissions policy for taxi licencing within all of Surrey to ensure continuity of approach to this matter.
- In Spring 2018, the SAA consortium obtained £145,188 from the Defra AQ Grant Fund to run an engagement and behaviour change programme at up to 40 schools across Surrey within 2km of an Air Quality Management Area.
- The project has run throughout the 2018/19 academic year and some activities continued into the 2019/20/21 academic years. Since schools were selected which were close to Air Quality Management Areas the aim of the project was to give the

pupils attending these school an increased awareness of the health impacts of poor air quality and, to understand what was possible to do to improve local air quality and reduce exposure, and ultimately to change behaviour.

Schools within RBC took part in one or more of the measures on offer, which included:

- Media Campaign – a multi-media campaign using bespoke positive messages aimed at primary school children and their parents using posters on bus backs and ad-shells at bus stops, publications such as Primary Times and Surrey Matters, digital media e.g. electronic newsletters, Facebook, Twitter, and radio advertising.
- Theatre in Education – A bespoke theatre production designed for year 5 pupils to raise awareness of the health issues associated with poor air quality. The drama production also explored sustainable modes of transport.
- Bikeability Learn to Ride – subsidised scheme (on top of the cycle training already offered by Surrey County Council) to help over 2,500 trainee pupils ride without stabilisers.
- School Lessons and resources – a specialist provider produced toolkits and resources for both Primary and Secondary Schools and delivered workshops and whole school assemblies either in person or on line. The workshops included practical exercises in exposing nitrogen dioxide diffusion tubes to investigate pollutant levels with distance from school drop-off zones.
- Modeshift Stars – extra assistance to schools to help them gain accreditation under the ModeShift Stars scheme.
- The programme hosts an Air Quality Summit to further disseminate the messages and successes of the project across school representatives from across the County. The Summit will be a networking opportunity for Eco Co-ordinators from schools across the county. Workshops and presentations will be provided by the London Sustainability Exchange on their school workshops and resource toolkits; a research fellow from the University of Surrey's Global Centre for Clean Air Research; a showcase school from the programme on their experiences; Living Streets and the SAA air quality modelling work.
- In June each year Surrey County Council host a sustainable travel challenge called the Golden Boot. As part of the air quality schools programme it is proposed to include

an air quality theme to the challenge, with a rebrand and upgrade. A Green Boot challenge will be introduced since it will be a more accessible scheme than the Golden Boot scheme. However, it is perceived that if the Green Boot scheme is a success then schools may go onto undertake the Golden Boot challenge.

The introduction of a new Runnymede Air Quality Action Plan: The old Action Plan is now some seven years' old and it is recommended that such documents are updated within such periods. Hence the updated Action Plan will set out measures to help Runnymede reduce concentrations of NO<sub>2</sub> in line with the Air Quality Standards objectives.

**Table 2.2 – Progress on Measures to Improve Air Quality**

Measure No.	Measure	Category	Classification	Year Measure Introduced	Estimated / Actual Completion Year	Organisations Involved	Funding Source	Defra AQ Grant Funding	Funding Status	Estimated Cost of Measure	Measure Status	Reduction in Pollutant / Emission from Measure	Key Performance Indicator	Progress to Date	Comments / Barriers to Implementation
1	AirAlert	Public Information	via other mechanisms	2018	On-going	LA's in Surrey	RBC	No	-	-	Implementation	Protection of public health by providing air quality information to vulnerable residents	Uptake by residents, Reduced hospital admissions	Publicised on Council's website and via Council's publication.	Hard to reach residents
2	Working In Partnership with neighbouring authorities -	Policy, Guidance and Development Control	Regional Groups programmes to develop area wide strategies to reduce emissions and improve air quality	2015	On-going	LA's in Surrey	RBC	No	-	-	Implementation	Protection of public health. Successful project implementation	Informed decision making	Officers actively participate in Surrey AQ Officers working group (Surrey Air Alliance).	-
3	Surrey-wide Air Quality Modelling	Policy, Guidance and Development Control	Other policy	2017	2020	LA's in Surrey	RBC	No	-	-	Completed	Scientific information to inform policy	Receipt of Surrey-wide air quality	Publication 2020	-
4	Runnymede Cycleways - upgrading existing routes	Transport Planning and Infrastructure	Cycle network LCWIP	2018	2021	Surrey County Council	partnership	No	-	-	Implementation	Improvements to active travel infrastructure facilitating more non car journeys	Increased uptake in cycle journeys made.	-	-
5	Land Use Planning	Policy, Guidance and Development Control	Air Quality Planning and Policy Guidance	2020	Ongoing	RBC	RBC	No	-	-	Planning	Reduced vehicle emissions, heat and energy plant emissions and construction dust emissions.	Measured concentration of NO2 at diffusion tube monitoring locations.	Policy EE2 requires consideration of air quality. Assessments include construction phase impacts. Mitigation measures enforced by condition or requirement for Construction Environmental Management or Dust Management Plans.	-
6	Alternatives to private vehicle at Thorpe Park	Alternatives to private vehicle use	Rail based Park & Ride	2005	Ongoing	Surrey County Council and Merlin	Thorpe Park	No	-	-	Implementation	Improved connectivity to Thorpe Park from the rail network.	Reduced congestion on Borough roads, reduced emissions.	Rail & Ride service provided during theme park season.	-
7	Encourage adoption minimum emissions standards into taxi licensing procedures	Promoting Low Emission Transport	Taxi Licensing conditions/incentives	2016	2020/21	Runnymede Borough Council	Reduce tailpipe emissions in AQMA	-	-	-	-	-	-	Air Quality officers representing the borough/district councils have suggested taxi licensing authorities for County wide policy on emissions	-
8	Permitted premises	Environmental Permits	Other measure through permit systems & economic instruments	-	-	Runnymede Borough Council	-	-	-	-	-	-	Ensuring that all permitted process operate within control limits	-	-
9	Air Quality Action Plan produced and approved by committee	Policy Guidance and Development Control	Air Quality Planning and Policy Guidance	-	2014	Runnymede Borough Council	-	-	-	AQAP Published	-	2014	-	-	County with 2 tier authority

## 2.3 PM<sub>2.5</sub> – Local Authority Approach to Reducing Emissions and/or Concentrations

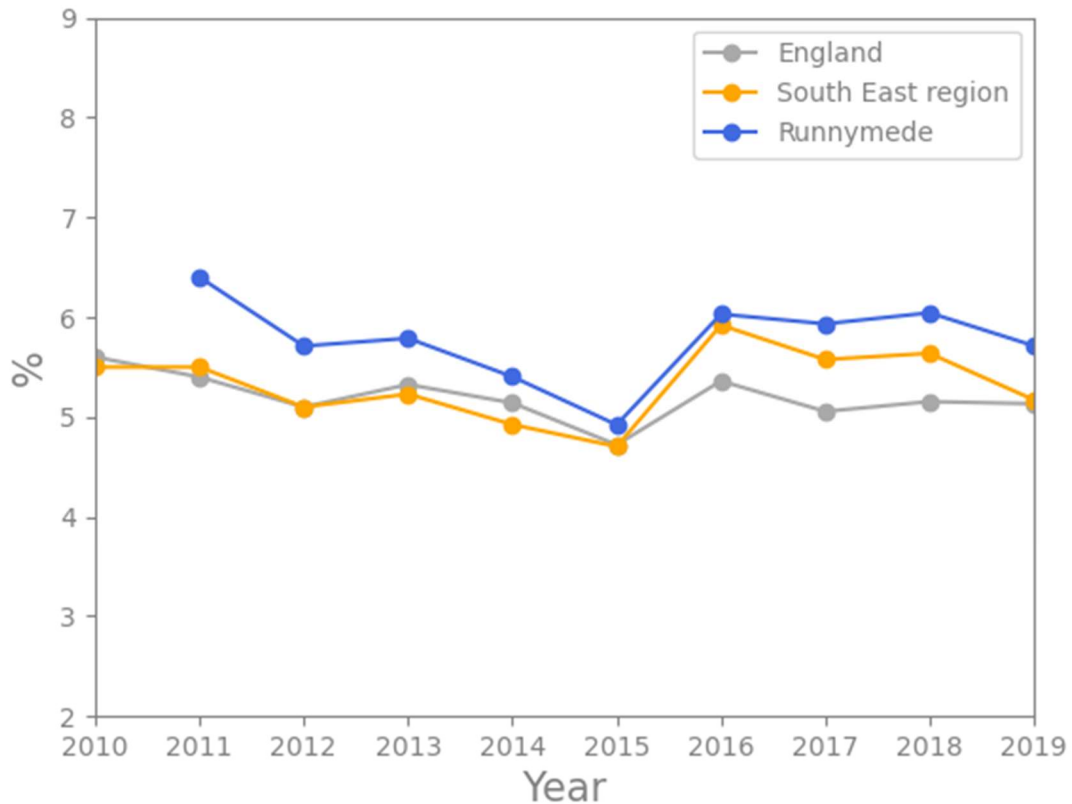
As detailed in Policy Guidance LAQM.PG16 (Chapter 7), local authorities are expected to work towards reducing emissions and/or concentrations of PM<sub>2.5</sub> (particulate matter with an aerodynamic diameter of 2.5 µm or less). There is clear evidence that PM<sub>2.5</sub> has a significant impact on human health, including premature mortality, allergic reactions, and cardiovascular diseases.

The air quality modelling works indicates that levels of PM<sub>2.5</sub> are likely to be higher closer to the motorway road network and the strategic road network.

It is well established that PM<sub>2.5</sub> exposure can have a significant impact on human health including premature mortality and the Public Health Outcomes Framework uses this parameter as an indicator of the fraction of mortality attributable to particulate air pollution. Although levels of particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) within the Borough are within air quality objectives, it is recognised that action to reduce particulate emissions will benefit public health.

The Public Health Outcomes Framework data tool (Public Health England, 2019) compiled by the UK Health Security Agency (UKSHA) (formerly Public Health England) quantifies the mortality burden of PM<sub>2.5</sub> within England on a county and local authority scale. The latest available data shows that the 2019 fraction of mortality attributable to PM<sub>2.5</sub> pollution in Runnymede is 5.7%, which is above the South East's average of 5.2% and the national average of 5.1%.

**Figure 3 – Public Health Framework D01 Fraction of all-cause adult mortality attributable to anthropogenic particulate air pollution**



RBC is taking the following measures to address PM<sub>2.5</sub>:

- The Council requires developments that trigger an Air Quality Assessment to assess the impact of construction dust emissions and the Local Planning Authority applies planning conditions to the developments requiring the developer to follow best practice guidance to mitigate dust impacts.
- The Council will investigate and take enforcement action where open burning of commercial waste as a source of PM<sub>2.5</sub> is sufficiently evidenced.
- The Council will investigate and take enforcement action where dust emissions can be sufficiently evidenced as to constitute a statutory nuisance.
- The Council has written to the Secretary of State for Business expressing concern surrounding small particulates in relation to the subsidies that are provided by the Government for biomass fuel.
- Promoting low emission transport and provision of charging points and hydrogen refilling stations.
- Surrey County Council's Transportation plans and strategies.

## 3 Air Quality Monitoring Data and Comparison with Air Quality Objectives and National Compliance

### 3.1 Summary of Monitoring Undertaken

This section sets out the monitoring undertaken within 2021 by RBC and how it compares with the relevant air quality objectives. In addition, monitoring results are presented for a five-year period between 2017 and 2021 to allow monitoring trends to be identified and discussed.

#### 3.1.1 Automatic Monitoring Sites

RBC does not undertake automatic (continuous) monitoring within the Borough.

#### 3.1.2 Non-Automatic Monitoring Sites

RBC undertook non- automatic (i.e. passive) monitoring of NO<sub>2</sub> at 38 sites during 2021 using diffusion tubes as supplied by Lambeth Scientific Services. Of these, 33 sites had greater than 25% data capture and their results are presented, and 5 sites included only one month of monitoring and their results are not presented due to the data capture being too low. Details of the non-automatic sites are set out in Appendix A.

Maps showing the location of the monitoring sites are provided in Appendix D. Further details on Quality Assurance/Quality Control (QA/QC) for the diffusion tubes, including bias adjustments and any other adjustments applied (e.g. annualisation and/or distance correction), are included in Appendix C.

### 3.2 Individual Pollutants

The air quality monitoring results presented in this section are, where relevant, adjusted for bias (Defra, 2022), 'annualisation' (where the data capture falls below 75%, but above 25%), and distance correction (Defra, 2022). Further details on adjustments are provided in Appendix C.

#### 3.2.1 Nitrogen Dioxide (NO<sub>2</sub>)

Table A.2 in Appendix A compares the adjusted monitored NO<sub>2</sub> annual mean concentrations for the past five years with the air quality objective of 40 µg/m<sup>3</sup>. Note that the concentration data presented in Table A.2 represent the concentrations at the locations of the monitoring sites, following the application of bias adjustment and



annualisation, as required (i.e. the values are exclusive of any consideration to fall-off with distance adjustment).

For the NO<sub>2</sub> diffusion tubes, the full 2021 dataset of monthly mean values is provided in Appendix B. Note that the concentration data presented in Table B.1 includes distance corrected values, only where relevant.

Monitoring of NO<sub>2</sub> in 2021 has shown that:

- The annual mean NO<sub>2</sub> objective of 40 µg/m<sup>3</sup> was exceeded at one monitoring location in 2021 (RY14 - 41.0 µg/m<sup>3</sup> within the Addlestone AQMA);
- Five monitors measured NO<sub>2</sub> concentrations within 10% of the NO<sub>2</sub> objective (36 – 40 µg/m<sup>3</sup>); RY23 (37.7 µg/m<sup>3</sup>), RY26 (36.0 µg/m<sup>3</sup>), RY45 (37.9 µg/m<sup>3</sup>), RY56 (39.6 µg/m<sup>3</sup>) and RY58 (39.7 µg/m<sup>3</sup>). These diffusion tubes (excluding RY26) are located in Chertsey at the junction of Bridge Rd and Weir Rd. RY26 is located to the north of the borough at a location where queueing can occur due to a railway level crossing in close proximity to the diffusion tube.
- previous research carried out on behalf of Defra and the devolved administrations (2022) identified that exceedances of the 1-hour mean NO<sub>2</sub> objective are unlikely to occur where annual mean concentrations are below 60 µg/m<sup>3</sup>. Since the highest measured annual mean concentration was 41.0 µg/m<sup>3</sup>, it is considered highly unlikely that the 1-hour mean NO<sub>2</sub> objective was exceeded within the district in 2021;
- the number of exceedances of the annual mean NO<sub>2</sub> objective in the AQMA has varied over the period of 2017 – 2021 (three exceedances in 2017, four exceedances in 2018, seven exceedances in 2019, three in 2020 and one in 2021).
- the trend analysis for the last five years indicates an overall downward trend in annual mean NO<sub>2</sub> concentrations throughout the district. This is most likely due to vehicle emission improvements. A graph showing NO<sub>2</sub> concentrations over the last five years is presented in Figure A.1 in Appendix A; and
- monitoring of NO<sub>2</sub> will continue at all sites throughout 2022. The next air quality monitoring update will be provided in RBC's next ASR, due June 2023.

### 3.2.2 Particulate Matter (PM<sub>10</sub>)

PM<sub>10</sub> is not currently monitored within the RBC area. However, modelling work for levels of particulate matter within the Borough has ascertained that particulate matter levels do not exceed air quality objectives.

### 3.2.3 Particulate Matter (PM<sub>2.5</sub>)

PM<sub>2.5</sub> is not currently monitored within the RBC area. However, modelling work for levels of particulate matter within the Borough has ascertained that particulate matter levels do not exceed current air quality target levels.

### 3.2.4 Sulphur Dioxide (SO<sub>2</sub>)

Sulphur dioxide is not currently monitored within the RBC area as it has previously been established that levels of sulphur dioxide do not exceed air quality objectives.

## Appendix A Monitoring Results

**Table A.1 – Details of Non-Automatic Monitoring Sites**

Site ID	Site Name	Site Type	X OS Grid Ref (Easting)	Y OS Grid Ref (Northing)	Pollutants Monitored	In AQMA?	Distance to Relevant Exposure (m) <sup>(1)</sup>	Distance to kerb of nearest road (m) <sup>(2)</sup>	Tube collocated with a Continuous Analyser?	Height (m)
RY1	Civic Centre, Station Road, Addlestone	Roadside	505098	164624	NO <sub>2</sub>	Y	12.5	2.1	N	2.5
RY4	Riverside, Pitson Close, Addlestone	Urban Background	505727	164624	NO <sub>2</sub>	N	12.1	4.3	N	2.0
RY8	Ongar Place First School, Milton Road, Addlestone	Suburban (near to M25)	504316	163955	NO <sub>2</sub>	Y	34.8	21.1	N	1.9
RY14	1 High Street, Addlestone	Roadside	504993	164606	NO <sub>2</sub>	Y	0.1	1.1	N	2.5
RY19	78 Woodham Lane, New Haw	Roadside	505227	162699	NO <sub>2</sub>	Y	9.7	1.0	N	2.0
RY21	London Street/Heriot Rd Chertsey	Roadside	504263	166945	NO <sub>2</sub>	N	12.6	0.7	N	1.5
RY23	37 Bridge Rd, Chertsey	Roadside	504878	166790	NO <sub>2</sub>	N	14.2	1.1	N	2.0
RY25	1 Pooley Green Rd, Egham	Roadside	501748	171349	NO <sub>2</sub>	N	10.1	13.7	N	2.4
RY26	19, Vicarage Road, Egham	Roadside	501717	171382	NO <sub>2</sub>	N	10.7	1.5	N	2.5
RY39	Chobham Lane, Longcross,	Roadside	498902	166242	NO <sub>2</sub>	N	n/a	2.3	N	2.1
RY40	Homewood Park, Stonehill Road	Urban Background	502072	165098	NO <sub>2</sub>	N	n/a	98.7	N	2.5
RY43	New Court Chertsey Road Addlestone	Roadside	504999	165305	NO <sub>2</sub>	N	22.4	2.1	N	2.3

Site ID	Site Name	Site Type	X OS Grid Ref (Easting)	Y OS Grid Ref (Northing)	Pollutants Monitored	In AQMA?	Distance to Relevant Exposure (m) <sup>(1)</sup>	Distance to kerb of nearest road (m) <sup>(2)</sup>	Tube collocated with a Continuous Analyser?	Height (m)
RY45	27/29 Weir Rd Chertsey	Roadside	504879	166762	NO <sub>2</sub>	N	4.2	1.1	N	2.3
RY53	1-22 Wyvern Place, High St, Addlestone	Roadside	504963	164784	NO <sub>2</sub>	Y	3.7	3.1	N	2.0
RY54	23 Brighton Rd, Addlestone	Roadside	505072	164478	NO <sub>2</sub>	Y	2.9	1.4	N	2.3
RY55	158 Station Rd, Addlestone	Roadside	505529	164784	NO <sub>2</sub>	N	2.4	0.4	N	1.8
RY56	34/36 Bridge Rd Chertsey	Roadside	504947	166753	NO <sub>2</sub>	N	7.2	0.6	N	2.3
RY57	29 Bridge Rd, Chertsey	Roadside	504823	166823	NO <sub>2</sub>	N	1.9	0.9	N	2.5
RY58	39 Weir Road. Chertsey	Roadside	504895	166774	NO <sub>2</sub>	N	12.9	0.5	N	2.3
RY59	Bus shelter Chertsey Rd Addlestone	Roadside	504950	165139	NO <sub>2</sub>	N	16.5	5.2	N	2.3
RY60	Renaissance flats, High Street Addlestone	Roadside	504965	164807	NO <sub>2</sub>	Y	0.7	3.0	N	2.0
RY61	Pine Court, Addlestone	Roadside	504910	164558	NO <sub>2</sub>	N	4.7	1.0	N	2.3
RY62	26/28 Brighton Road Addlestone	Roadside	505080	164439	NO <sub>2</sub>	N	4.3	1.4	N	2.3
RY63	Garfield Road, (sign) Addlestone	Roadside	505250	164520	NO <sub>2</sub>	N	19.8	0.6	N	2.0
RY64	Garfield Road, Hampshire Court Addlestone	Roadside	505258	164394	NO <sub>2</sub>	N	8.0	2.8	N	2.3
RY65	268 Station Road Addlestone	Roadside	505706	164952	NO <sub>2</sub>	N	10.9	1.7	N	2.0
RY67	A320 roundabout Ottershaw	Roadside	502241	163885	NO <sub>2</sub>	N	18.3	2.1	N	2.3
RY68	Addlestonemoor roundabout	Roadside	504967	165747	NO <sub>2</sub>	N	8.6	2.0	N	2.5

Site ID	Site Name	Site Type	X OS Grid Ref (Easting)	Y OS Grid Ref (Northing)	Pollutants Monitored	In AQMA?	Distance to Relevant Exposure (m) <sup>(1)</sup>	Distance to kerb of nearest road (m) <sup>(2)</sup>	Tube collocated with a Continuous Analyser?	Height (m)
RY69	New Haw Road	Roadside	505363	163912	NO <sub>2</sub>	N	4.4	1.5	N	1.5
RY70	Chertsey Lane Thorpe	Roadside	503411	171077	NO <sub>2</sub>	N	9.0	2.4	N	2.2
RY71	185 Church Road adjacent to M25	Intermediate	504212	164259	NO <sub>2</sub>	Y	2.2	20.3	N	2.0
RY72	Albany Place Egham adj to M25	intermediate	501585	171489	NO <sub>2</sub>	N	4.5	52.7	N	2.0
RY73	Byfleet and New Haw Station	Roadside	505800	162303	NO <sub>2</sub>	N	9.5	3.0	N	2.0

**Notes:**

(1) 0 m if the monitoring site is at a location of exposure (e.g. installed on the façade of a residential property).

(2) n/a if not applicable.

**Table A.2 – Annual Mean NO<sub>2</sub> Monitoring Results: Non-Automatic Monitoring (µg/m<sup>3</sup>)**

Site ID	X OS Grid Ref (Easting)	Y OS Grid Ref (Northing)	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2021 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3) (4)</sup>				
							2017	2018	2019	2020	2021
RY1	505098	164624	Roadside	Diffusion Tube	50	50	29.8	29.1	30.8	24.3	27.4
RY4	505727	164624	Urban B/G	Diffusion Tube	100	100	17.8	20.2	19.4	14.8	15.0
RY8	504316	163955	Suburban (near to M25)	Diffusion Tube	92	92	20.5	22.5	20.5	17.4	18.2
RY14	504993	164606	Roadside	Diffusion Tube	100	100	<b>48.7</b>	<b>45.5</b>	<b>48.3</b>	<b>49.2</b>	<b>41.0</b>
RY19	505227	162699	Roadside	Diffusion Tube	100	100	31.5	32.3	32.1	28.4	26.2

Site ID	X OS Grid Ref (Easting)	Y OS Grid Ref (Northing)	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2021 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3) (4)</sup>				
							2017	2018	2019	2020	2021
RY21	504263	166945	Roadside	Diffusion Tube	92	92	31.5	33.4	34.3	24.7	26.9
RY23	504878	166790	Roadside	Diffusion Tube	92	92	33.8	<b>47.5</b>	<b>56.4</b>	<b>41.6</b>	37.7
RY25	501748	171349	Roadside	Diffusion Tube	92	92	28.5	33.5	31.6	25.4	22.4
RY26	501717	171382	Roadside	Diffusion Tube	83	83	36.7	36.5	<b>45.7</b>	38.2	36.0
RY39	498902	166242	Roadside	Diffusion Tube	83	83	23.9	28.4	26	22.5	20.8
RY40	502072	165098	Urban B/G	Diffusion Tube	100	100	16.5	18.1	14.9	12.7	12.0
RY43	504999	165305	Roadside	Diffusion Tube	100	100	26.7	36.9	38.4	29.4	28.1
RY45	504879	166762	Roadside Moved	Diffusion Tube	100	100	32.5	36	37.7	39.4	37.9
RY53	504963	164784	Roadside	Diffusion Tube	92	92	32.2	35.8	40.8	34	31.5
RY54	505072	164478	Roadside	Diffusion Tube	92	92	28.1	29.6	32.4	26.9	26.2
RY55	505529	164784	Roadside	Diffusion Tube	92	92	28.7	32.7	34.4	26.3	25.1
RY56	504947	166753	Roadside	Diffusion Tube	83	83	<b>43</b>	<b>40.9</b>	<b>46</b>	33.4	39.6
RY57	504823	166823	Roadside	Diffusion Tube	100	100	<b>42</b>	30.5	35.3	24.3	22.7
RY58	504895	166774	Roadside moved	Diffusion Tube	100	100	34.9	<b>52</b>	<b>43.6</b>	36.7	39.7
RY59	504950	165139	Roadside	Diffusion Tube	100	100	30.3	34.7	33.8	36.3	26.5
RY60	504965	164807	Roadside	Diffusion Tube	83	83	28.9	33.3	32.9	28.3	25.9
RY61	504910	164558	Roadside	Diffusion Tube	100	100	30.1	30.1	29.1	23	24.1
RY62	505080	164439	Roadside	Diffusion Tube	83	83	31.3	32.8	32.1	27.7	29.9

Site ID	X OS Grid Ref (Easting)	Y OS Grid Ref (Northing)	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2021 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3) (4)</sup>				
							2017	2018	2019	2020	2021
RY63	505250	164520	Roadside	Diffusion Tube	100	100	30.8	21.6	25.5	20.7	20.5
RY64	505258	164394	Roadside	Diffusion Tube	100	33	22.4	24.1	26.5	16.5	16.7
RY65	505706	164952	Roadside	Diffusion Tube	83	83	22.4	26.7	32.2	21.5	28.5
RY67	502241	163885	Roadside	Diffusion Tube	75	75	-	-	<b>44.2</b>	<b>45.4</b>	35.9
RY68	504967	165747	Roadside	Diffusion Tube	92	92	-	-	38	27.8	26.3
RY69	505363	163912	Roadside	Diffusion Tube	92	92	-	-	32	26.4	23.1
RY70	503411	171077	Roadside	Diffusion Tube	100	100	-	-	25.1	19.3	20.4
RY71	504212	164259	Intermediate	Diffusion Tube	83	83	-	-	-	25.6	24.2
RY72	501585	171489	intermediate	Diffusion Tube	100	100	-	-	-	18.2	20.0
RY73	505800	162303	Roadside	Diffusion Tube	100	58	-	-	-	-	29.4

Diffusion tube data has been bias corrected

Annualisation has been conducted where data capture is <75% and above 25%

**Notes:**

Exceedances of the NO<sub>2</sub> annual mean objective of 40 µg/m<sup>3</sup> are shown in **bold**.

NO<sub>2</sub> annual means exceeding 60 µg/m<sup>3</sup>, indicating a potential exceedance of the NO<sub>2</sub> 1-hour mean objective are shown in **bold and underlined**.

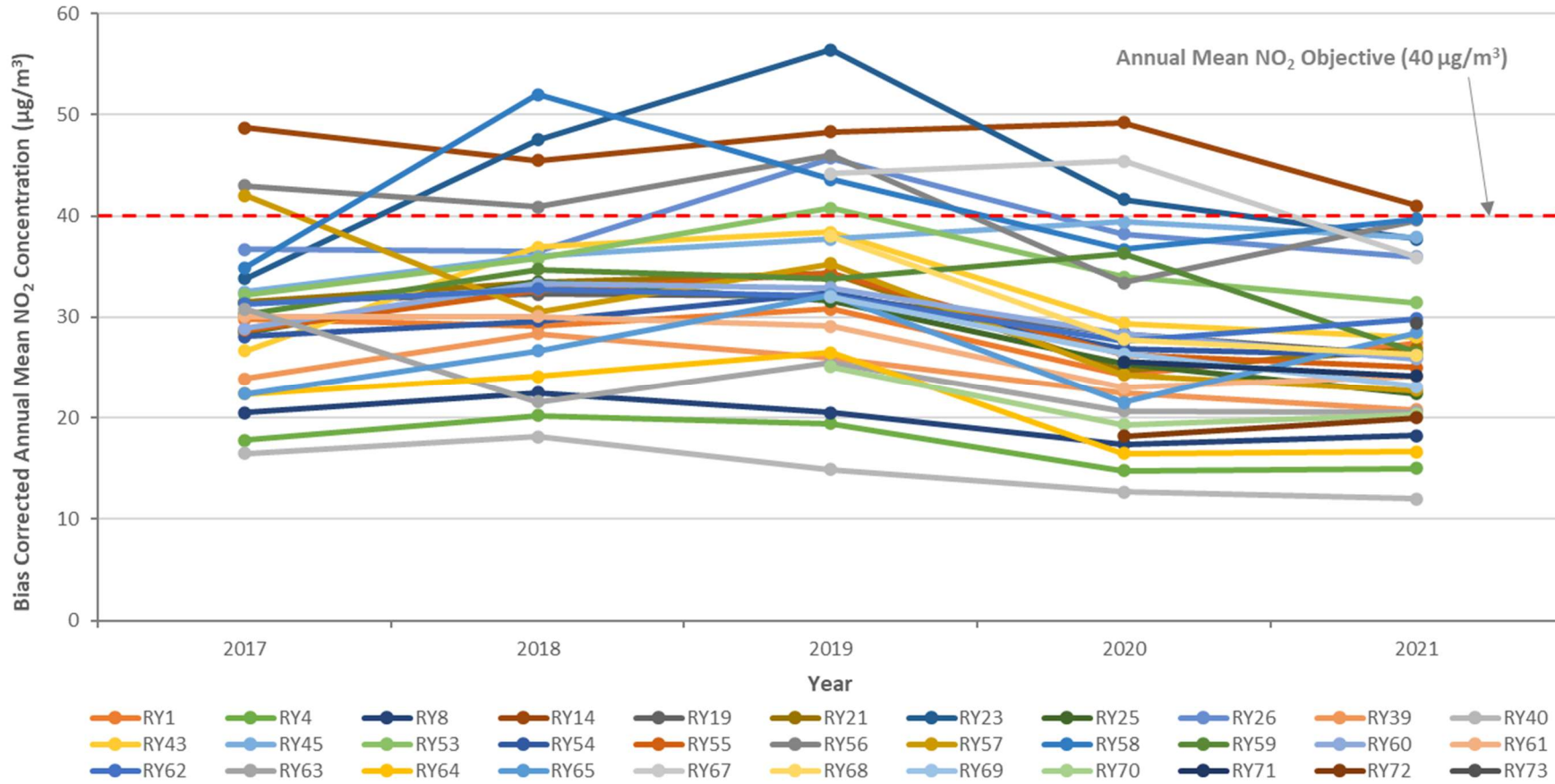
(1) Data capture for the monitoring period, in cases where monitoring was only carried out for part of the year.

(2) Data capture for the full calendar year (e.g. if monitoring was carried out for 6 months, the maximum data capture for the full calendar year is 50%).

(3) Means for diffusion tubes have been corrected for bias. All means have been “annualised” as per Boxes 7.9 and 7.10 in LAQM.TG22 if valid data capture for the full calendar year is less than 75% and above 25%. See Appendix C for details.

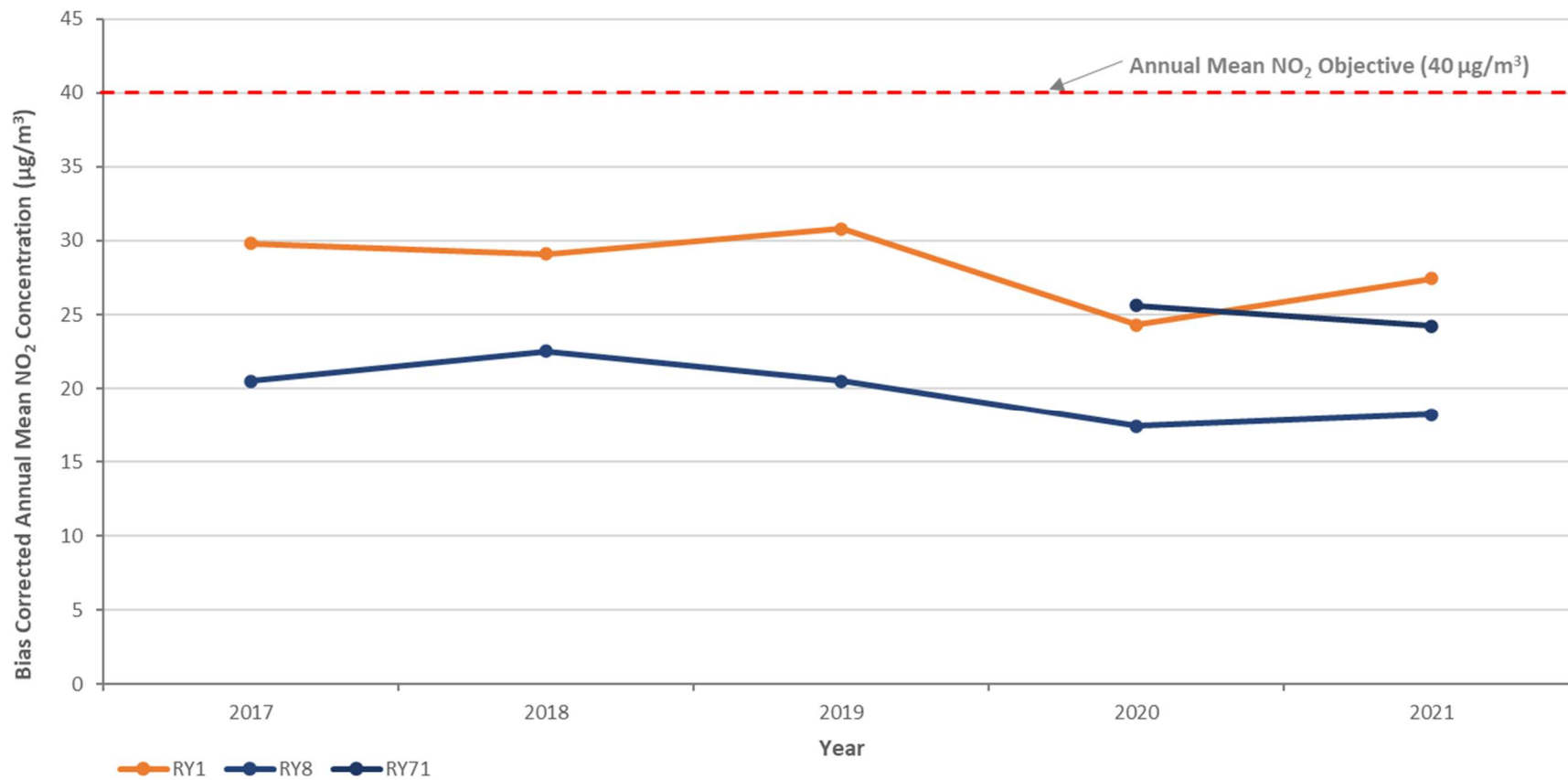
(4) Concentrations are those at the location of monitoring and not those following any fall-off with distance adjustment.

**Figure A.1 – Trends in Annual Mean NO<sub>2</sub> Concentrations for RBC**

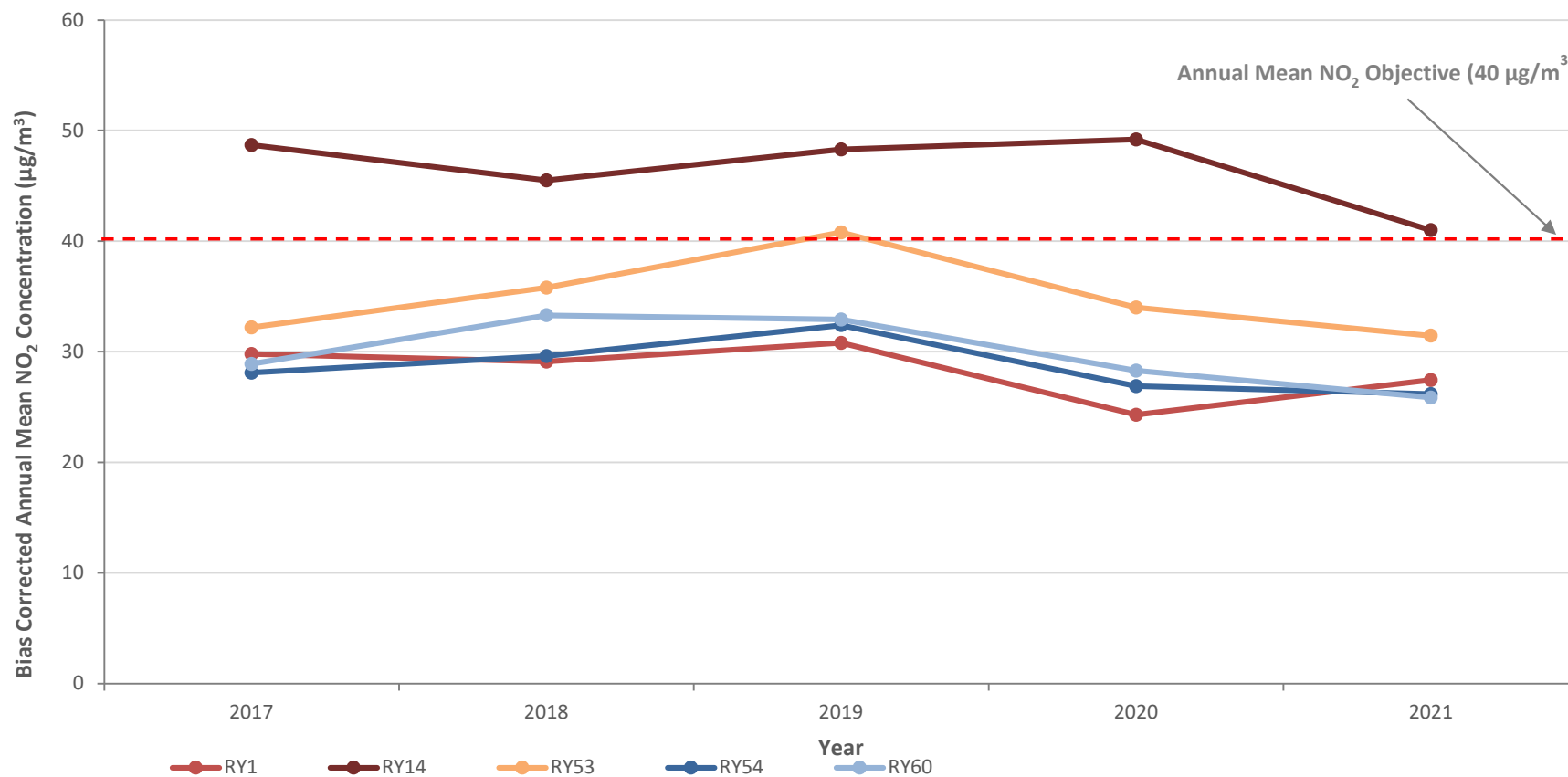




**Figure A.2 – Trends in Annual Mean NO<sub>2</sub> Concentrations for M25 AQMA**



**Figure A.3 – Trends in Annual Mean NO<sub>2</sub> Concentrations for Addlestone AQMA**



## Appendix B Full Monthly Diffusion Tube Results for 2021

Table B.1 - NO<sub>2</sub> Monthly Diffusion Tube Results - 2021

Site ID	X OS Grid Ref (Easting)	Y OS Grid Ref (Northing)	NO <sub>2</sub> Mean Concentrations (µg/m <sup>3</sup> )														
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Mean		
															Raw Data	Bias Adjusted (0.86) and Annualised <sup>(1)</sup>	Distance Corrected to Nearest Exposure <sup>(2)</sup>
RY1	505098	164624	27	28	-	-	-	20	36	16	-	-	31	-	25.7	27.4	26.2
RY4	505727	164624	16	16	16	13	12	15	13	12	14	22	20	20	15.8	15.0	15.0
RY8	504316	163955	19	22	22	24	15	-	18	14	23	14	20	20	19.2	18.2	18.2
RY14	504993	164606	108	38	42	37	35	30	39	26	42	33	43	44	43.1	<b>41.0</b>	<b>41.0</b>
RY19	505227	162699	34	29	27	27	28	25	26	15	31	28	30	31	27.6	26.2	23.6
RY21	504263	166945	28	30	27	35	27	27	28	20	-	25	34	29	28.3	26.9	24.4
RY23	504878	166790	45	48	32	39	34	40	39	29	49	38	45	-	39.7	37.7	26.2
RY25	501748	171349	26	25	24	-	19	21	20	17	26	23	31	27	23.5	22.4	22.7
RY26	501717	171382	39	36	38	38	38	40	36	24	43	-	-	45	37.9	36.0	30.5
RY39	498902	166242	35	26	-	17	18	19	19	16	25	24	22	-	21.9	20.8	
RY40	502072	165098	13	16	14	13	11	11	11	11	15	10	15	13	12.7	12.0	
RY43	504999	165305	36	28	32	34	15	30	27	22	33	29	34	32	29.5	28.1	22.2
RY45	504879	166762	40	41	39	41	34	43	37	26	49	36	47	45	39.9	37.9	31.1
RY53	504963	164784	34	33	30	38	30	-	34	21	39	31	36	36	33.1	31.5	28.8
RY54	505072	164478	32	27	27	28	22	25	25	19	36	25	37	-	27.6	26.2	23.6
RY55	505529	164784	28	-	24	31	24	22	21	18	34	25	35	28	26.4	25.1	21.9
RY56	504947	166753	35	35	36	39	35	36	-	62	-	59	35	41	41.7	39.6	28.8

Site ID	X OS Grid Ref (Easting)	Y OS Grid Ref (Northing)	NO <sub>2</sub> Mean Concentrations (µg/m <sup>3</sup> )														
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Mean		
															Raw Data	Bias Adjusted (0.86) and Annualised <sup>(1)</sup>	Distance Corrected to Nearest Exposure <sup>(2)</sup>
RY57	504823	166823	29	23	19	25	22	23	23	16	27	21	21	36	23.9	22.7	21.3
RY58	504895	166774	45	42	42	46	39	44	41	29	48	38	40	46	41.8	39.7	26.2
RY59	504950	165139	31	28	25	30	27	24	26	19	35	27	32	30	27.9	26.5	23.9
RY60	504965	164807	31	28	26	23	24	-	25	32	23	-	29	32	27.2	25.9	25.9
RY61	504910	164558	28	29	24	25	21	26	22	17	31	21	33	28	25.4	24.1	22.1
RY62	505080	164439	60	28	31	-	-	26	22	19	32	27	35	34	31.4	29.9	25.5
RY63	505250	164520	26	23	19	20	16	18	19	22	22	19	30	26	21.6	20.5	17.3
RY64	505258	164394	22	22	22	17	-	-	-	-	-	-	-	-	20.5	16.7	16.3
RY65	505706	164952	50	24	25	27	19	-	18	18	24	-	70	27	30.0	28.5	22.6
RY67	502241	163885	45	42	34	-	34	35	37	30	48	-	36	-	37.8	35.9	23.8
RY68	504967	165747	40	29	25	25	23	29	24	19	31	26	35	-	27.7	26.3	24.2
RY69	505363	163912	29	26	30	27	22	22	23	3	28	24	34	-	24.3	23.1	20.7
RY70	503411	171077	33	23	21	22	18	18	21	17	17	10	29	29	21.4	20.4	20.3
RY71	504212	164259	33	15	27	25	-	25	-	15	26	25	29	32	25.5	24.2	24.2
RY72	501585	171489	20	28	16	22	18	21	20	16	26	20	23	23	21.0	20.0	20.0
RY73	505800	162303	-	-	-	-	-	31	29	14	36	29	39	26	29.0	29.4	26.1

No local bias adjustment factor used

National bias adjustment factor used

Annualisation has been conducted where data capture is <75% and above 25%

Where applicable, data has been distance corrected for relevant exposure in the final column

**Notes:**

Exceedances of the NO<sub>2</sub> annual mean objective of 40 µg/m<sup>3</sup> are shown in **bold**.

NO<sub>2</sub> annual means exceeding 60µg/m<sup>3</sup>, indicating a potential exceedance of the NO<sub>2</sub> 1-hour mean objective are shown in **bold and underlined**.

(1) See Appendix C for details on bias adjustment and annualisation.

(2) Distance corrected to nearest relevant public exposure.

## Appendix C Supporting Technical Information / Air Quality Monitoring Data QA/QC

### New or Changed Sources Identified Within RBC During 2021

RBC has not identified any new sources relating to air quality within the reporting year of 2021.

### Additional Air Quality Works Undertaken by RBC During 2021

RBC has not completed any additional works within the reporting year of 2021.

### QA/QC of Diffusion Tube Monitoring

The diffusion tubes used by RBC during 2021 were supplied and analysed by Lambeth Scientific Services Ltd. The analysis procedures are compliant with the Diffusion Tubes for Ambient NO<sub>2</sub> Monitoring: Practical Guidance for users and laboratories (Defra, 2008).

The laboratory is UKAS accredited and participates in the AIR-PT Scheme, a continuation of the Workplace Analysis Scheme for Proficiency (WASP) for NO<sub>2</sub> tube analysis and the Annual Field Inter-Comparison Exercise. These provide strict performance criteria for participating laboratories to meet, thereby ensuring NO<sub>2</sub> concentrations are reported to a high level of accuracy. The lab follows the procedures set out in the Harmonisation Practical Guidance. For the periods of January 2021 to February 2021, May to June 2021, July to August 2021 and September to October 2021 the percentage of results submitted by Lambeth Scientific Services Ltd to the AIR PT scheme that were deemed to be satisfactory was 100% for rounds AR042 and AR043, and 75% for rounds AR045 and AR046, respectively. Further information is available here:

[https://laqm.defra.gov.uk/wp-content/uploads/2022/07/LAQM-NO2-Performance-data\\_Up-to-June-2022\\_V2.1.pdf](https://laqm.defra.gov.uk/wp-content/uploads/2022/07/LAQM-NO2-Performance-data_Up-to-June-2022_V2.1.pdf)

Monitoring has been completed in close adherence with the 2021 Diffusion Tube Monitoring Calendar.

### Diffusion Tube Bias Adjustment

Diffusion tube monitoring results should be corrected for bias, which represents the overall tendency of diffusion tubes to under or over-read relative to reference chemiluminescence analysers.

### Local Diffusion Tube Bias Adjustment

A local bias adjustment factor could not be calculated as no reference equivalent automatic (continuous) monitoring was undertaken by RBC.

### National Diffusion Tube Bias Adjustment

A database of national bias adjustment factors determined from Local Authority co-location studies throughout the UK has been collated by the Local Air Quality Management Helpdesk. Using orthogonal regression, combined bias adjustment factors have been calculated for each laboratory, year and preparation method combination for which data are available. For Lambeth Scientific Services Ltd, using a preparation method of 50% triethanolamine (TEA) solution, the national bias adjustment factor is 0.95, which has been based on 9 colocation studies as shown in Figure C.1.

Figure C.1 – National Bias Adjustment Factor

National Diffusion Tube Bias Adjustment Factor Spreadsheet						Spreadsheet Version Number: 06/22				
Follow the steps below <b>in the correct order</b> to show the results of <b>relevant</b> co-location studies						This spreadsheet will be updated at the end of September 2022				
Data only apply to tubes exposed monthly and are not suitable for correcting individual short-term monitoring periods						LAMBETH SCIENTIFIC SERVICES				
Whenever presenting adjusted data, you should state the adjustment factor used and the version of the spreadsheet						This spreadsheet will be updated every few months; the factors may therefore be subject to change. This should not discourage their immediate use.				
The LAQM Helpdesk is operated on behalf of Defra and the Devolved Administrations by Bureau Veritas, in conjunction with contract partners AECOM and the National Physical Laboratory.						Spreadsheet maintained by the National Physical Laboratory. Original compiled by Air Quality Consultants Ltd.				
Step 1:		Step 2:		Step 3:		Step 4:				
Select the Laboratory that Analyses Your Tubes from the Drop-Down List		Select a Preparation Method from the Drop-Down List		Select a Year from the Drop-Down List		Where there is only one study for a chosen combination, you should use the adjustment factor shown with caution. Where there is more than one study, use the overall factor <sup>2</sup> shown in blue at the foot of the final column.				
If a laboratory is not shown, we have no data for this laboratory.		If a preparation method is not shown, we have no data for this method at this laboratory.		If a year is not shown, we have no data <sup>2</sup>		If you have your own co-location study then see footnote <sup>1</sup> . If uncertain what to do then contact the Local Air Quality Management Helpdesk at LAQMHelpdesk@bureauveritas.com or 0800 0327953				
Analysed By <sup>1</sup>	Method <sup>2</sup> <small>To undo your selection, choose (A) from the pop-up list</small>	Year <sup>2</sup> <small>To undo your selection, choose (A)</small>	Site Type	Local Authority	Length of Study (months)	Diffusion Tube Mean Conc. (Dm) (µg/m <sup>3</sup> )	Automatic Monitor Mean Conc. (Cm) (µg/m <sup>3</sup> )	Bias (B)	Tube Precision <sup>1</sup>	Bias Adjustment Factor (A) (Cm/Dm)
Lambeth Scientific Services	50% TEA in acetone	2021	R	Elmbridge Borough Council	11	27	26	2.9%	P	0.97
Lambeth Scientific Services	50% TEA in acetone	2021	R	Elmbridge Borough Council	12	27	25	8.7%	G	0.92
Lambeth Scientific Services	50% TEA in acetone	2021	UB	Spelthorne Borough Council	12	19	19	0.9%	G	0.99
Lambeth Scientific Services	50% TEA in acetone	2021	UB	Spelthorne Borough Council	11	23	23	-2.4%	G	1.02
Lambeth Scientific Services	50% TEA in acetone	2021	KS	Manybone Road Intercomparison	11	46	42	8.2%	G	0.92
Lambeth Scientific Services	50% TEA in acetone	2021	SU	Reigate and Banstead BC	11	16	15	2.5%	G	0.98
Lambeth Scientific Services	50% TEA in acetone	2021	B	Reigate and Banstead BC	12	11	10	18.8%	G	0.84
Lambeth Scientific Services	50% TEA in acetone	2021	SU	Reigate and Banstead BC	12	15	14	12.5%	G	0.89
Lambeth Scientific Services	50% TEA in acetone	2021	R	Reigate and Banstead BC	11	38	40	-4.6%	G	1.05
Lambeth Scientific Services	50% TEA in acetone	2021		Overall Factor <sup>2</sup> (9 studies)					Use	0.95

### Diffusion Tube Bias Adjustment Choice

RBC does not undertake any reference equivalent automatic monitoring and is thus unable to calculate a local bias adjustment factor. The national bias adjustment factor of 0.95 has therefore been used.

The bias adjustment factors for previous years were 0.93 in 2017, 1.04 in 2018, 0.92 in 2019, and 0.95 in 2020.

## Diffusion Tube Annualisation

LAQM.TG22 states that for those nitrogen dioxide diffusion tube sites with fewer than nine months' worth of data (but more than three months in total), it is necessary to perform annualisation, to adjust short-term measurements to represent annual mean concentrations.

Data capture for 2021 was between 25- 75% at three sites, data for these sites have been annualised following the methodology set out in LAQM.TG22.

For the periods where diffusion tube data is available, period mean concentrations have been calculated from four AURN background automatic monitoring stations; London Hillingdon and Reading New Town. Ratios have been derived by comparing these period mean concentrations with annual mean concentrations from the automatic monitoring stations. The short-term concentrations have then been multiplied by the ratio to obtain annualised annual mean concentrations. The calculations are presented in Table C.3.



**Table C.3 – Diffusion Tube Annualisation**

Diffusion Tube ID	Period Mean ( $\mu\text{g}/\text{m}^3$ )			Annual Mean ( $\mu\text{g}/\text{m}^3$ )		Ratio		Average Ratio	Diffusion Tube Annualised Mean ( $\mu\text{g}/\text{m}^3$ )	Diffusion Tube Bias Adjusted Mean ( $\mu\text{g}/\text{m}^3$ )
	Diffusion Tube	Automatic Monitor		Automatic Monitor		Automatic Monitor				
		London Hillingdon	Reading New Town	London Hillingdon	Reading New Town	London Hillingdon	Reading New Town			
RY1	25.7	23.4	16.6	25.0	19.7	1.07	1.18	1.12	28.9	27.4
RY64	20.5	27.4	24.7	25.0	19.7	0.91	0.80	0.85	17.5	16.7
RY73	29.0	24.3	17.8	25.0	19.7	1.03	1.10	1.07	30.9	29.4

## Distance Correction

Where monitoring sites are not representative of public exposure it is important to consider concentrations at locations of relevant exposure, e.g. if monitoring is located at roadside or kerbside, the concentrations at the façade of nearest properties set back further from the road should be considered.

Distance correction has been carried out using Defra's NO<sub>2</sub> fall off with distance calculator, following the approach set out in Paragraphs 7.82-7.85 of LAQM.TG22.

Local annual mean background NO<sub>2</sub> concentrations have been derived from Defra's latest national pollution maps which cover the whole country on a 1x1 km grid for each year from 2018 to 2030. Concentrations for 2021 have been used, to coincide with the monitoring results considered in this report.

The distance corrected annual mean concentrations for relevant monitoring sites are presented in Table C.2. Where monitoring sites were within approximately 1 m of relevant exposure, it was considered that they were representative of likely human exposure. As such, distance correction has not been undertaken for these sites.

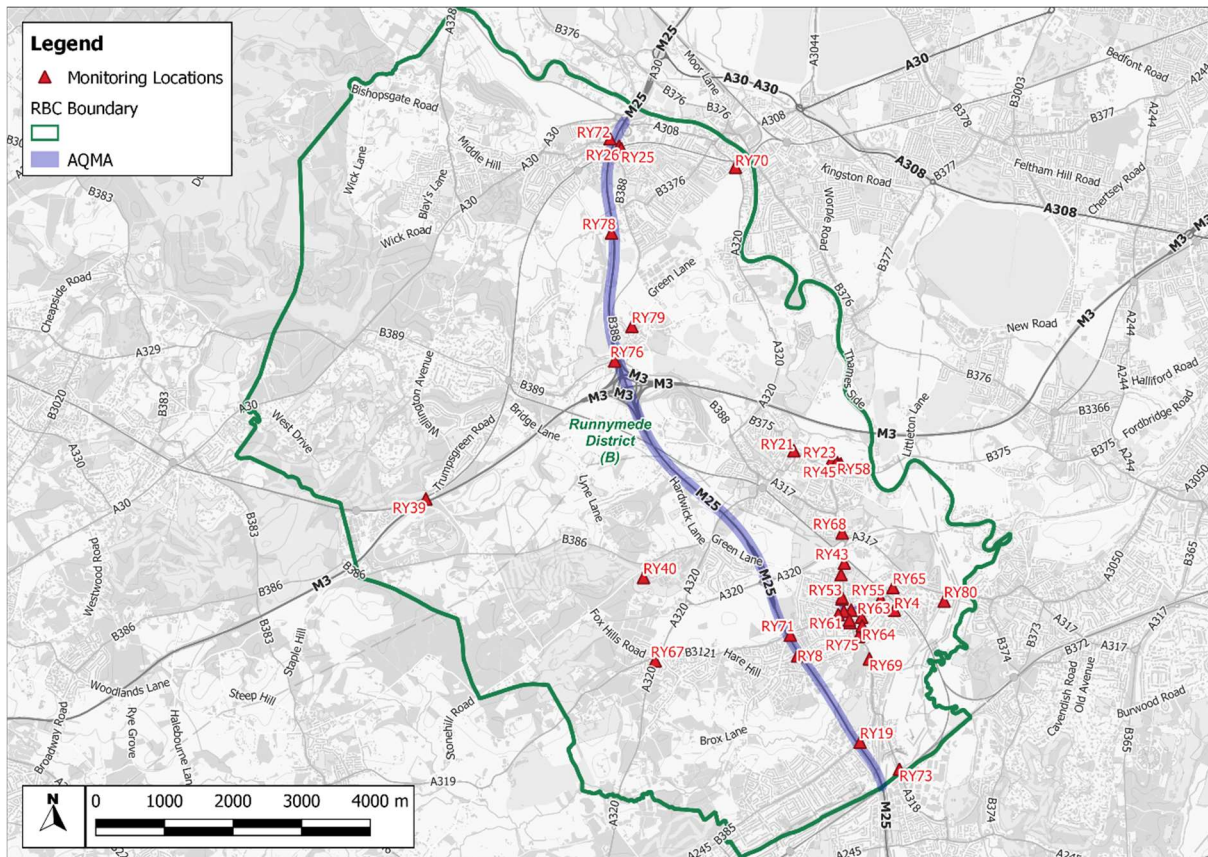
**Table C.2 – Distance Correction of Annual Mean NO<sub>2</sub> Concentrations**

Diffusion Tube ID	Distance from Monitor to Kerb of Nearest Road (m)	Distance from Relevant Exposure to Kerb of Nearest Road (m)	Background Annual Mean (µg/m <sup>3</sup> )	Measured Annual Mean (µg/m <sup>3</sup> )	Distance Corrected Annual Mean (µg/m <sup>3</sup> )
RY1	2.12	3.33	15.5	27.4	26.2
RY19	1.03	10.63	20.6	26.2	23.6
RY21	0.73	2.6	16.6	26.9	24.4
RY23	1.06	15.28	16.6	37.7	26.2
RY25	13.7	23.3	24.0	22.4	22.7
RY26	1.5	12.1	24.0	36.0	30.5
RY43	2.1	18.1	16.5	28.1	22.2
RY45	1.14	5.36	16.6	37.9	31.1
RY53	3.07	6.78	18.6	31.5	28.8
RY54	1.39	4.31	15.5	26.2	23.6
RY55	0.4	2.73	15.5	25.1	21.9
RY56	0.6	7.8	16.6	39.6	28.8
RY57	0.87	2.76	16.6	22.7	21.3
RY58	0.47	13.1	16.6	39.7	26.2
RY59	5.2	12.3	16.5	26.5	23.9

RY61	0.98	5.7	18.6	24.1	22.1
RY62	1.349	5.64	15.5	29.9	25.5
RY63	0.622	20.38	15.5	20.5	17.3
RY64	2.8	10.82	15.5	16.7	16.3
RY65	1.7	12.66	15.5	28.5	22.6
RY67	2.1	20.47	13.5	35.9	23.8
RY68	2.03	4.91	16.5	26.3	24.2
RY69	1.45	5.82	15.1	23.1	20.7
RY70	2.4	11.5	20.2	20.4	20.3
RY73	2.97	12.49	20.6	29.4	26.1

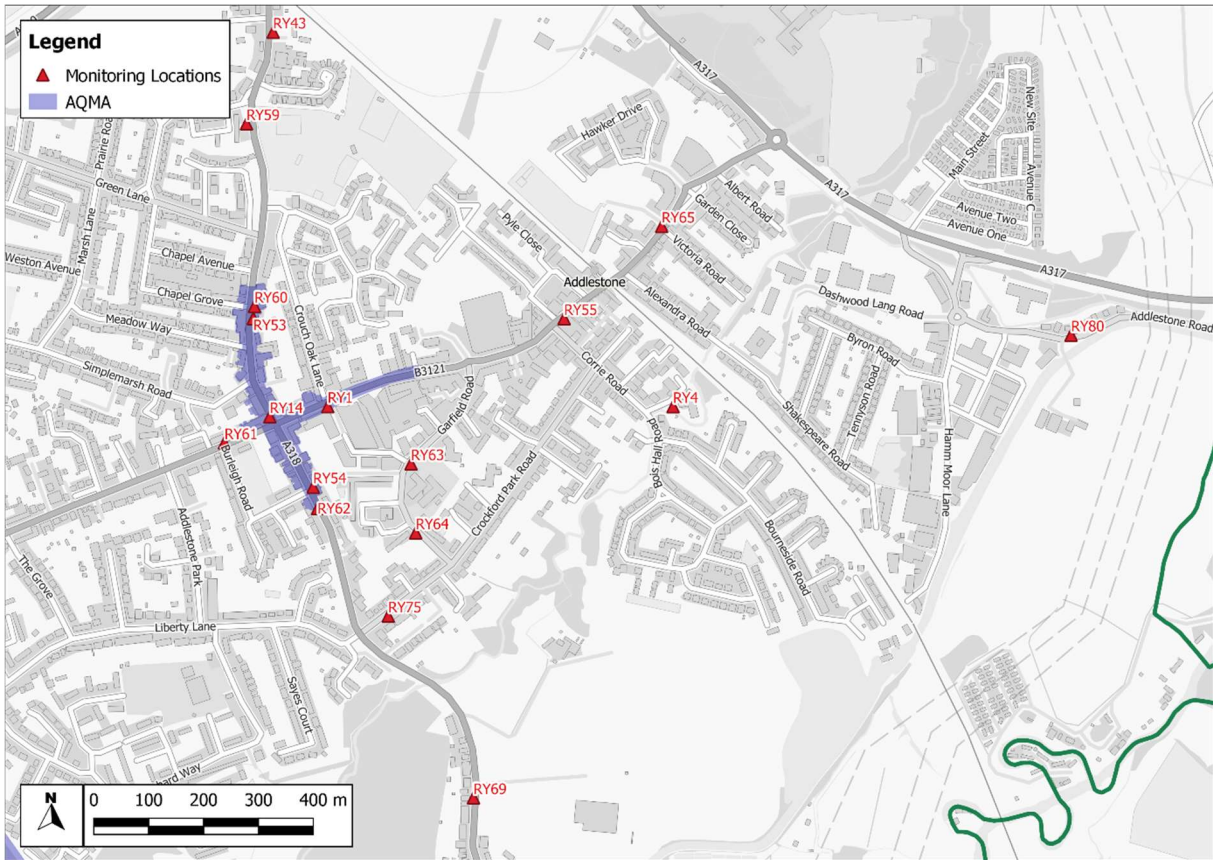
## Appendix D Map(s) of Monitoring Locations and AQMAs

Figure D.1 – Map of Monitoring Locations within RBC



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Figure D.2 – Map of Addlestone AQMA Boundary and surrounding area monitoring locations



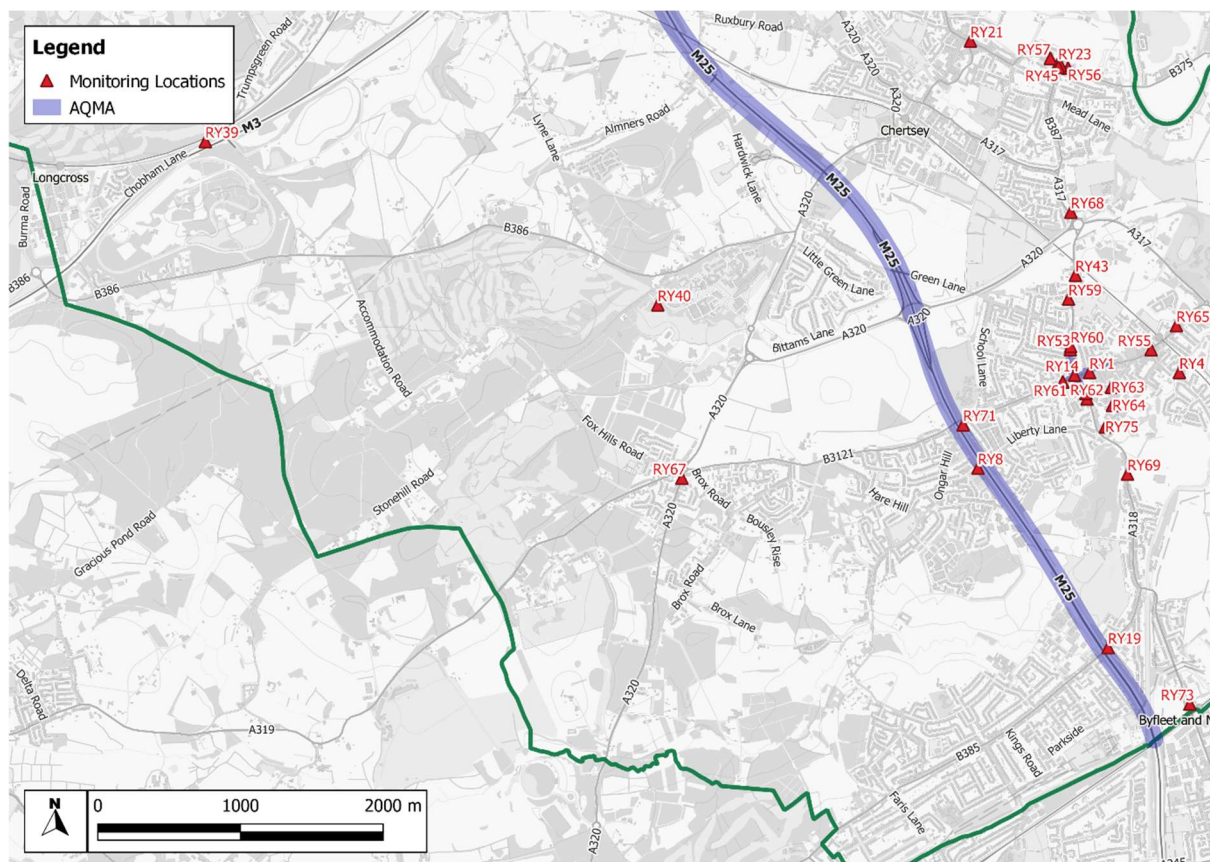
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**Figure D.3 – Map of Monitoring Locations within Chertsey and the Surrounding area**



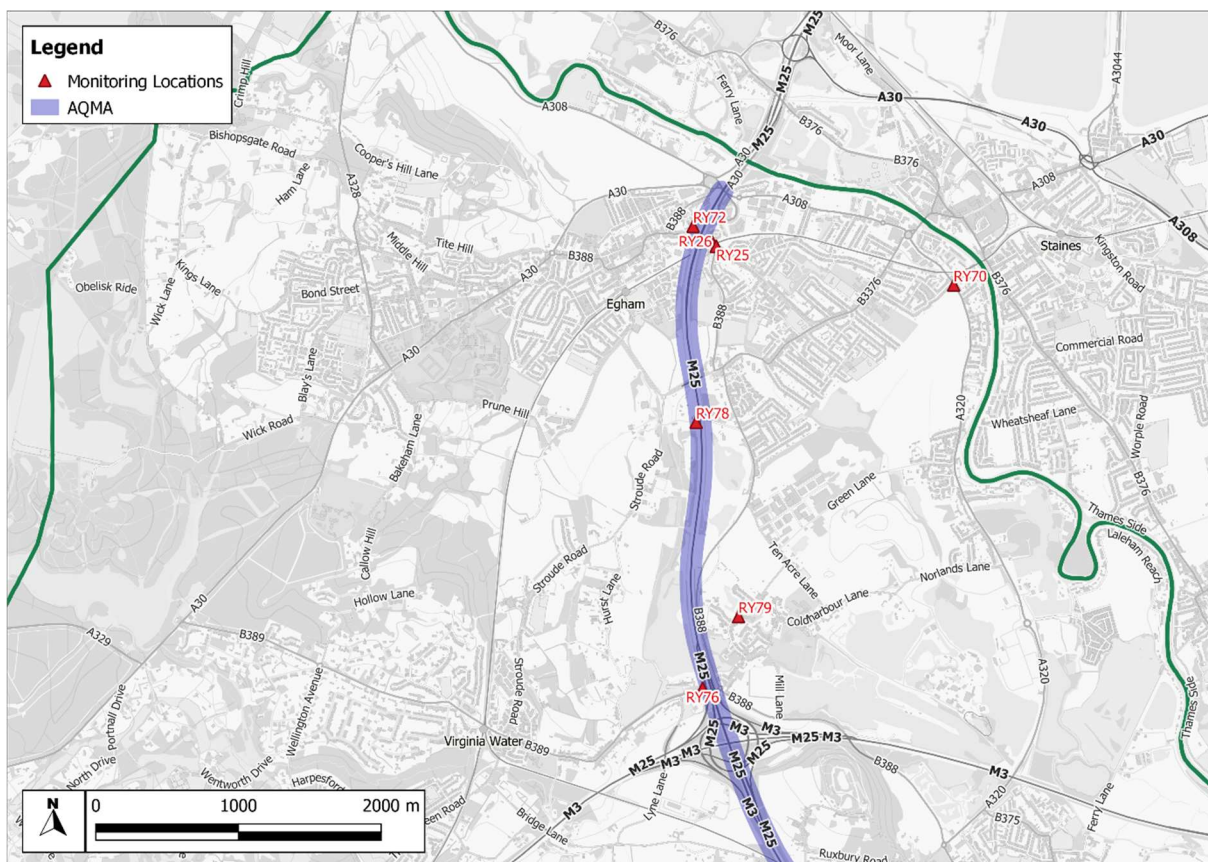
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**Figure D.4 – Map of Monitoring Locations within southern extent of the M25 AQMA and surrounding area monitoring locations**



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**Figure D.5 – Map of Monitoring Locations within the Northern M25 AQMA extent and surrounding area**



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## Appendix E Impact of COVID-19 upon LAQM

COVID-19 has had a significant impact on society. Inevitably, COVID-19 has also had an impact on the environment, with implications to air quality at local, regional and national scales.

COVID-19 has presented various challenges for Local Authorities with respect to undertaking their statutory LAQM duties in the 2021 reporting year. Recognising this, Defra provided various advice updates throughout 2020 to English authorities, particularly concerning the potential disruption to air quality monitoring programmes, implementation of Air Quality Action Plans (AQAPs) and LAQM statutory reporting requirements. Defra has also issued supplementary guidance for LAQM reporting in 2021 to assist local authorities in preparing their ASRs. Where applicable, this advice has been followed.

Despite the challenges that the pandemic has given rise to, the events of 2020 and 2021 have also provided Local Authorities with an opportunity to quantify the air quality impacts associated with wide-scale and extreme intervention, most notably in relation to emissions of air pollutants arising from road traffic. The vast majority (>95%) of AQMAs declared within the UK are related to road traffic emissions, where attainment of the annual mean objective for nitrogen dioxide (NO<sub>2</sub>) is considered unlikely. At the beginning of 2021, the UK Government released official guidance advising all members of public to stay at home, with work-related travel only permitted when absolutely necessary. During this national lockdown, marked reductions in vehicle traffic were observed, with Department for Transport (DfT) data (Prime Minister's Office, 2020) suggesting vehicle traffic returned to pre COVID-19 levels by May 2021.

This reduction in travel in turn gave rise to a change of air pollutant emissions associated with road traffic, i.e. nitrous oxides (NO<sub>x</sub>), and exhaust and non-exhaust particulates (PM). The Air Quality Expert Group (AQEG, 2020) has estimated that during the initial lockdown period in 2020, within urbanised areas of the UK reductions in NO<sub>2</sub> annual mean concentrations were between 20 and 30% relative to pre-pandemic levels, which represents an absolute reduction of between 10-20 µg/m<sup>3</sup> if expressed relative to annual mean averages. During this period, changes in PM<sub>2.5</sub> concentrations were less marked than those of NO<sub>2</sub>. PM<sub>2.5</sub> concentrations are affected by both local sources and the transport of pollution from wider regions, often from well beyond the UK. Through analysis of AURN monitoring data for 2018-2020, AQEG have

detailed that PM<sub>2.5</sub> concentrations during the initial lockdown period are of the order 2 to 5 µg/m<sup>3</sup> lower relative to those that would be expected under business-as-usual conditions. The restriction in 2021 was to a lesser extent and will have resulted in reduced changes from typical conditions compared to 2020. As restrictions are gradually lifted, the challenge is to understand how these air quality improvements can benefit the long-term health of the population.

## Impacts of COVID-19 on Air Quality within RBC

During 2021, RBC continued to distribute, collect and monitor their diffusion tube network.

Of the data collected, a trend of an average reduction of 1.8% in annualised and bias corrected NO<sub>2</sub> concentrations across the diffusion tube network was observed in 2021 when effects of COVID-19 were present to varying degrees. Diffusion tubes within and outside the AQMAs observed average reductions of 3.9% and 1.2%, respectively, in 2021.

## Opportunities Presented by COVID-19 upon LAQM within RBC

RBC did not implement any specific measures in response to the COVID-19.

## Challenges and Constraints Imposed by COVID-19 upon LAQM within RBC

Overall, RBC found it challenging to progress the planned measures set out in Table 2.2 due to COVID-19.

## Appendix F Summary of Air Quality Objectives in England

**Table F.1 – Air Quality Objectives in England**

Pollutant	Air Quality Objective <sup>1</sup>	
	Concentration	Measured as
Nitrogen Dioxide (NO <sub>2</sub> )	200 µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1-hour mean
	40 µg/m <sup>3</sup>	Annual mean
Particulate Matter (PM <sub>10</sub> )	50 µg/m <sup>3</sup> , not to be exceeded more than 35 times a year	24-hour mean
	40 µg/m <sup>3</sup>	Annual mean
Sulphur Dioxide (SO <sub>2</sub> )	350 µg/m <sup>3</sup> , not to be exceeded more than 24 times a year	1-hour mean
	125 µg/m <sup>3</sup> , not to be exceeded more than 3 times a year	24-hour mean
	266 µg/m <sup>3</sup> , not to be exceeded more than 35 times a year	15-minute mean

<sup>1</sup> The units are in microgrammes of pollutant per cubic metre of air (µg/m<sup>3</sup>).

## Appendix G Glossary of Terms

Abbreviation	Description
AQAP	Air Quality Action Plan - A detailed description of measures, outcomes, achievement dates and implementation methods, showing how the local authority intends to achieve air quality limit values'
AQMA	Air Quality Management Area – An area where air pollutant concentrations exceed / are likely to exceed the relevant air quality objectives. AQMAs are declared for specific pollutants and objectives
ASR	Air quality Annual Status Report
Defra	Department for Environment, Food and Rural Affairs
DMRB	Design Manual for Roads and Bridges – Air quality screening tool produced by Highways England
EU	European Union
FDMS	Filter Dynamics Measurement System
LAQM	Local Air Quality Management
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Nitrogen Oxides
PM <sub>10</sub>	Airborne particulate matter with an aerodynamic diameter of 10µm (micrometres or microns) or less
PM <sub>2.5</sub>	Airborne particulate matter with an aerodynamic diameter of 2.5µm or less
QA/QC	Quality Assurance and Quality Control
SO <sub>2</sub>	Sulphur Dioxide
µg/m <sup>3</sup>	Microgrammes of pollutant per cubic metre

## Appendix H References

- AQEG. (2020). *Estimation of changes in air pollution emissions, concentrations and exposure during the COVID-19 outbreak in the UK, June 2020*.
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## Land Drainage Byelaws – Principal Engineer (Prince Frank)

### Synopsis of report:

The Flood and Water Management Act 2010 amended Section 66 of the Land Drainage Act 1991 to allow local authorities to make land drainage byelaws. These byelaws also create criminal offences which can be prosecuted in the Magistrates' Courts. The Council is now intending to use its powers to update its existing byelaws to help it carry out its duties effectively and in doing so assist with reducing of flood risk for local communities.

The proposed byelaws for Runnymede (see Appendix B) are based on the Department for Environment, Food and Rural Affairs (Defra) set of model Land Drainage Byelaws, which are broadly similar to the byelaws which have been used for many years by the Environment Agency. They cover matters such as changes to flows in watercourses, obstructions, vegetation, damage to river banks and other issues which will be of help to the Council in carrying out its duties with regards to land drainage enforcement.

### The Committee is asked to endorse the approach for recommendation to Full Council for:

- i) the proposal to update the drainage byelaws, as set out in Appendix A to the report, be endorsed;
- ii) the Council consult with Defra, Natural England and the local navigation authority on the Council's proposal to make the drainage byelaws;
- iii) subject to there being no objections by Defra, Natural England and the local navigation authority to the informal consultation the byelaws be made;
- iv) the Head of Environmental Services in consultation with the Principal Engineer, be authorised to consider and seek to resolve any objection to the said byelaws being made (including amending the proposed byelaws);
- v) the byelaws be submitted to the Secretary of State for confirmation with or without any outstanding objections (as the case may be); and
- vi) in the event these byelaws are adopted by the Council, authority be delegated to the Principal Engineer to:
  - a) authorise or refuse any applications for consents submitted under the said byelaws.
  - b) serve enforcement notices for contraventions of the said byelaws.

## 1. Context and background of report

- 1.1 The existing Runnymede Borough Council Land Drainage Byelaws 1984 were made under Section 34 of the Land Drainage Act 1976 and they still refer to this Act.

- 1.2 Section 34 of The Land Drainage Act 1976 which gave Runnymede powers to create the Land Drainage Byelaws 1984 was repealed by the Water Consolidation Act 1991 and then superseded by the Land Drainage Act 1991. Although the existing byelaws remain in force the legislation that they refer to is not, and therefore there would be no legal basis to bring a prosecution.
- 1.3 Section 66 of the Land Drainage Act 1991, gives local authorities the power to make land drainage byelaws for the purpose of preventing flooding, or remedying or mitigating any damage caused by flooding. These byelaws create criminal offences that can be prosecuted in the Magistrates' Courts if contravened.
- 1.4 The Act allows local authorities to make byelaws for the following purposes:
- To secure the efficient working of a drainage system in its area.
  - To regulate the effects of a drainage system on the environment.
  - To secure the effectiveness of flood risk management work.
- 1.5 The making of Byelaws is not mandatory, but it is seen as a key element at a tactical level to deliver flood risk management and improve understanding and transparency of the Council's requirements and expectations concerning drainage on new development.
- 1.6 Per the House of Commons Library briefing paper (2016) the use of byelaws has been described as follows:

*'Byelaws generally require something to be done – or not to be done – in a particular location. They are accompanied by a sanction or penalty for non-observance. If validly made, byelaws have the force of law within the areas to which they apply. Offences against byelaws attract a penalty fine.'*

## **2. Report and, where applicable, options considered and recommended**

- 2.1 The proposed byelaws for Runnymede Borough Council are based on the ['Model Land Drainage Byelaws for Local Authorities'](#) produced by the Department for Environment, Food and Rural Affairs (DEFRA).
- 2.2 The use of the model byelaws is not compulsory but will help to ensure that byelaws introduced by a local authority are correctly worded and are within the authority's powers, thus reducing the risk of legal challenge in the future.
- 2.3 The model byelaws explicitly support the themes of [Surrey County Council's Local Flood Risk Management Strategy \(March 2017\)](#), which the Council agreed to in December 2016. They cover matters such as mitigating against disruptions to natural flows in watercourses, obstructions, vegetation control, damage to the bed or bank of a watercourse, access to drainage features for maintenance and other issues that are considered a risk to the water environment. Several other local authorities have already adopted these across the country for flood management purposes.
- 2.4 There are several stages to the process of making the byelaws which are set out below:
- i. The proposed draft byelaws are forwarded to Defra for comment.

- ii. Early consultation with Natural England and the local navigational authority takes place to ensure that the proposed byelaw does not conflict with or interfere with the operation of any of their byelaws.
- iii. Subject to no objections being received from the early consultation, the Council shall make the proposed byelaws. Under the Council's constitution this decision is reserved to Full Council.
- iv. The Council shall make the byelaws and ensure that they are advertised in one or more newspapers circulating in the area affected. A copy shall also be held in reception and placed on the Council's website. The Council must allow one month for submission of any objection to the proposed byelaws. If any objections are received, the Council will be expected, where possible, to resolve the objections before the byelaws and any unresolved objections are forwarded to the Secretary of State for confirmation. The byelaws cannot come into operation until they are confirmed by the Secretary of State.
- v. Confirmation by the Secretary of State where the byelaws will, unless otherwise decided, come into operation at the expiration of one month from the day on which they are confirmed by the Secretary of State.

## **2.1 Enforcement of the proposed Byelaws**

- 2.2 Due to current resource and budgetary constraints, there are no plans at present to undertake routine regular inspections of all ordinary watercourses in Runnymede. Byelaw contraventions will therefore come to light because of problems arising, third party reports or from other routine inspections or surveys.
- 2.3 Where breach of a byelaw is discovered or suspected by the Council, the Officers will conduct an investigation. If there is evidence of a breach then enforcement action will be considered.
- 2.4 It is proposed that a proportionate, risk-based approach to the enforcement of the byelaws is taken by the Council, considering the location and nature of any breach. This will ensure drainage issues can be rectified without the need for formal action and will ensure efficient use of the Council's resources .

### Enforcement Actions

- 2.5 The aims of enforcement in flood risk management are to ensure the proper flow of water in a watercourse and over the floodplain, the control of water levels and the security of existing assets. To achieve these aims, enforcement action is used to rectify unlawful and damaging or potentially damaging work, always using a risk-based approach.
- 2.6 Enforcement action (including criminal litigation where appropriate) may be taken where damaging or potentially damaging works have been undertaken without consent or are in contravention to an issued consent where there is a lack of cooperation by the owner of the land.
- 2.7 Some incidents are so serious that immediate action is required to mitigate the risk. Other incidents may only require a letter to the offender so that the requirements are clear.



Methods of undertaking enforcement include:

- site visits and face to face meetings with perpetrator and or land owner / occupier;
- sending advisory letters;
- sending warning letters;
- using notices to enforce, prohibit or carry out works;
- prosecution and reclaiming costs of prosecution; and
- direct remedial action plus recharge of costs of remedial action.

2.8 Where enforcement action is pursued, the Council may serve notice under Section 66 (6) of the Land Drainage Act 1991, requiring any contravention of the proposed byelaws to be remedied within a period not exceeding 28 days. If the breach was not remedied within the specified time scale, the Council could use Section 66 (7) of the Land Drainage Act 1991 to undertake the necessary works and recharge the costs of such works to the offender.

2.9 For activities specified by byelaws, consent would be required and the activity cannot be undertaken until the consent has been issued.

2.10 Consenting' is the process whereby landowners or occupiers may apply to the regulatory body to undertake works within or close to a watercourse.

2.11 A fee is payable by applicants for watercourse consent. The Land Drainage Act 1991 (LDA) determines the fee in accordance with a "prescribed charging scheme". We would propose the fee for applications for consent is £150 per structure within or close to a watercourse.

### **3. Policy framework implications**

3.1 The existing Runnymede Borough Council Land Drainage Byelaws 1984 were made under Section 34 of the Land Drainage Act 1976 and they still refer to this Act.

Section 34 of The Land Drainage Act 1976 which gave Runnymede powers to create the Land Drainage Byelaws 1984 was repealed by the Water Consolidation Act 1991 and then superseded by the Land Drainage Act 1991. Although the existing byelaws remain in force the legislation that they refer to is not, and therefore there would be no legal basis to bring a prosecution.

3.2 Section 66 of the Land Drainage Act 1991, gives local authorities the power to make land drainage byelaws for the purpose of preventing flooding, or remedying or mitigating any damage caused by flooding. These byelaws create criminal offences that can be prosecuted in the Magistrates' Courts if contravened.

### **4. Resource implications/Value for Money (where applicable)**

#### Financial

4.1 It is not anticipated that there will be any immediate or significant financial implications arising from the making of the byelaws. The costs associated with the implementation of Adoption of Ordinary Watercourse Byelaws are principally administrative, comprising Officer time in managing the process (e.g. consultation and liaison, reporting, making, advertising and dealing with objections etc.) and sundry costs (printing, postage, newspaper advertising etc.).

- 4.2 Local land drainage byelaws are principally administrative, comprising Officer time in managing the process (e.g. consultation and liaison, reporting, making, advertising and dealing with objections etc.) and sundry costs (printing, postage, newspaper advertising etc.).
- 4.3 Where enforcement of the byelaws would require the construction or remediation of drainage infrastructure, the financial implication of this would be with the responsible party/land owner and not the Council. Breaches of land drainage byelaws can lead to a fine, the maximum being generally between £500 and £2,500.
- 4.4 A fee is payable by applicants for watercourse consent. The LDA determines the fee in accordance with a “prescribed charging scheme”. The fee for applications for consent is proposed as £150 per structure.

#### Human Resource/Training and Development

- 4.4 Applications for consent for works undertaken in relation to ordinary watercourses will be subject to a fee, proposed as £150. This level of fee is unlikely to cover the actual costs incurred by the Council in processing an application. It is anticipated that the workload associated with applications for watercourse consent can, at present, be managed within current staffing resources.
- 4.5 As stated in paragraph 2.6, due to existing budgetary constraints and staff resource issues, there are no plans at present to undertake routine regular inspections of all ordinary watercourses. The workload associated with enforcement powers will be restricted typically to the circumstances described in paragraph 2.11.

#### **5. Legal implications**

- 5.1 The byelaws are a form of delegated legislation whose operation is usually restricted to control or regulate activities in certain places. The enforcement of the proposed land drainage byelaws will be undertaken for the purpose of securing appropriate management of flood risk in Runnymede. The Byelaws are made under the Flood and Water Management Act 2010, Land Act 1991 and the Local Government Act 1972. Section 236 of the Local Government Act 1972 sets out the legal requirements for making byelaws.
- 5.2 The byelaws will also create criminal offences which can be prosecuted in the Magistrates’ Courts by way of a fine.

#### **6. Equality implications**

- 6.1 There are no equality and diversity issues arising from the report.

#### **7. Environmental implications**

- 6.1 The drainage byelaws will help conserve and enhance the area’s local character, biodiversity, and habitats, by contributing to a healthier environment with reduced pollution and contamination.
- 6.2 Extreme weather events are forecast to become more frequent and severe in the UK due to the effects of climate change. We are already seeing increasing numbers of heavy rainfall events, and expect this increase to continue, with greater risk of river and flash flooding. The introduction of the proposed byelaws will reduce flood risk for local communities and assist the Council in being better prepared for the impacts of a

changing climate. In doing so, they would contribute to the delivery of the Council's vision and strategic aims to mitigate and adapt to climate change, as set out in its 'Climate Change Strategy'.

## 8. **Other implications (where applicable)**

### Risk Management

- 6.3 The Environment Agency has provided guidance to local authorities on applying sanctions in relation to the regulation of ordinary watercourses. Notices may be served to deal with the repair, removal of obstruction and maintenance of flow in watercourses. An offence is committed under the LDA by failure to comply with a notice and not by the deed itself. Failure to comply with notices served under Section 24 (abatement/removal of un-consented works from ordinary watercourses) and Section 25 (Requiring works to maintain flow of an impeded ordinary watercourse) of the LDA may result in legal action being taken through the Magistrates' Courts.
- 6.4 Byelaws also create criminal offences which can be prosecuted in the Magistrates' Court. Breaches of byelaws can lead to a fine, the maximum being generally between £500 and £2,500.

### Community Safety

- 6.5 The adoption of proposed byelaws will enable the Council to maintain safe and secure environments around ordinary watercourses and to manage flood risk across the Borough.

## 9. **Timetable for Implementation**

None

## 10. **Conclusions**

- 10.1 The proposed byelaws will assist the Council in carrying out its duties to reduce localised flood risk. The making of Byelaws is not mandatory, but it is seen as a key element at a tactical level to deliver flood risk management and improve understanding and transparency of the Council's requirements and expectations concerning land drainage. Without the byelaws, the application of the consenting and enforcing powers and duties is difficult.

## Appendix 'A'

### Byelaws for Ordinary Watercourses

Following the Land Drainage Act 1991, Internal Drainage Boards and Local Authorities are able to make byelaws in regards to ordinary watercourses. Section 66 of the Land Drainage Act 1991 states:

“Without prejudice to the generality of subsection above but subject as aforesaid, an internal drainage board or local authority, other than [an English county] council, may, in particular, make byelaws for any of the following purposes, that is to say –

- a) regulating the use and preventing the improper use of any watercourses, banks or works vested in them or under their control or for preserving any such watercourses, banks or works from damage or destruction;
- b) regulating the opening of sluices and flood gates in connection with any such works as are mentioned in paragraph (a) above;
- c) preventing the obstruction of any watercourse vested in them or under their control by the discharge into it of any liquid or solid matter or by reason of any such matter being allowed to flow or fall into it;
- d) compelling the persons having control of any watercourse vested in the board or local authority or under their control, or of any watercourse flowing into any such watercourse, to cut the vegetable growths in or on the bank of the watercourse and, when cut, to remove them.”

Byelaws are essentially local laws designed to deal with local issues. Local authorities and certain other bodies have powers under various Acts of Parliament to make byelaws. Byelaws generally require something to be done – or not to be done – in a particular location. They are often accompanied with a sanction or penalty for non-observance.

### What should the byelaw include?

The model land drainage byelaw includes most of what is needed but it may be necessary to add a byelaw. The use of model byelaws is not mandatory but using a model can help ensure that the proposed byelaws are correctly worded and within the authority's powers. It is more likely to be successful if a model byelaw is used. A number of councils have already introduced Land Drainage Byelaws and the links for these are shown below. Stroud, Peterborough and Harrow all have their own Land Drainage Byelaws. They are very similar as they have used the model byelaws but they do have some differences. For example, Harrow does not include the Tidal Outfalls byelaw as it is not necessary to do so for this borough.

<https://www.stroud.gov.uk/environment/flooding-and-drainage/ordinary-watercourse-land-drainage-consent>

<https://www.peterborough.gov.uk/council/planning-and-development/flood-and-water-management/works-near-a-watercourse>

<https://www.harrow.gov.uk/downloads/file/23182/harrow-land-drainage-byelaws>

### How to introduce byelaws?

The procedure for making byelaws has changed recently and under the new 2015 regulations a local authority wishing to make a byelaw must prepare a 'scheme', which must include a draft of the proposed byelaw and an assessment of the regulatory burden which it would create.

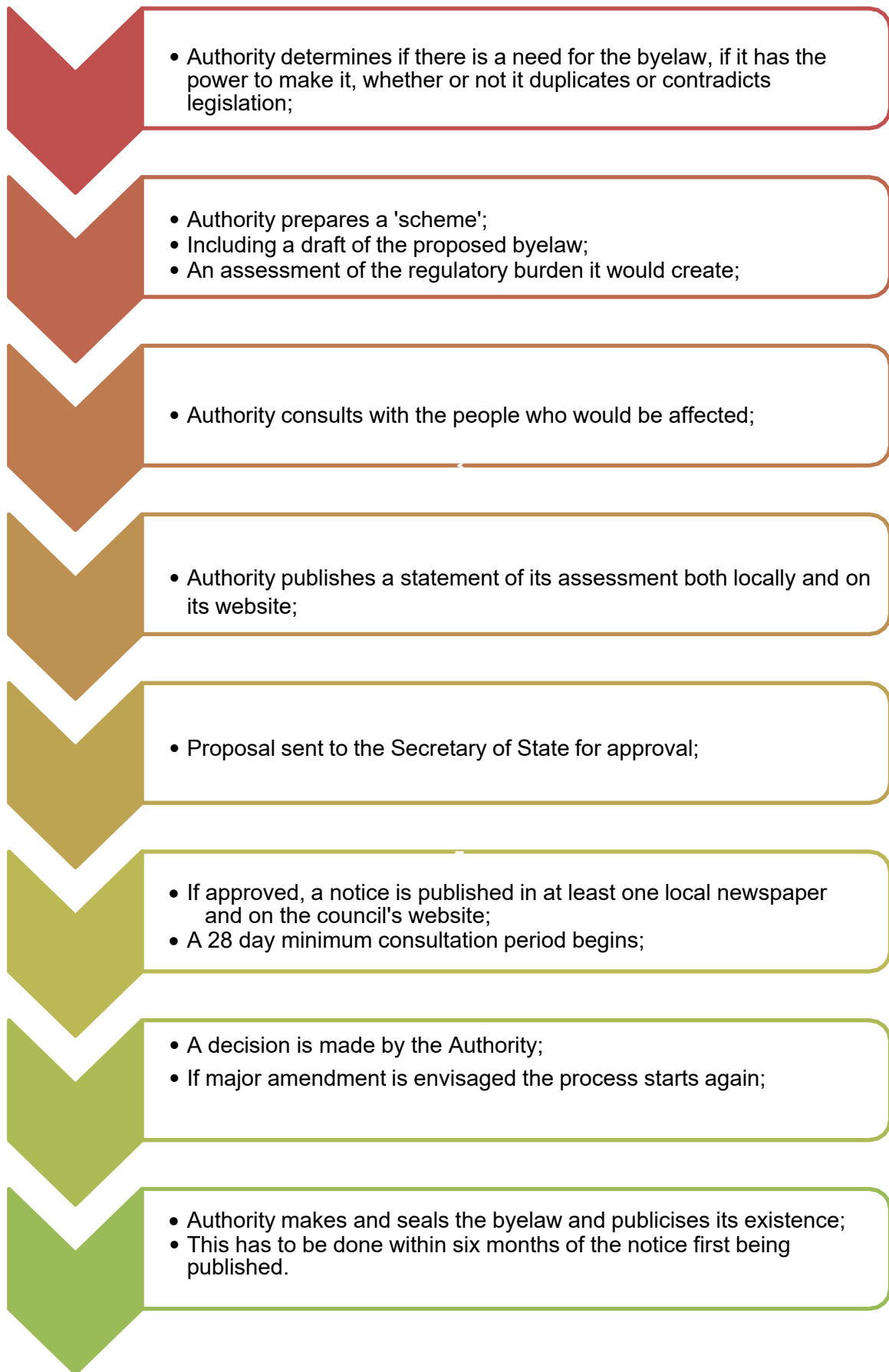
One of the first steps would be consult with people who would be affected by the byelaw. In the case of a byelaw regarding ordinary watercourses and land drainage then riparian owners will have to be contacted. A statement will also have to be publishing of its assessment both locally and on a website. After this, the local authority can then apply to the Secretary of State for approval, identifying what it intends to achieve with the byelaw, whether a model byelaw will be used and summarising the responses to the consultation. The statement could be something like this: (Found on the Warrington Borough Council Website)

*“The council is in the process of introducing a set of Land Drainage Byelaws based on the Defra-recommended template. The purpose of these are to apply detail to the enforcement and consenting powers to ensure the basic powers within the Land Drainage Act are strengthened and provide effective flood risk action at the local level.”*

The Secretary of State must then decide whether to “give leave to the authority to make the byelaw”. If they do, the local authority must then publish a notice in at least one local newspaper as well as on the council website. This notice must state its intentions of making the byelaw. A consultation period of at least 28 days runs from the publication of this notice and a copy of the proposed byelaw must be available to the public at the council’s offices. After this period the council can then make the byelaw but it must do so within six months after the publication of the notice.

There are a number of model byelaws which contain standard wording for laws on a number of subjects. This includes a model Land Drainage Byelaw that can be used with details of the council to be added. With this model byelaw items can be removed if they are not relevant to the council and the wording can be changed to accommodate for specific details that need to be included.

The process for introducing byelaws is detailed in a publication from the House of Commons Library written in December 2015. The eight step process for introducing byelaws is shown on the next page:



## What are the Pros and Cons of introducing Byelaws?

Pros	Cons
Byelaws enable local councils to address any local issues that are not already dealt with by existing laws.	Byelaws have to be approved by Central Government before they come into power.
Amendments to byelaws are easy to make and can be established quickly. This is useful in an emergency.	The process of introducing byelaws can be delayed depending on the consultation period.
A local authority being able to introduce byelaws is far more efficient than the laws being made by Central Government.	Not all members of the public are aware of new byelaws. However, riparian owners will be sent a leaflet detailing the new legislation.
Model Land Drainage Byelaws are available meaning they are appropriately written and approved by Central Government.	Enforcement of byelaws can often be difficult.
These byelaws will help protect ordinary watercourses and in turn prevent any increase in flood risk.	There will be an increase in workload for RBC officers.
They will help make the Borough more resilient to flooding.	
RBC will have more power over ordinary watercourses and consultation between SCC and RBC becomes compulsory.	
RBC will also have more control over planning applications in riparian zones.	
It will be possible to charge for consents meaning money used to introduce the byelaws can be made back.	

## **Appendix 'B'**

### **MODEL LAND DRAINAGE**

#### **BYELAWSLOCAL**

#### **AUTHORITIES**

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1. Commencement of Byelaws
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6. Diversion or Stopping up of Watercourses
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Common Seal  
Penalty Note

Amended October 2012



## .....COUNCIL LAND DRAINAGE BYELAWS

The .....Council under and by virtue of the powers and authority vested in them by section 66 of the Land Drainage Act 1991, do hereby make the following Byelaws which are considered necessary for [one or more of] the following purposes:-

- a) securing the efficient working of a drainage system in the Council's area,
- b) regulating the effects on the environment in the Council's area of a drainage system,
- c) securing the effectiveness of flood risk management work within the meaning of section 14A of that Act, or
- d) securing the effectiveness of works done in reliance on section 38 or 39 of the Flood and Water Management Act 2010 (incidental flooding or coastal erosion),

together, "the Purposes";-

### 1. **Commencement of Byelaws**

These Byelaws shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Secretary of State.

### 2. **Application of Byelaws**

- (a) These Byelaws shall have effect within the Area;
- (b) the watercourses referred to in these Byelaws are watercourses which are for the time being vested in or under the control of the Council.

### 3. **Control of Introduction of Water and Increase in Flow or Volume of Water**

No person shall as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended ("the 1990 Act")) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the Area so as to directly or indirectly increase the flow or volume of water in any watercourse in the Area (without the previous consent of the Council).

### 4. **Control of Sluices etc**

Any person having control of any sluice, water control structure or appliance for introducing water into any watercourse in the Area or for controlling or regulating or affecting the flow of water in, into or out of any watercourse shall use and maintain such sluice, water control structure or appliance in accordance with such reasonable directions as may from time to time be given by the Council with a view to securing or furthering one or more of the Purposes.

### 5. **Fishing Nets and Angling**

No person shall angle or set any nets or engines for the catching or keeping of fish in any watercourse in such a manner as to cause damage to or endanger the stability of the bank of the watercourse or to affect or impede the flow of water.

In this Byelaw "nets" includes -

- (a) a stake net, bag net or keep net;
- (b) any net secured by anchors and any net, or other implement for taking fish, fixed to the soil or made stationary in any other way;
- (c) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use it for fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary.

**6. Diversion or Stopping up of Watercourses**

No person shall, without the previous consent of the Council, take any action, or knowingly permit or aid or abet any person to take any action to stop up any watercourse or divert or impede or alter the level of or direction of the flow of water in, into or out of any watercourse.

**7. Detrimental Substances not to be Put into Watercourses**

No person shall, so as directly or indirectly to obstruct, impede or interfere with the flow of water in, into or out of any watercourse or so as to damage the bank -

- (a) discharge or put or cause or permit to be discharged or put or negligently or wilfully cause or permit to fall into any watercourse any object or matter of any kind whatsoever whether solid or liquid;
- (b) allow any such object or matter as is referred to in sub-paragraph (a) of this Byelaw to remain in proximity to any watercourse in such manner as to render the same liable to drift or fall or be carried into any watercourse.

Provided that nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.

**8. Lighting of Fires**

No person shall light or cause or permit to be lighted or commit any action liable to cause to be lighted any fire on any land adjoining the watercourse where such action is liable to set on fire the peat land forming the banks of the watercourse or any vegetation including trees growing on land forming the banks of the watercourse.

**9. Notice to Cut Vegetation**

Any person having control of any watercourse shall, upon the receipt of a notice served on him by the Council requiring him so to do, cut down and keep cut down all vegetation, including trees, growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such vegetation, including trees, from the watercourse immediately after the cutting thereof.

Provided that, where a hedge is growing on the bank of a watercourse, nothing in this Byelaw shall require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse, and the removal of the resultant cuttings.

**10. No Obstructions within 9<sup>1</sup> Metres of the Edge of the Watercourse**

No person without the previous consent of the Council shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the landward toe of the bank where there is an embankment or wall or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the enclosing structure.

**11. Repairs to Buildings**

The owner of any building or structure in or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Council that because of its state of disrepair -

- (a) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse;
- (b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse,

carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.

**12. Control of Vermin**

The occupier of any bank of a watercourse or any part thereof shall, upon being required by the Council by notice, within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Council consider necessary and practicable for preventing the bank from becoming infested by rabbits, rats, coypu, foxes and moles or any other wild mammal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981, but excluding the water vole from such control.

**13. Damage by Animals to Banks**

All persons using or causing or permitting to be used any bank of any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable and shall comply with such reasonable directions as may from time to time be given by the Council to prevent the bank or the channel of the watercourse from being damaged by such use.

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of, for the purpose of enabling animals to drink at it, any place made or to be made or constructed as approved by the Council.

**14. Vehicles not to be Driven on Banks**

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<sup>1</sup> A distance of 9 metres is the maximum that is agreed without the Council making a special case and supplying technical data about soil stability etc. Many Councils have found a lesser distance adequate.

**N.B:** This footnote is for the guidance of Councils and is **not** for inclusion in the Byelaws

No person shall use or drive or permit or cause to be used or driven any cart, vehicle or implement of any kind whatsoever on, over or along any bank of a watercourse in such manner as to cause damage to such bank.

**15. Banks not to be Used for Storage**

No person shall use or cause or permit to be used any bank of any watercourse for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner as by reason of the weight, volume or nature of such rubbish, goods, material or things causes or is likely to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the operations or access of the Council or the right of the Council to deposit spoil on the bank of the watercourse.

**16. Not to Dredge or Raise Gravel, Sand etc**

No person shall without the previous consent of the Council dredge or raise or take or cause or permit to be dredged or raised or taken any gravel, sand, ballast, clay or other material from the bed or bank of any watercourse.

**17. Fences, Excavations, Pipes etc**

No person shall without the previous consent of the Council -

- (a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire in, under or over any watercourse or in, over or through any bank of any watercourse;
- (b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank;
- (c) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse;
- (d) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof;
- (e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse.

Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Council in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Council may give with regard thereto.

**18. Tidal Outfalls<sup>2</sup>**

No person shall place or cause to be placed or abandon or cause to be abandoned upon the foreshore any trees, roots of trees, branches, timber, tins, bottles, boxes, tyres, bricks, stones, soil, wire, rubbish or other object or matter whatsoever which (whether immediately or as a result of subsequent tidal action) may impede or be likely to impede the flow of water through the sluices or outfall pipes through the tidal banks or through the watercourses on such foreshore or impede or be likely to impede the operation of such sluices or outfall pipes or may cause or be likely to cause damage thereto.

**19. Interference with Sluices**

No person shall without lawful authority interfere with any sluice, or other water control structure or appliance for controlling or regulating the flow of water in, into or out of a watercourse.

**20. Mooring of Vessels**

No person shall moor or place any vessel in any watercourse or to or upon the bank of any watercourse in such manner or by such method as to cause or be likely to cause injury to such bank or in such manner as materially to obstruct or impede the free flow of water in, into or out of any watercourse.

**21. Unattended Vessels**

No person shall leave any vessel unattended without taking due care to prevent such vessel from materially obstructing or impeding the free flow of water in, into or out of any watercourse or any sluice in any bank.

**22. Removal of Sunken Vessels**

No person who is the owner of a vessel sunk, stranded, damaged or adrift in a watercourse or, in the case of a sunken vessel which is abandoned, who was the owner immediately before the abandonment shall, after ten days from the day on which the Council serves on him notice in writing that the vessel is causing obstruction, permit the vessel to remain in the watercourse in such a manner as to impede or harmfully divert the flow of water in, into or out of the watercourse.

**23. Navigation of Vessels**

No person shall navigate any vessels in such a manner or at such a speed as to injure the bank of any watercourse and where the Council have by notice erected at any place limited the speed of vessels passing such place no person shall navigate a vessel at a speed over the bed of the watercourse greater than the speed so limited.

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<sup>2</sup> This byelaw need only be included where a Council's area has a coastline or tidal river. (If it is not included, the subsequent Byelaws should be re-numbered accordingly).

**N.B:** This footnote is for the guidance of Councils and is **not** for inclusion in the Byelaws

Provided that the Council shall not exercise their powers under this Byelaw so as to limit the speed of -

- (a) vessels in any tidal waters except after consultation with the Department for Transport, or
- (b) vessels navigating waterways of the Canal and River Trust for which speed limits are prescribed by the Byelaws of such Trust.

**24. Damage to Property of the Council**

No person shall interfere with or damage any bank, bridge, building, structure, appliance or other property of or under the control of the Council.

**25. Defacement of Notice Boards**

No person shall deface or remove any notice Board, notice or placard put up by the Council.

**26. Obstruction of the Council and Officers**

No person shall obstruct or interfere with any member, officer, agent or servant of the Council exercising any of his functions under the Act or these Byelaws.

**27. Savings for Other Bodies**

Nothing in these Byelaws shall -

- (a) conflict with or interfere with the operation of any Byelaw made by the Environment Agency or an internal drainage board or of any navigation, harbour or conservancy authority but no person shall be liable to more than one penalty or in the case of a continuing offence more than one daily penalty in respect of the same offence;
- (b) restrict, prevent, interfere with or prejudice the exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by -
  - (i) any public utility undertaking carried on by a local authority under any Act or under any Order having the force of an Act;
  - (ii) the undertakings of the Environment Agency and of any water undertaker or sewerage undertaker;
  - (iii) any public gas transporter within the meaning of part I of the Gas Act 1986;
  - (iv) any navigation, harbour or conservancy authority;
  - (v) any person who acts as the operator of a relevant railway asset, with respect to the construction, use or maintenance and repair of any such asset, or the free, uninterrupted and safe use of any such asset and the traffic (including passengers) thereof;
  - (vi) any local authority;

- (vii) any highway authority for the purposes of the Highways Act 1980 (as amended by any subsequent enactment) in relation to any highway whether or not maintainable at public expense;
  - (viii) any undertaking engaged in the operation of a telecommunications system;
  - (ix) a relevant airport operator within the meaning of Part V of the Airports Act 1986;
  - (x) the Civil Aviation Authority and any subsidiary thereof;
  - (xi) the Canal and River Trust;
  - (xii) the Coal Authority;
- (c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into any watercourse surface water from a highway, for which it is the highway authority;
  - (d) restrict, prevent, interfere with or prejudice any right of a licence holder within the meaning of Part I of the Electricity Act 1989 to do anything authorised by that licence or anything reasonably necessary for that purpose;
  - (e) affect any liability arising otherwise than under or by reason of these Byelaws.

## 28. **Saving for Crown Lands**

- (a) Nothing in these Byelaws shall operate to prevent the removal of any substance on, in or under (or the erection of any structure, building or machinery or any cable, wire or pipe on, over or under) lands belonging to Her Majesty in right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.
- (b)<sup>3</sup> Nothing contained in any of the foregoing byelaws should be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore below high water mark of any estate or interest in or right over such foreshore, or any part thereof, nor shall anything contained in or done under any of the provisions of the foregoing byelaws in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in over and in respect of the seashore.

## 29. **Arbitration**

- (a) Where by or under any of these Byelaws any person is required by a notice in writing given by the Council to do any work to the satisfaction of the Council or to comply with any directions of the Council, he may within 21 days after the service of such

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<sup>3</sup> Byelaw 28 (b) need only be included where a Council's area has a coastline or tidal river. (If it is not included, the subsequent Byelaws should be re-numbered accordingly).

**N.B:** This footnote is for the guidance of Councils and is **not** for inclusion in the Byelaws

notice on him give to the Council a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Council the dispute shall, when the person upon whom such notice was served is a drainage or local authority be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party. Where such a counter-notice has been given to the Council the operation of the notice shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw;

- (b) where by or under these Byelaws any person is required by a notice in writing given by the Council to do any work to the satisfaction of the Council or to comply with any directions of the Council and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with, such dispute if it arises between a drainage authority or local authority and the Council shall be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party;
- (c) where by or under Byelaws 3, 6, 10, 16 or 17 any person is required to refrain from doing any act without the consent of the Council such consent shall not be unreasonably withheld and may be either unconditional or subject to such reasonable conditions as the Council may consider appropriate and where any dispute arises as to whether in such a case the consent of the Council is being unreasonably withheld, or as to whether any conditions subject to which consent is granted are unreasonable, such dispute shall if it arises between a drainage authority or local authority and the Council be referred to the Secretary of State whose decision shall be final, and in any other case such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

### **30. Notices**

Notices and any other documents required or authorised to be served or given under or by virtue of these byelaws shall be served or given in the manner prescribed by section 71 of the Act.

### **31. Limitation**

- (a) Nothing in these Byelaws shall authorise the Council to require any person to do any act, the doing of which is not necessary for securing or furthering one or more of the Purposes, or to refrain from doing any act, the doing of which does not affect the environment, or adversely affect either (i) the efficient working of the drainage system of the area (ii) the effectiveness of flood risk management work within the meaning of section 14A of the Land Drainage Act 1991, or (iii) the effectiveness of works done in reliance on section 38 or 39 of the Flood and Water Management Act 2010.
- (b) If any conflict arises between these Byelaws and
  - (i) sections 61A to E of the Land Drainage Act 1991 (which relates to the Council's duties with respect to the environment), or



- (ii) the Conservation of Habitats and Species Regulations

2010<sup>4</sup>the said Act and the said Regulations shall prevail.

**32. Revocation**

The Byelaws made by the Council on the..... day of..... are hereby revoked.

**33. Interpretation**

In these Byelaws, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-

“the Act” means the Land Drainage Act 1991;

“Animal” includes any horse, cattle, sheep, deer, goat, swine, goose or poultry;

“Area” means the area under the jurisdiction of the Council;

“Bank” includes any bank, cross bank, wall or embankment adjoining or confining or constructed for the purpose of or in connection with any watercourse and includes all land between the bank and the low water mark or level of the water in the watercourse as the case may be and where there is no such bank, cross bank, wall or embankment includes the top edge of the batter enclosing the watercourse;

“Consent of the Council” means the consent of the Council in writing signed by a proper officer of the Council;

“Council” means the Council;

“Occupier” means in the case of land not occupied by any tenant or other person the person entitled to the occupation thereof;

“Owner” includes the person defined as such in the Public Health Act 1936;

“Relevant railway asset” means

(a) a network, operated by an “approved operator” within the meaning of section 25 of the Planning Act 2008,

(b) a station which is operated in connection with the provision of railway services on such a network, or

(c) a light maintenance depot.

Expressions used in this definition and in the Railways Act 1993 have the same meaning in this definition as they have in that Act, (“railway” not having its wider meaning) and a network such as is described in (a) above shall not cease to be such a network where it is modified by virtue of having any network added to it or removed from it.

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<sup>4</sup> SI 2010/490

“The Secretary of State” means the Secretary of State for the Department for Environment, Food and Rural Affairs;

“Vegetation” means trees, willows, shrubs, weeds, grasses, reeds, rushes, or other vegetable growths;

“Vessel” includes any ship, hovercraft (as defined by the Hovercraft Act 1968), lighter, keel, barge, tug, launch, houseboat, pleasure or other boat, aircraft, randan, wherry, skiff, dinghy, shallop, punt, yacht, canoe, raft, float of timber or any other craft whatsoever, and howsoever worked, navigated or propelled;

“Water control structure” means a structure or appliance for introducing water into any watercourse and for controlling or regulating or affecting flow, and includes any sluice, slacker, floodgate, lock, weir, dam, pump, or pumping machinery; and other expressions shall have the same meanings as in the Act.

**THE COMMON SEAL OF THE**

**COUNCIL was hereunto affixed on the  
in the presence of:**

**The Chief Executive (or other  
authorised officer)**

## **PENALTY NOTE**

By section 66(6) of the Act every person who acts in contravention of or fails to comply with any of the foregoing Byelaws is liable on summary conviction in respect of each offence to a fine not exceeding the amount prescribed from time to time for level 5 on the standard scale referred to in section 37 of the Criminal Justice Act 1982 and a further fine not exceeding Forty pounds for everyday on which the contravention or failure is continued after conviction. By section 66(7) of the Act if any person acts in contravention of or fails to comply with any of these Byelaws the Council may without prejudice to any proceedings under section 66(6) of the Act take such action as may be necessary to remedy the effect of the contravention or failure and may recover the expenses reasonably incurred by it in doing so from the person in default.

(N.B. This note may accompany the Byelaws, but is not part of them)

### Review of the viability of the British Legion Car Park at Virginia Water - Corporate Head of Customer Digital and Collection Services (Linda Norman)

**Synopsis of report:**

**This report reviews the viability of continuing to provide the British Legion Car Park at Virginia Water as a public car park following discussions with the British Legion and local businesses in the area.**

**Recommendation:**

**To remove the British Legion car park from the Council's Off- Street Parking Places Order from September 2023 when the lease expires and return the car park located at Virginia Water to the British Legion to generate a saving of £20,000 pa.**

#### 1. Context and background of report

- 1.1 At its meeting in November 2022, the committee authorised the Corporate Head of Customer, Digital and Collection Services along with the Corporate Head of Assets and Regeneration to engage with the British Legion and local businesses to review the current lease arrangement with a view to renegotiating the contract to ensure the car park remained financially viable to the Council following the changes to people's working patterns after the Covid-19 pandemic.
- 1.2 If after discussions with relevant parties, the Council could not ensure that the car park remained financially viable, a recommendation to remove the car park from the Councils "off street" car parking order from September 23 would be brought back to Committee for further discussion.
- 1.3 The British Legion car park is situated behind Station Parade in Virginia Water and offers 20 spaces for the public to use and the charges are at the same rate as Memorial Gardens which has 94 spaces.
- 1.4 The British Legion retains several spaces for their own staff use and the car park is included within a single assessment for Business Rates where the British Legion receive Supporting Small Business Relief of 90% reducing their liability to £600 for the 23/24 year at that location.

#### 2. Report and, where applicable, options considered and recommended

- 2.1 The table below shows a comparison of the ticket sales between the two car parks over the last four financial years:

	18/19	19/20	20/21	21/22
British Legion	1496	733	256	408
Memorial	27058	14250	6938	18 519

- 2.2 The effect of the pandemic and the current cost of living crisis is still impacting car park use across the Borough. The Memorial carpark whilst remaining fairly popular, usage is still way below that of previous years. At the current time, it cannot really be predicted when, or if, their use will return to full capacity and with the British Rail car park in such close proximity, the British Legion car park is no longer widely used.

2.3 The Council currently pay the British Legion £20,000 per year to lease that car park in Virginia Water. The income generated no longer covers the cost of that lease agreement for the past few years and therefore the Council need to consider the suitability of that location moving forward.

2.4 Income received:

Car park	21/22	22/23
British Legion	£1206	£1613
Memorial	£56 236	£66745

2.5 In addition, the British Rail car park has a further 85 spaces and offers off-peak parking at a reduced rate of £3.60 and a daily rate of £7.60 which is slightly higher than the day rate of £7.00 that the Council charges. Annual permits are £1089 at the station as opposed to £700 at Memorial Gardens and British Legion. There is an opportunity to increase awareness of the parking permits available at Memorial Gardens now that the Civil Enforcement Officers are only patrolling off-street locations. The Council could also consider introducing more flexible parking permits to support part time commuters when permit levels are reviewed in November 2023 which may help increase income at commuter car park locations.

Car park	Permits Issued	Permits available	Waiting list
British Legion	1	10	0
Memorial	4	40	0

2.6 The Council has written to the British Legion advising of its intention not to renew the lease if the rent remains at £20,000 but is open to discussions on how to work collaboratively to understand the future needs and requirements of the site. As at the time of writing the report no response has been received from the British Legion.

2.7 Letters have also been issued to the 28 businesses in the location to advise that the Council may no longer provide a public car park at that location and invited them to comment by 30 April 2023 on any potential concerns they have.

2.8 2 responses have been received, of which

- 1 business said they would be unaffected by the changes
- 1 business has purchased 3 parking permits at Memorial Gardens

2.9 As part of the Road Traffic Act 2008, the Council is required to consult with the public and SCC if there is an intention to change the level of off-street parking charges or changes to the Road Traffic Orders. The Borough is obliged to consider any responses received prior to implementing the changes. Therefore, should members decide to remove this car park from the Council's Road Traffic Order, a formal consultation will be undertaken and this should be completed prior to the September 2023 renewal.

### 3. Policy framework implications

3.1 The legislation requires parking to be self-financing with no recourse to public funds. Unfortunately the requirements for 'commuter car parks' have diminished following the pandemic and this car park is no longer financially viable.

### 4. Resource implications/Value for Money (where applicable)

4.1 If the Committee is minded to proceed with the Amendment Order, the Order will be made and confirmation of the making of the Order will be advertised.

4.2 If the Committee approve the return of the car park to the sole ownership of the British Legion, this will result in a savings of £20,000 pa.

## **5. Legal implications**

- 5.1 The Council has powers under section 32 Road Traffic Regulation Act 1984 to provide off-street parking places. The legislation goes on to state that a local authority who provide off-street parking will make what is termed an order to regulate (i) the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it, (ii) the conditions on which it may be used, (iii) the charges to be paid in connection with its use (where it is an off-street one), and (iv) the removal from it of a vehicle left there in contravention of the order and the safe custody of the vehicle. Such an order has been made by the Council which regulates the use of the British Legion car park.
- 5.2 An amendment to the Off-Street Parking Order is required to remove the British Legion car park and return it to private ownership.
- 5.3 Under the provisions of the Road Traffic Regulation Act 1984 the Council must advertise its intention to make this proposed change. Any objections subsequently received, must be considered by E&S Committee who will then decide whether to proceed with the Amendment Order.
- 5.4 It should be noted that if the British Legion site is no longer a public car park the owners of the land will have to regulate its use and deal with any unauthorised parking on the site. The Council will have no legal powers to prevent unauthorised parking.

## **6. Equality implications**

- 6.1 Returning this car park to private ownership will not negatively impact on any residents with protected characteristics and disabled bays will be available as normal in the Council owned car park at Memorial Gardens. All Borough pay and display car parks contain dedicated and marked provision for disabled badge holders who are currently also able to use the car parks without charge or time restriction.

## **7. Environmental/Sustainability/Biodiversity implications**

- 7.1 There are none.

## **8. Other implications (where applicable)**

- 8.1 There are none

## **9. Timetable for Implementation**

- 9.1 September 2023

## **10. Conclusions**

- 10.1 Given the reduction in usage of this site and the costs associated with leasing the land it is proposed to remove the British Legion car park from the Council's Off-Street Parking Places Order from September 2023 when the lease expires and return the car park located at Virginia Water to the British Legion to generate a saving of £20,000 pa.

**(To Resolve)**

### **Background papers**

There are none

## Agenda Item 8

### Review of parking arrangements with various schools within the Borough – Corporate Head of Customer, Digital and Collection Services – Linda Norman

#### Synopsis of report:

To review the current parking arrangements which exist between several primary schools and Runnymede Borough Council, having due regard to cost and transparency across the Borough.

#### Recommendation(s):

The Committee is asked to determine which of the following options it wishes to adopt in relation parking by parents in car parks located near to schools:

1. To no longer support the arrangement with any school and enforce non-payment of parking in car parks for both morning and afternoon periods with effect from September 2023
2. To continue with the arrangement and extend to other primary schools across the Borough where Council owned car parks are within a reasonable walking distance and for Runnymede to cover the total cost within existing budgets
3. To offer parking permits to primary schools at £30 per term (£120 per school year) to allow for free parking in both morning and afternoon time slots to facilitate safer road travel. Parents will be able to choose whether they renew the permit in the spring and summer terms or choose alternative greener travel options.

Depending on which option members approve could result in:

- Option 1 £53k potential increase in income
- Option 2 £177k potential loss of income\*
- Option 3 £42k increase in income

This increase or decrease in income is not guaranteed and is dependent on whether parents continue to use Council owned car parks following any changes in policy.

\* It is anticipated that with better targeted enforcement, it is expected that there will be an increase in income which will offset any potential loss, thus containing the effect of option 2 within existing budgets

#### 1. Context and background of report

- 1.1 Following several complaints around illegal and dangerous parking at St Jude's Road Car Park, the Corporate Head of Customer, Digital and Collection Services visited the area with the Council's Community Safety Officer at the beginning of December 2022 to observe the issues and to see whether there were any powers within the Community Safety Regulations the Council could consider using to reduce the amount of illegal and dangerous parking that was taking place in that location.
- 1.2 There are two primary schools in close proximity to the car park and the Officers observed many parents parking in the car park who appeared not to have paid for parking. Several cars were observed to be parked in excess of 30 minutes and others were parked across the designated bays causing obstructions to other drivers.
- 1.3 Officers concluded that the issues reported by residents were linked to the road layout and the proximity of the two primary schools and a thriving local business. Regular patrols of the area have ascertained that the congestion is particularly prevalent in the afternoons when parents congregate to pick up their children from school.

- 1.4 The Corporate Head spoke to both schools to ask them to advise parents that the Council would be enforcing both illegal and non-payment of parking in that location. During this conversation, the Corporate Head was advised that they had an arrangement with the Council where each school issued parking permits to parents which allowed parents free parking for a period of 10/15 minutes between 8.45 and 9.15am and between 2.45 and 3.15pm.
- 1.5 Unfortunately, this arrangement had been agreed with the previous Parking Manager many years ago and whilst that Officer had delegated authority to grant temporary waivers of car parking charges by permit subject to the cost being contained within budget, there was no formal record of this arrangement or cost quantified for allowing this practice.
- 1.6 Whilst there is no documentation to explain why the time period of 15 minutes was suggested, under the provisions of Regulation 5 Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 a penalty charge cannot be imposed if a vehicle has not exceeded 10 minutes beyond the permitted parking period. It seems reasonable to assume that the previous Parking Manager thought an extra 5 minutes would allow parents enough time to drop off/pick up their children without incurring a penalty.
- 1.7 As a compromise, whilst this arrangement is being reviewed, the Corporate Head agreed with the Chief Executive that the Council would continue to support the arrangement until the end of the school year.
- 1.8 As this was an informal arrangement and the cost has not been quantified, the Council did not know how many schools have been allowed to issue 'school parking permits' or to how many parents. When the Parking Services transferred to Customer Services in July 2021, the Corporate Head was surprised at the lack of payments being made in the Council's various carparks in the afternoon and revised the staff patrols to try to resolve this issue being unaware of the arrangement that was currently in force.
- 1.9 Following a request from a ward Councillor on 16 December 22 to extend the free parking for the parents of St Anne's pupils at Chertsey library whilst some road closures were in force, it became apparent that St Anne's had been included in this arrangement.
- 1.10 The Council has now contacted the majority of primary schools in the Borough that are within reasonable walking distance of Council owned car parks to ascertain how widespread this practice is to enable the cost to be quantified and to ensure all schools are treated fairly.

## **2. Report and, where applicable, options considered and recommended**

- 2.1 The parking income budget was reduced for 2022/23 year for Council owned car parks due to the slower recovery from the pandemic and changes to people's working patterns.
- 2.2 Prior to the pandemic in 2019/20, the income from parking was £765k. The budget for 2022/23 is estimated to be £317k which has an impact on the Council's overall financial position. The loss of income from Tesco's at Hummer Road as well as the new multi storey car park at St Peter's has further impacted on expected revenue. In addition, there will also be an additional £70k increase in costs to Parking Services following the discontinuation of the agency agreement for on-street parking enforcement from 1 April 2023. It is therefore important to quantify the cost that this practice of allowing parents free parking twice a day during term time will have on the reduction in income.



2.3 The table below identifies the schools that are potentially involved in this scheme:

School	No of pupils	Permits given	Car park	Charge £	Calculation	Total
St Jude's	291	50	St Jude's	0.60	2 x 0.60 @ 5 days @ 39 weeks	£11 700
*St Cuthberts	203	50	St Jude's	0.60	2 x 0.60 @ 5 days @ 39 weeks	£11 700
St Annes	454	60	Chertsey Library	1.30	2@ 1.30 @ 5 days @39 weeks	£30 420
Maximum potential cost of scheme						£53 820

\*St Cuthberts have no idea how many permits they have issued as they do not keep formal records. An assumption of 50 have been made based on the similarity to St Jude's in size and location.

- 2.4 The Council is aware of the many issues facing schools around road congestion including dangerous or illegal parking and has in recent months increased parking patrols around schools during term time to try to alleviate the problems that are caused predominantly by the parents of pupils attending these schools. Whilst the Council is sympathetic to the problems faced by schools, there should not be an expectation from either schools or parents that the Council will provide free parking to resolve this.
- 2.5 The Council has a duty to maintain the car parks to a decent standard and people should pay for using the service. The income received from car parks is used to maintain the service without any recourse to taxpayers' funds. In addition, this income is also used to reduce the cost of other critical services the Council provides for our residents, so it is important that car parks are run efficiently.
- 2.6 Education is a function provided by Surrey County Council and from 1 April 2023, on-street parking enforcement returned to the County for them to manage the traffic congestion and illegal parking around schools.
- 2.7 Parents have a choice about where and how they send their children to school. The Council is not preventing parents from using the public car parks but merely asking parents to pay for the service if they park beyond the '10-minute grace period'.
- 2.8 Parents also have a responsibility to other road users and should not expect to receive preferential treatment from the Council when taking their children to and from school.
- 2.9 Officers have considered various options and need to quantify the cost of each option and whether the Council should continue with this arrangement to help mitigate the need for better facilities at schools to enable them to provide a better way for parents to drop off and pick up children from their facility.
- 2.10 The Council needs to be consistent across the whole borough and if the Council feels that the benefit of allowing this practice to continue outweighs the significant cost to the Council, it should be made available to all primary schools across the Borough.
- 2.11 Appendix A identifies 21 primary schools across the borough, of which:
- 7 have their own car parks within the school boundary
  - 2 use private car parks where no charge is incurred

- 3 use council owned car parks using the 'school free permit'
- 9 have no parking facilities so predominantly rely on parking on street

2.12 Of the 9 schools who do not have immediate parking facilities:

- 5 are within walking distance from an open space car park where no charge is incurred
- 4 are within walking distance of other Council owned car parks not offering the 'school free permit'

2.13 The Council could consider expanding the scheme to include these four schools where there is a reasonable proximity to a council owned car park which may then mitigate road congestion in those locations.

2.14 Three options have been considered:

1. To no longer support the arrangement with any school and enforce non-payment of parking in car parks for both morning and afternoon periods
2. To continue with the arrangement and extend to other primary schools across the borough and for Runnymede to cover the total cost within existing budgets
3. To offer parking permits to relevant primary schools at £30 per term (£120 per school year) to allow for free parking in both morning and afternoon time slots to facilitate safer road travel. Parents will be able to choose whether they renew the permit in the spring and summer terms or choose alternative greener travel options.

Option	Schools affected	Maximum permits issued	Potential income received	Potential income forfeited
Option 1	3	160	£53 820	
Option 2	7	350		£177 450*
Option 3	7	350	£42 000	

\* it is anticipated that with better targeted enforcement, it is expected that there will be an increase in income which will offset any potential loss, thus containing the effect of Option 2 within existing budgets

2.15 Parents do need to take some responsibility for the choices they make and cannot rely on public funds to reduce their financial liability when making decisions on their children's education.

### 3. Policy framework implications

3.1 Under legislation, Parking Services must be self-financing and have no recourse to public funds. The service should contribute to the authority's transport objectives and the aim is to increase compliance with parking restrictions through clear, well designed, legal and enforced parking controls. Where temporary waivers of parking charges occur, whether it be by order, notice or permit, the cost must be covered within the existing budget.

### 4. Resource implications/Value for Money (where applicable)

4.1 Should members chose to introduce school parking permits, the Parking Services Team will need to set up a formal process to effectively administer these permits. The team will work with local schools to ensure they are being used responsibly by parents with annual reviews to ensure the cost is quantified and contained within the overall Parking Services budget.

## **5. Legal implications**

- 5.1 Section 32 Road Traffic Regulation Act 1984 (the 1984 Act) grants local authorities the power to provide off-street parking facilities. Section 35 of the 1984 Act then goes on to state that local authorities may make what are termed as Orders to regulate the use of any parking facilities provided by them. An Order made pursuant to the power granted by section 35 of the 1984 Act can include provisions regarding the charges to be paid in connection with the use of any parking facility provided. This was undertaken for the car parks in this report by the Borough of Runnymede (Off Street Parking Places) Order 2008 (as amended). If the driver of a vehicle fails to comply with the provisions of an Order regulating the use of an off-street parking facility then what is termed as a Penalty Charge Notice (PCN) can be issued. The PCN will specify the contravention and the amount of penalty payable in respect of any such contravention.
- 5.2 Under the Council's Constitution, the Corporate Head of Customer, Digital and Collection Services has delegated authority to issue parking permits at Council owned car parks subject to the costs being contained within budget.

## **6. Equality implications**

- 6.1 The Council has a duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;
- a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
  - b) to advance equality of opportunity
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.
- 6.2 Should the Council wish to introduce a new term time parking permits at a discounted rate of £30 per term in Council owned car parks, this should be extended to all relevant primary schools within the Borough to ensure equality of opportunity for all.
- 6.3 Disabled parking facilities will not be affected by these changes.

## **7. Environmental/Sustainability/Biodiversity implications**

- 7.1 By allowing parents free parking in Council owned car parks to facilitate 'the school run' does not encourage parents to seek other alternative greener methods of transportation but may help mitigate congestion and illegal parking around schools.
- 7.2 By introducing quarterly term time parking permits, this will give parents the opportunity to consider other travel methods in the spring and summer months.

## **8. Other implications (where applicable)**

There are none.

## **9. Timetable for Implementation**

- 9.1 The arrangement should be formalised from 1 September 2023. The Parking Services Team will work with schools in the preceding months to If Option 3 is chosen, the parking service will issue new parking permits for term time use to alleviate congestion around primary schools.

## **10. Conclusions**

- The use of Council car parks for the dropping off of and collection of children attending nearby schools is a legitimate use of such facilities. The question which the Council has to

determine is whether there should be a charge imposed for such a use, does the Council wish to provide such a facility free of charge or at a discounted rate.

- There are clearly arguments in favour and against each of the options. In reaching their decision Members will have to undertake a balancing exercise and weigh up the advantages and disadvantages associated with each option. In summary if charges are imposed then all users and residents are being treated equally. If no charge is imposed then certain residents are being subsidised by others. If a discounted permit scheme is selected then it will generate income but it will still involve an element of subsidy.
- Depending on which option members approve could result in:
  - Option 1 £53k potential increase in income
  - Option 2 £177k potential loss of income
  - Option 3 £42k increase in income

This increase or decrease in income is not guaranteed and is dependent on whether parents continue to use council owned car parks following any changes in policy

**(To resolve)**

**Background papers**

Appendix A – Primary school information

Appendix B – Survey undertaken by St Anne's in support of parking permits

<b>Name</b>	<b>Location</b>
<b>St Ann's Heath Junior School</b>	Sandhills Lane, Virginia Water
<b>Trumps Green Infant School</b>	Crown Road, Virginia Water
<b>Darley Dene Primary School</b>	Garfield Road, Addlestone
<b>Holy Family Catholic Primary School</b>	Ongar Hill, Addlestone
<b>New Haw Community School</b>	The Avenue, New Haw
<b>Ongar Place Primary School</b>	Milton Road, Addlestone
<b>Sayes Court Primary School</b>	Sayes Court Farm Drive, Addlestone
<b>St Paul's Church of England Primary School</b>	School Lane, Addlestone
<b>The Grange Community Infant School</b>	The Avenue, New Haw
<b>Chertsey Nursery School</b>	Pycroft Road, Chertsey
<b>Lyne &amp; Longcross C of E Primary School</b>	Lyne Lane, Lyne
<b>Meadowcroft Community Infant School</b>	Little Green Lane, Chertsey
<b>Ottershaw Christ Church C of E Infant School</b>	Fletcher Close, Ottershaw
<b>Pycroft Grange Primary School</b>	Pycroft Road, Chertsey
<b>St Anne's Catholic Primary School</b>	Free Prae Road, Chertsey
<b>The Hythe Community School</b>	Thorpe Road, Staines
<b>Manorcroft Primary School</b>	Wesley Drive, Manorcrofts Road, Egham
<b>St Cuthbert's Catholic Primary School</b>	Bagshot Road, Englefield Green
<b>St Jude's Church of England Infant School</b>	Barley Mow Road, Englefield Green
<b>Thorpe C of E (Aided) Primary School</b>	The Bence, Thorpe
<b>Thorpe Lee Primary and Nursery</b>	Huntingfield Way, Egham

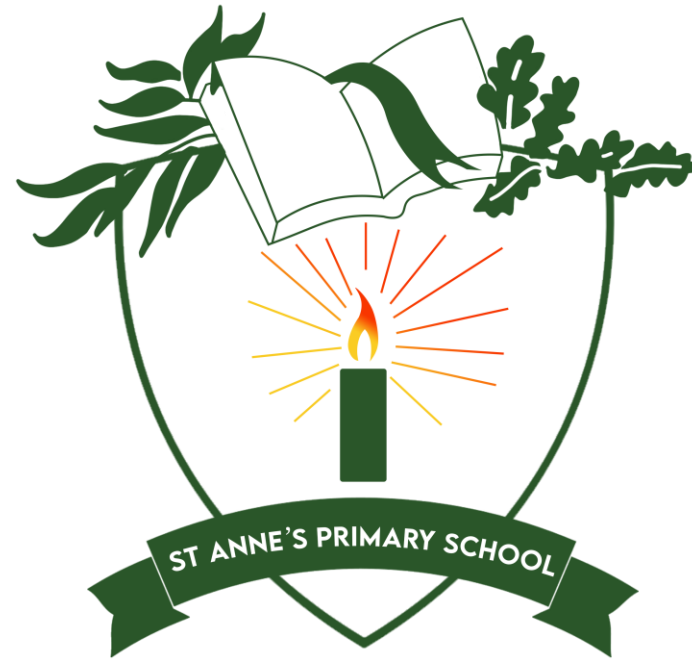
Nearest Carpark	Cost	No of pupils	Potential permits
Own Car Park	£1.30	281	
On street bay	£1.30	180	
Addlestone One	30 minutes free	231	
Own Car Park		214	
On street		362	
On street		210	
Own Car Park		270	
On street		384	
On street		270	
On street		76	
On street bays		210	
On street		90	
Own Car Park		209	
On street		252	
Cherstey libray	£1.30	454	60
Own Car Park		428	
Egham Orbit	Free	403	
St Judes Cemetry	£0.60	203	50
St Judes Cemetry	£0.60	291	50
Own Car Park		210	
Own Car Park		231	
		5459	160

**Appendix 'A'**

Closest Carpark	Distance in Miles	Number of additional car
Memorial Gardens Car Park Station Parade	0.85	2
Crockford Park Open Space Car Park Brighton Road	1.93	0
Crockford Park Open Space Car Park Brighton Road	1.23	3
Crockford Park Open Space Car Park Brighton Road	0.81	3
Crockford Park Open Space Car Park Brighton Road	1.88	0
Car Park Gogmore Farm Park Curfew Bell Road	0.55	6
Car Park Homewood Park Stonehill Road	0.73	2
Woodland Car Park St Peters Hospital Guildford Road	0.86	8
Car Park Gogmore Farm Park Curfew Bell Road	0.76	6

r parks within 2 miles





# Chertsey Library Parking Permits for St Anne's Parents

## 9<sup>th</sup> March 2023

# Overview

- St Anne's Catholic Primary School has a wide catchment area to allow it serve Catholic families across the area as well as serving other faiths in the local community.
- We currently have 429 pupils, many of those with SEND and in an area which has high deprivation.
- We are situated on a residential road with very limited parking options.
- An agreement was made with the council to allow parents to park in the library carpark during term time between the hours of 8.45am and 9.15am and 2.45pm till 3.30pm to elevate the parking on the main road and keep the children safe.

# Context

- This agreement has worked perfectly well for many years.
- On 16<sup>th</sup> December the school were advised that Free Prae Road would be closed from 19<sup>th</sup> December for Road works, the school term ended on 21<sup>st</sup> December for all Xavier schools.
- After a lot of work and panic and a decision to issue permits to all families to allow them to have an option on collecting their children on these days we received a letter from the council informing us with immediate effect we could no longer use these permits.

# The letter



Head Teacher

DEPARTMENT; PARKING  
DATE: 21 December 2022

Dear Head Teacher

Parking permits for school drop off and pick up times

I understand that there may have been an informal arrangement agreed many years ago whereby the Council allowed some schools to issue temporary parking permits to parents to enable them to drop off and pick up children without paying for parking in the Council's car parks. Unfortunately, I have no record of this agreement and the income generated from parking fees is used to maintain our car parks, so it is important that users of any car park pay for the service provided.

Therefore, this informal arrangement can no longer be supported by the Council for the afternoon pick-up. It appears that parents are parking for much longer periods than the 5/10 minutes that the temporary permits were intended for and as such, this temporary permit will not be accepted as a reason for non-payment in the future.

In addition, the Council is aware of traffic congestion around many schools in the Borough and whilst we do not have the resources to patrol every school, every day, the Civil Enforcement Officers will be patrolling as regularly as possible and will be issuing Penalty Charge Notices (PCN) where illegal parking is observed or to people have not paid for their parking in the nearby car parks. We will only be observing the legal grace period for illegal parking so I would be grateful if you could remind parents that PCN's will be issued as follows:

1. Parking on double yellow lines
2. Parking outside of designated parking pays including obstruction of other cars
3. Non-payment of parking fees
4. Obstructing residents' driveways

I would appreciate your co-operation in reminding parents of the need to observe the parking regulations in force in the area and that they do need to pay for parking in designated car parks otherwise they may receive a Penalty Charge Notice.

I trust this clarifies the position and hope that we can work together to improve road safety around our schools over the coming months.

Yours sincerely,

**Linda Norman**  
Corporate Head of Customer Digital and Collection Services  
✉ [linda.norman@runnymede.gov.uk](mailto:linda.norman@runnymede.gov.uk)  
☎ 07720 945503

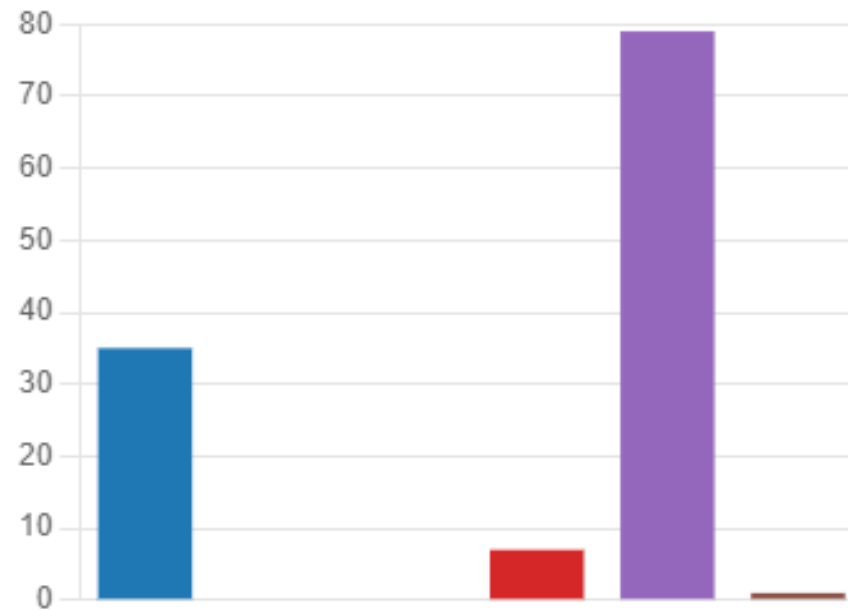
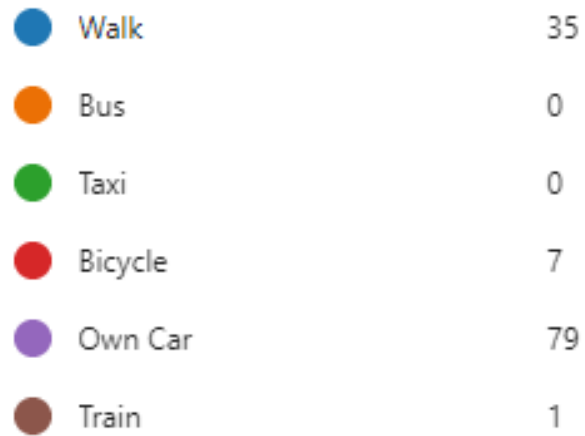
- This letter arrived immediately after discussing the road closure in the Christmas holidays.
- We were given no notice that permits would be removed and were only advised that they would continue by a parent who had contact the council and been advised of this meeting.

# The impact

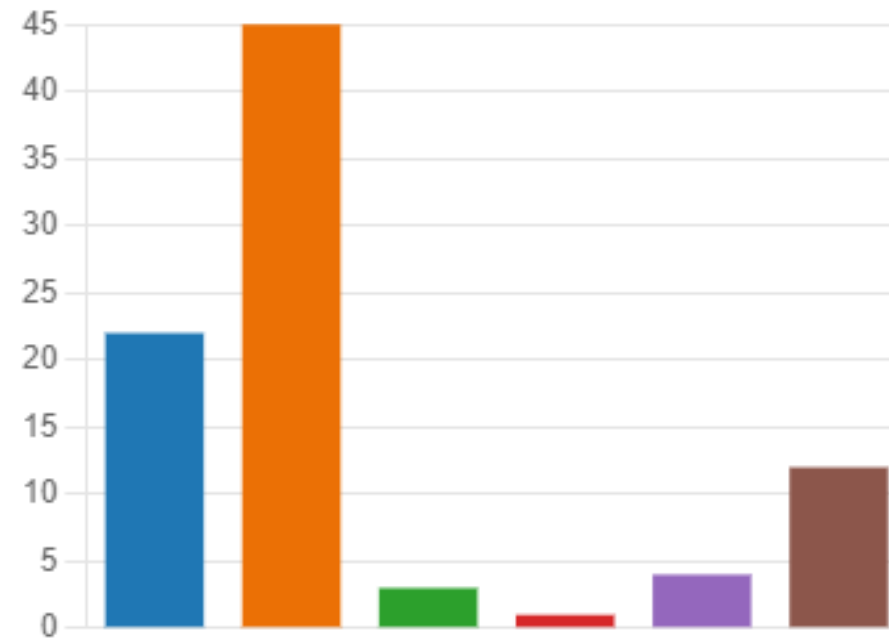
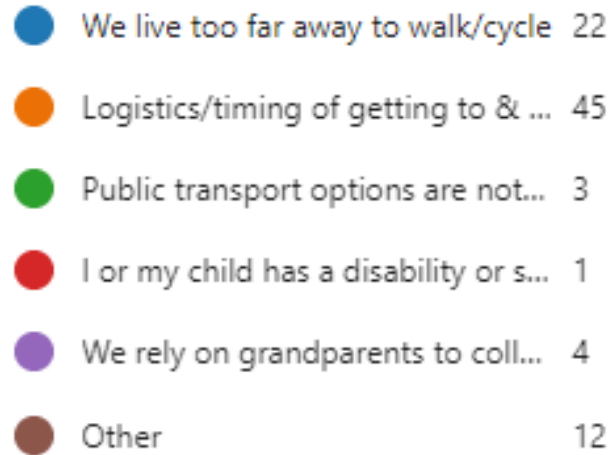
- This facility allows parents to park and walk to school safely.
- It keeps Free Prae Road clearer which helps the residents, makes it safer for the children and parents who are able to walk or cycle.
- The school handles the admin of the permits currently and advise parents they will receive a ticket if parked outside of the permit times.
- The school regularly reminds parents not to park on yellow and zig zag lines or block driveways.
- The school fully supports greener travel, and runs many projects to do so. However, there must be understanding that this is not possible for all our families.

We asked our  
parents....

# How do you currently travel to school to drop off and collect your child(ren) most of the time?



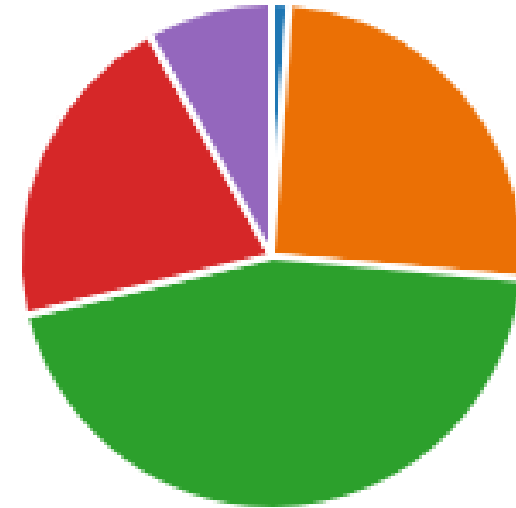
# If you Travel using your own car, what is the main reason for this?





# Do you currently take advantage of the parking permit?

● Yes in the morning only	1
● Yes in the afternoon only	22
● Yes morning and afternoon	39
● Occasionally use it	18
● Never use it	7



# If you could no longer use the parking permit how would this impact you?

We live on the corner of Eastworth Road and Free Prae road and experience the congestion, road chaos and pollution school drop-off creates in this area. By effectively closing off the library parking option you are likely to funnel more traffic onto these two roads. In short, you are making a bad situation unbearable.

Parking on free Prae road and surrounding roads is very congested so I think you will see lots of parents double parking which then becomes dangerous

It will impact financially and it is already a very difficult time

parking around drop off and pick up is too congested already.

I would have to drive to the school and find parking around there. Paying for parking will not be an option for us

Will be late to pick up my children as is hard to find any parking space after I finish work, can't leave working place any earlier.

# Conclusion

- We can see that we do have a significant number of parents who drive their children to school. Although, this is mainly due to the logistics of dropping their children to school, getting to other schools, nurseries, work or simply they live too far away to be able to walk.
- The permits are used, mainly in the afternoon by around 60 families on a daily basis, the impact of not having the permit would mean another 60 cars on the main roads surrounding the school.
- If this option is removed please can the council contact all local residents to advise of your decision and provide us with information on how you plan to control the parking on Free Prae Road & surrounding areas.

**Synopsis of report:**

**To inform Members of the expiration on the 13<sup>th</sup> June 2023 of the Dog Control Public Space Protection Order (Runnymede Borough Council) 2020 and the options for resolution**

**Officer Recommendations:**

- i) **To resolve that the PSPO be extended, as worded in the existing order (Appendix B), for a further 3 years**

**Alternatively to resolve that**

- ii) **the current order be discharged when it expires on 13<sup>th</sup> June 2023**

**1. Context of report**

- 1.1 Public Space Protection Orders (PSPO) issued under The Anti-Social Behaviour, Crime and Policing Act 2014 remains in force for a maximum period of 3 years. In June 2020 Runnymede Borough Council extended (with a minor variation in respect of providing details to a police officer or an authorised council officer) a PSPO covering dog control matters related to dog fouling, keeping dogs on leads and excluding dogs from specified areas. The Order first came in to effect on the 23 January 2017. The current order will expire on the 13 June 2023.

**2. Report**

- 2.1 A Public Space Protection Order (PSPO) can be made by a local authority if it is satisfied that the following conditions are met:
- Activities carried on in a public place have a detrimental effect on the quality of life of those in the locality or it is likely that such activities will be carried on and that they will have such an effect.
  - The effect of the activity is likely to be of a persistent or continuing nature, or is likely to be, such as to make the activities unreasonable.
- 2.2 PSPOs can be framed to apply to all persons or persons in specified categories. Before making such an order, the local authority must consult with the Police, Police and Crime Commissioner and other relevant bodies.
- 2.3 In June 2020 Runnymede Borough Council (RBC) extended a PSPO covering dog control matters related to dog fouling, keeping dogs on leads and excluding dogs from specified areas. The Order which came in to effect on the 14 June 2020 will expire on the 13 June 2023.
- 2.4 This PSPO first became necessary in 2017 to replace the lapsed order in relation to dog fouling following repeal of the Dogs (Fouling of Land) Act 1996. Without the PSPO no specific dog fouling offence exists nor provisions to exclude dogs from enclosed play areas or require a dog be put on a lead on by direction from a Police Officer or authorised council officer (with cause). An offender could be issued with a fixed penalty notice of £100, reduced to £80 if paid within 14 days.
- 2.5 From April 2019 to March 2023 the council received 201 complaints about dogs and dog fouling.

- 2.6 Officers have had regard to the statutory guidance<sup>1</sup>, and whilst revised on 27<sup>th</sup> March 2023 it still recommends consulting, in particular, The Kennel Club for PSPOs in relation to dogs. The council must also consult whatever community representatives they think appropriate. Additionally an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restrictions is strongly recommended by the guidance.
- 2.7 A statutory and community consultation, together with a public consultation ran from at least 23 March to 7 April 2023. The public were made aware of the consultation by an insert in the annual council tax reminder.
- 2.8 In addition to consulting the Kennel Club a number of statutory and community consultees have been consulted, including:
- Cabrera Trust
  - Surrey Police
  - Police & Crime Commissioner
  - Surrey County Council
  - Runnymede Borough Council (Housing & Open Spaces)
  - Surrey Wildlife Trust
  - Dogs Trust
  - Chertsey Meads Management Liaison Group
  - Englefield Green Committee
  - Housing Associations
- 2.9 The consultation yielded 31 responses from the public and a further 16 responses from statutory and community consultees. The details and responses from the consultation can be found in Appendix A. In summary the significant majority of respondents feel there is still a need for the order. In terms of successfulness 40% felt it is successful, 27% responded no change observed, and 7% stated it was very unsuccessful, with the remainder giving a narrative response as reported in Appendix A.
- 2.10 Some respondents called for greater control of the number of dogs that may be walked in open spaces at any one time. Borough and district groups (such as community safety) are discussing further controls in respect of dogs, though it does seem there is consensus not to introduce knee-jerk control measures and central direction/learning will likely follow. Indeed the Rt Hon Lord Beynon, Minister for Biosecurity, Marine and Rural Affairs, wrote to Local Authorities on 6<sup>th</sup> March 2023 in light of recent fatal dog attacks where he outlined that, among other matters, a 'Responsible Dog Ownership working group' has recently been established and that that 'conclusions and policy reform recommendations are expected later this year'.
- 2.11 It is intended that the extended order be the same as the 2020 order, a copy of which is provided in Appendix B.

### **3. Resource implications**

- 3.1 PSPO enforcement is likely to be carried out by existing staff in environmental services, where resources allow.

### **4 Financial implications**

- 4.1 There are no financial implications in respect of this report.

### **5. Legal implications**

- 5.1 Under section 60 of the 2014 Act a PSPO may not have effect for a period of more than 3 years unless extended under that section.

### **6. Equality implications**

<sup>1</sup> Anti-social behaviour powers: statutory guidance for frontline professionals

- 6.1 There are equality implications in respect this report. The Kennel Club response made suggestions in respect of assistance dogs advocating either the wording in a like PSPO in Mole Valley or that of Northumberland County Council. The existing wording is equally effective as the latter and no changes are considered necessary at this time.

## **7. Environmental implications**

- 7.1 Enforcement of dog fouling (dog control) offences contribute to the Council's health & wellbeing strategy under the Corporate Business Plan (2022-2026) In particular it contributes to the strategy's Healthy Community objective. It enhances the environment by providing that dog fouling and certain dog related anti-social behaviour can be dealt with and/or deterred. The strategy recognises, under the wider determinants of health model, that general environmental conditions (among other factors) contribute to health.

## **8. Conclusions**

**(To resolve)**

**Background papers**

**Anti-social Behaviour, Crime and Policing Act 2014**

**Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals (last update 27 March 2023)**

**APPENDIX A**

**Dog control PSPO consultation 2023 & responses**

**Contents**

**Statutory & Community consultation response**

**Public consultation response**

**Public consultation comments**

**Statutory & community consultee comments**

**Content of Dog control PSPO consultation questionnaire - Statutory & Community consultees**

**Content of Dog control PSPO consultation questionnaire - Public consultation**

**Written responses (One letter from The Kennel Club)**

**Statutory & Community consultation response:**

<p><b>Extend or Discharge the Order?</b> 100% of statutory &amp; community questionnaire respondents stated, in their opinion, the existing prohibitions and requirements in the PSPO should remain, rather than be discharged at the end of the existing 3 year period of the Order.</p>	
<ul style="list-style-type: none"> <li>● Remain in place (renew for a further 3 years) 15</li> <li>● Cease (discharge the order at the end of existing 3 year period this June) 0</li> </ul>	

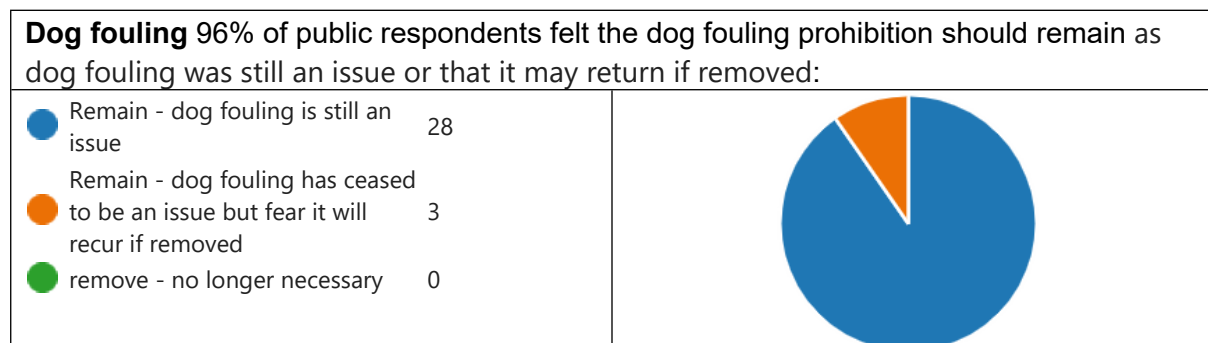
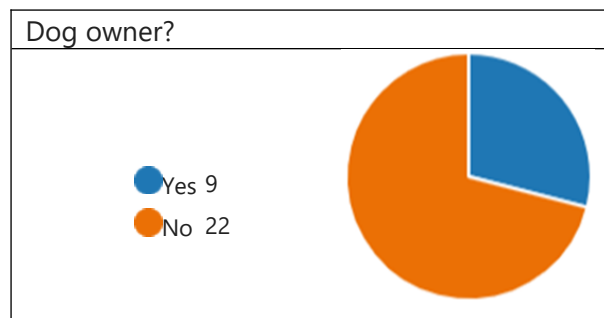
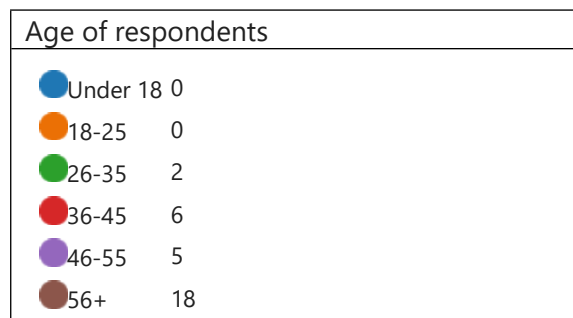
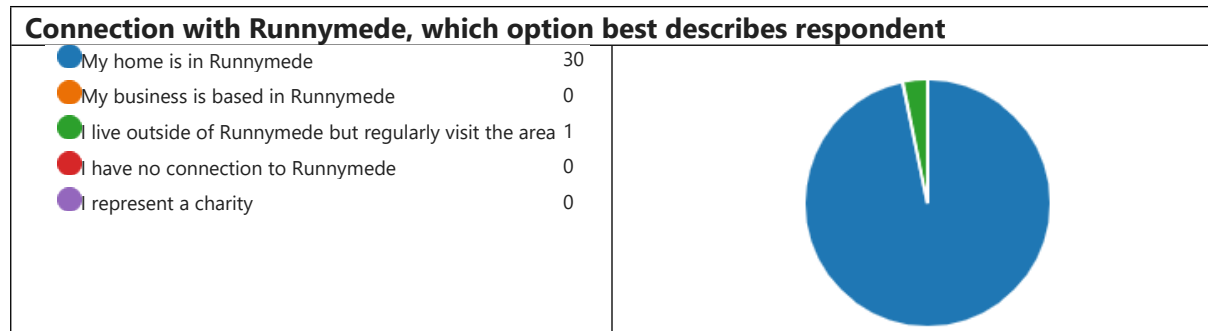
<p><b>Successfulness</b> 40% of Statutory and community questionnaire respondents felt the PSPO had been successful, 27% did not feel there had been any change, whilst 7% felt antisocial behaviour had increased. The remaining 27% responded 'other' half of which (2 respondents) stated they didn't know or were unable to quantify if the PSPO had been successful</p>	
<ul style="list-style-type: none"> <li>● Very successful (ASB has dramatically reduced) 0</li> <li>● Successful (ASB had reduced) 6</li> <li>● Unsuccessful (No change in ASB) 4</li> <li>● Very unsuccessful (ASB has increased) 1</li> <li>● Other 4</li> </ul>	
<p>Other responses: a) Don't know. (b) Unable to quantify if improvement, (c) No obvious change d) Not had to use it in sites we manage in Runneymede.</p>	

<p><b>Enforcement area.</b> 100% of statutory &amp; community questionnaire respondents stated the dog control PSPO should apply to all land in the administrative area of the Council to which the public or any section of the public has access, on payment or otherwise, as a right or by virtue of express or implied permission</p>	
<ul style="list-style-type: none"> <li>● Too big 15</li> <li>● Correct 0</li> </ul>	



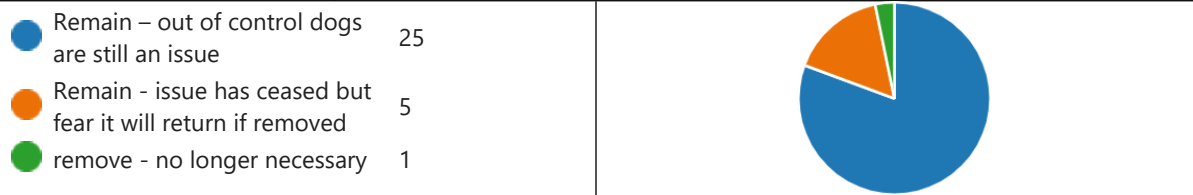
**Public consultation response:**

Which ward?	
3 Addlestone South	0 Englefield Green West
6 Addlestone North	0 Longcross, Lyne & Chertsey South
3 Chertsey Riverside	2 New Haw
3 Chertsey St Ann's	2 Thorpe
1 Egham Hythe	1 Virginia Water
2 Egham T	7 Woodham & Rowtown
1 Englefield Green East	0 Outside of the Borough

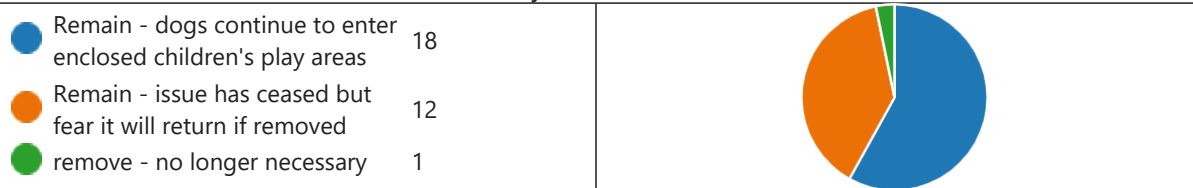


APPENDIX A  
Dog Control PSPO

**On lead by direction** Public response was that this measure should remain (96%) as it was still an issue or that it may return if removed

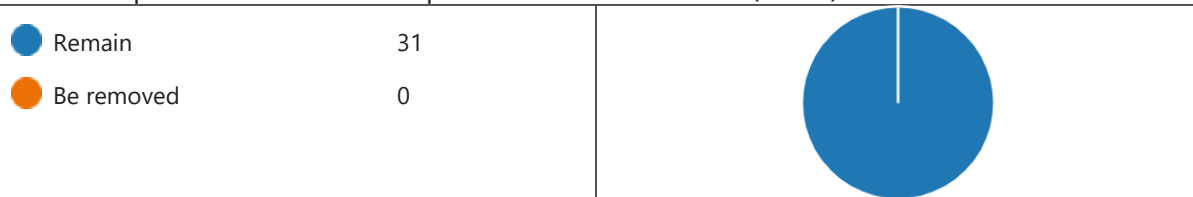


**Exclusion from enclosed play areas** Public response was that this measure should remain (96%) as it was still an issue or that it may return if removed



**Provide name and address to a Police Officer or authorised council officer**

Public response was that this requirement should remain (100%)



A further narrative response was received from The Kennel Club provided in writing, which can be summarised as supportive on dog fouling & on lead by order, and not adverse to exclusion from play areas. Further comments were offered, and the full response is included further down.

APPENDIX A  
Dog Control PSPO

Public consultation comments (Consultation opened later than 23<sup>rd</sup> March to 7<sup>th</sup> May 2023)

<b>Prompt: Use the area below to provide any further explanation for your opinion, if you wish</b>
Dog owners who pick up faeces still throw the bags into hedges and trees.
I am a dog owner and fully support the proposals. I would prefer that the powers regarding dogs on leads were strengthened as finding an "officer" to assist when there is a problem is most unlikely. I would like to see more responsibility placed on dog owners to assess the risks and nature of their dog to do harm to people and other dogs.
Looking at the stats it's all very well having an order but are the police actively able to implement it. Lots of issues at The Meads with owners not controlling their dogs. It makes me feel unsafe to walk there and some of the parks have a dreadful reputation for dog attacks on dogs and people and out of control dogs with negligent owners.
Play area for children Herriot rd/ Galsworthy estate. Regularly used by dog owners to let their dogs off the lead and run around inside the fenced area
It seemed at first to be working. But now it's coming back
Prevention is the best policy
Unleashed dogs in parks make it very difficult to let children play in parks, even when they are supervised by adults. This is because of the natural instinct of dogs which makes them suddenly charge and puts adults and children alike at the risk of being bitten, or at least being extremely distressed. It feels that parks have become safe haven for dogs and their owners and both have no regards to other park users. Dogs have become a barrier against children's development through playing and exploring nature. It's a shame that we get charged hundreds of pounds in council tax every year, yet we cannot safely use the parks around us. In my opinion, unleashed dogs should be banned from all local parks.
Some of the dog breed I see worry me with a trend for certain demographic of the addlestone population to have aggressive breeds as a means of intimidation and then not properly train them. Recent request for information show a jump last year in dog attacks. If someone is not cleaning up after their dog etc, then are they training them well?
Victory Park
Dog walking day care and as a business in charge of too many dogs at once unable to control them or manage fouling in public spaces
At my Spring Rise this usually happens at night
Dogs are always an issue. I have a particular grievance against owners that permit dogs to chase, catch and kill wildlife, including reptiles and waterfowl. In my view an order to keep dogs on leads should be extended to such susceptible spaces. Many people who are not responsible dog owners continue to flout the rules, they don't clean up leaving faeces in public parks where children and adults walk it is not necessary. People also let their dogs run in the childrens enclosed park areas whilst in their with their own children, they are therefore not able to notice if the dog fouls or not whilst their attention is diverted towards their children that are playing.
<b>Prompt: Use below area to make any additional comments, or make any suitable recommendations relating to these proposals:</b>
Patrol by dog warden if there is one?
Dog fouling is still quite an issue on Hare Hill Open Space, both faeces on paths and faeces in bags thrown into vegetation or left by the side of paths is a frequent occurrence. The incursion of dogs into the pond area there where ducks are currently nesting is also a big problem as the dogs are not under control (often their owners are not even within sight!). This is breaking the law during nesting season and maybe there should be signage stating this around all pond areas in the borough? Too many dog owners have the attitude that their dogs can do what they like on our Open Spaces, including chasing anything they like in terms of wildlife (slow worms, grass snakes, rabbits, deer, water birds etc) and a re-education programme is desperately needed on sites with excellent wildlife populations like Hare Hill Open Space. There is also a problem with owners perpetually taking wood from habitat piles to throw for their dogs, only to be abandoned in inconvenient places and this continually degrades the habitat piles. Another problem is digging holes in footpaths. I'd love to see guidance brought in that if a dog digs a hole, the owner must then fill it in. Some of the holes on HHOS are a foot deep and sooner or later, someone won't be looking where they're going and will badly injure themselves. I've already rolled my ankles endless times on these smaller holes. Thank you.
Aggressive dogs seem to come with aggressive owners and/or a lack of responsibility on the owners part.
I'm not sure how keeping dogs on leads will be enforced given that I've never seen an officer where I walk in the last 5 years of being a dog owner.
Please introduce something to limit the number of dogs that people can 'walk' in open spaces and require them to have their dogs on leads.
The streets near victory park road have improved but it's still not safe to walk that path from station road to the park without a torch at night to check where you are walking for dog poo.
On the spot fines
There should also be rules concerning incessant barking by dogs. There is a neighbour in an adjoining road that leaves the dog in the garden for long periods and it barks continually.
Limit the number of dogs walked per person at any one time in a public space. Anyone walking four or more dogs must have them on a lead or no more than three dogs off lead at any time
keep dog bins clean on the outside of bins
More policing / fines need to be issued to people that flout the rules and responsibilities of dog ownership

APPENDIX A  
Dog Control PSPO

statutory & community consultee comments (consultation ran 23<sup>rd</sup> March to 7<sup>th</sup> May 2023)

Which agency / organisation are you representing	How successful in reducing antisocial behaviour (ASB) has the PSPO been?	Preferred outcome.	Use the area below to provide an explanation for your opinion, if you wish	Enforcement area (correct/too big?)
Runnymede Borough Council (open Spaces)	Successful (ASB had reduced)	Remain in place (renew for a further 3 year period)	Seems to have been successful and should therefore remain	Correct
Surrey Police	Successful (ASB had reduced)	Remain in place (renew for a further 3 year period)	The conditions within the order are proportionate and necessary to tackle the behaviours described where existing legislation doesn't exist.	Correct
Housing Association	Successful (ASB had reduced)	Remain in place (renew for a further 3 year period)		Correct
CMLG	Don't know.	Remain in place (renew for a further 3 year period)	Better than nothing.	Correct
Chertsey Meads Management Liaison Group Representative	Very unsuccessful (ASB has increased)	Remain in place (renew for a further 3 year period)		Correct
Chertsey Meads management Liaison Committee resident representative	Unsuccessful (No change in ASB)	Remain in place (renew for a further 3 year period)	I believe this could work if you pursue the offenders	Correct
Chertsey Meads Management Liaison Group user group rep	Unsuccessful (No change in ASB)	Remain in place (renew for a further 3 year period)	Dog attacks or aggressive behaviour towards horses when ridden on Chertsey Meads is a recurring issue. Neospora has contaminated the soil on the Meads and led to a number of stillborn or aborted calves when the meadow cut was used for feed. Therefore the PSPO should remain in place but more importantly be enforced on the Meads. There does not currently seem to be consequences for dog behavior or dog fouling at this location.	Correct
Chertsey Meads Liaison Committee	Unsuccessful (No change in ASB)	Remain in place (renew for a further 3 year period)	Still too many people not picking up dog poo and 'professional' dog walkers often walking too many dogs.	Correct
RBC	Successful (ASB had reduced)	Remain in place (renew for a further 3 year period)		Correct
Chertsey Meads Management Committee (Panel member on behalf of Chertsey Agricultural Association)	Successful (ASB had reduced)	Remain in place (renew for a further 3 year period)	Unfortunately there is a persistent minority of people who abuse the Chertsey Meads public openspace to the detriment of other users and the environment. Giving bona fide officials the power to enforce better behaviour if verbal persuasion fails. I would also support changing the By Laws so that any person in control of a dog must have on their person the means to collect and bag dog waste when not on private land.	Correct
Housing Association	unable to quantify if improvement	Remain in place (renew for a further 3 year period)		Correct
Surrey Wildlife Trust	Not had to use it in sites we manage in Runnymede.	Remain in place (renew for a further 3 year period)		Correct
Chertsey Meads Management Liaison Group	No obvious change	Remain in place (renew for a further 3 year period)	If people know that they are breaching the rules, most will try to obey them.	Correct
Chertsey Meads Management liaison Committee	Unsuccessful (No change in ASB)	Remain in place (renew for a further 3 year period)		Correct
Runnymede Borough Council (Housing)	Successful (ASB had reduced)	Remain in place (renew for a further 3 year period)		Correct

## **Content of Dog control PSPO consultation questionnaire - Statutory & Community consultees**

In January 2017 we implemented a dog control Public Space Protection Orders (PSPO) covering dog fouling, dogs on leads by direction and excluding dogs from specified areas. The order was renewed in June 2020 and varied (to include a requirement to provide name and address to an authorised council officer).

The existing order can be viewed online: [www.runnymede.gov.uk/pspo](http://www.runnymede.gov.uk/pspo)

Dog control remains a concern in our communities. From April 2019 to March 2023 we received 201 complaints about dogs and dog fouling.

Runnymede Borough Council are again reviewing this order and welcome your views on the effectiveness and proportionality of the order to aid in the decision-making process for the future of this order.

Required

### **1. About you. Which agency / organisation are you representing**

Enter your answer

### **2. About you. Please provide your name and job title/rank**

Enter your answer

### **3. Successfulness.**

How successful in reducing antisocial behaviour (ASB) has the PSPO been?

Select your answer

**Very Successful (ASB has dramatically reduced)**

**Successful (ASB had reduced)**

**Unsuccessful (No change in ASB)**

**Very unsuccessful (ASB has increased)**

**Other**

### **4. Preferred outcome.**

We propose the continuation of the existing powers that make it an offence if:

- a person in charge of a dog fails to clean up its faeces.
- a person fails to put a dog on a lead when asked to do so by an authorised officer
- a person in charge of a dog allows the dog into an enclosed childrens play area

Additionally we propose to continue the requirement that a person believed to have engaged in a breach of this Order is required to give their name and address to a Police Office or an authorised council officer

In your opinion, should these prohibitions and requirement:

Select your answer

**Remain in place (renew for a further 3 year period)**

**Cease (discharge the order at the end of existing 3 year period this June)**

**5. Use the area below to provide an explanation for your opinion, if you wish**

Enter your answer

**6. Enforcement area.**

This order applies to all land in the administrative area of the Council to which the public or any section of the public has access, on payment or otherwise, as a right or by virtue of express or implied permission.

In your opinion, is the area covered by the order;

Select your answer.

**Too big**

**Correct**

## **Content of Dog control PSPO consultation questionnaire - Public consultation**

Dog control PSPO consultation 2023

In January 2017 we implemented a dog control Public Space Protection Orders (PSPO) covering dog fouling, keeping dogs on leads and excluding dogs from specified areas. The order was renewed in June 2020 and varied (to include a requirement to provide name and address to an authorised council officer).

Dog control remains a concern in our communities. From April 2019 to March 2023 we received 201 complaints about dogs and dog fouling.

Runnymede Borough Council are again reviewing this order and welcome your views on the effectiveness and proportionality of the order to aid in the decision-making process for the future of this order. Details of the Council's decision will be published on our website.

The survey below is specific to the dog control PSPO only. To view the details of the PSPO and/or complete the survey for Addlestone or Englefield Green, please visit [www.runnymede.gov.uk/PSPO](http://www.runnymede.gov.uk/PSPO)

Within this survey we do not wish to collect any information that could identify the individual completing but to ensure those who are directly impacted by the order are represented, minimal information about you will be asked

### **1. About you.** Please select the ward area you live in

If you are unsure, you can find out by typing your postcode into: <https://maps.runnymede.gov.uk/website/maps/index.html>. Then select "Ward Boundaries" found under the 'Most Viewed Layers' tab.

Please note this information will only be used for analysis purposes and will not be used to identify you in any way

Select your answer

**Addlestone South**

**Addlestone North**

**Chertsey Riverside**

**Chertsey St Ann's**

**Egham Hythe**

**Egham Town**

**Englefield Green East**

**Englefield Green West**

**Longcross, Lyne & Chertsey South**

**New Haw**

**Thorpe**

**Virginia Water**

**Woodham & Rowtown**

**Outside of the Borough of Runnymede**

### **2. About you.** Please select the option that best describes you

**My home is in Runnymede**

**My business is based in Runnymede**

**I live outside of Runnymede but regularly visit the area**

**I have no connection to Runnymede**

**I represent a charity**

3. **About you.** Please select your age category

**Under 18**

**18-25**

**26-35**

**36-45**

**46-55**

**56+**

4. **About you.** Are you a dog owner?

**Yes**

**No**

**5. [Dog Fouling]** We propose the continuation of the existing powers that make it an offence if a person in charge of a dog fails to clean up its faeces.

This applies to all land in the administrative area of the Council to which the public or any section of the public has access, on payment or otherwise, as a right or by virtue of express or implied permission

In your opinion, should the prohibition:

**Remain - dog fouling is still an issue**

**Remain - dog fouling has ceased to be an issue but fear it will recur if removed**

**remove - no longer necessary**

6. [Lead b] We propose the continuation of the existing powers that make it an offence not to put a dog on a lead when directed to do so by an authorised officer where the dog is considered to be out of control or causing alarm or distress or to prevent a nuisance.

This applies to all land in the administrative area of the Council to which the public or any section of the public has access, on payment or otherwise, as a right or by virtue of express or implied permission.

In your opinion, should this measure:

Remain - out of control dogs are still an issue

Remain - issue has ceased but fear it will return if removed

Remove - no longer necessary

**7. [Exclusion from enclosed Childrens play areas]** We propose the continuation of the existing powers that make it an offence if a person in charge of a dog allows a dog into enclosed children's play areas.

This applies to fenced/enclosed children's play areas signed at its entrance(s) as a "dog exclusion area" (with a sign using those particular words or words and/or symbols having like effect) which is designated and marked for children's play.

In your opinion, should the prohibition:

**Remain - dogs continue to enter enclosed children's play areas**

**Remain - issue has ceased but fear it will return if removed**



**Remove - no longer necessary**

8. We propose the continuation of the existing powers that require a person who is believed to have engaged in a breach of this Order is required to give their name and address to a Police Office or an authorised council officer.

In your opinion, should the prohibition:

**Remain  
be removed**

**9. Use the area below to provide any further explanation for your opinion, if you wish**

**10. Use below area to make any additional comments, or make any suitable recommendations relating to these proposals:**

Written response from The Kennel Club



**Formal Response to Runnymede Borough Council's Public Spaces Protection Order Consultation**

Submitted on 24th April 2023 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, email: [kcdog@thekennelclub.org.uk](mailto:kcdog@thekennelclub.org.uk)

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare, and training. Our objective is to ensure that dogs live healthy, happy lives with responsible owners. We campaign for and advocate on behalf of dogs and their owners and, as part of our external affairs activities, engage with local authorities on issues such as Public Spaces Protection Orders (PSPOs).

The Kennel Club is the only national organisation named by the UK Government as a body that local authorities should consult prior to introducing restrictions on dog walkers and is considered the leading canine authority on dog access. As such, we would like to highlight the importance of ensuring that PSPOs are necessary and proportionate responses to problems caused by dogs and irresponsible owners. We also believe that it is essential for authorities to balance the interests of dog owners with the interests of other access users.

**Response to proposed measures**

**Dog fouling**

The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect. These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog faeces can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

**On lead**

We can support reasonable 'dogs on lead' Orders which can, when used in a proportionate and evidence-based way, include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.

**On lead by direction**

The Kennel Club strongly welcomes 'On lead by direction' Orders. These allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under



control, whilst simultaneously giving the local authority powers to restrict dogs not under control.

We recommend that the authorised officer enforcing the Order is familiar with dog behaviour in order to determine whether restraint is necessary. There exists the possibility that a dog, through no fault of its own, could be considered a 'nuisance' or 'annoyance' to someone who simply does not like dogs.

We encourage local authorities to make use of more flexible and targeted measures at their disposal, including Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can assist owners whose dogs run out of control due to them not having the ability to train a reliable recall.

#### Exclusions

We do not normally oppose Orders to exclude dogs from playgrounds or enclosed recreational facilities such as tennis courts or skate parks. It is important that alternative provisions are made for dog walkers in the vicinity to avoid displacement or the intensification of problems in nearby areas. However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including "regular opportunities to walk and run" – in most cases, this will be off the lead while still under control.

#### Appropriate signage

It is important to note that in relation to PSPOs, The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 makes it a legal requirement for local authorities to –

"cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to –

- (i) the fact that the order has been made, extended or varied (as the case may be);
- and
- (ii) the effect of that order being made, extended or varied (as the case may be)."

Regarding dog access restrictions, such as a 'Dogs on Lead' Order, on-site signage should clearly state where such restrictions begin and end. This can be achieved with signs that say on one side, for example, 'You are entering [type of area]' and 'You are leaving [type of area]' on the reverse.

While all dog walkers should be aware of their requirement to pick up after their dog, signage must be erected for the PSPO to be compliant with the legislation.



**Assistance dogs**

We urge the Council to review the Equality and Human Rights Commission's guidance for businesses and service providers when providing any exemptions for those who rely on assistance dogs. The guidance can be viewed here:

<https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>

We would therefore encourage the Council to allow for some flexibility when considering whether a disabled person's dog is acting as an assistance dog. The Council could consider adopting the definitions of assistance dogs used by Mole Valley District Council, which can be found below from their 2020 PSPO which included the following exemption provisions on dog control:

*Nothing in this Order shall apply to a person who –*

*a) is registered as a blind person on a register compiled under section 29 of the National Assistance Act 1948; or*

*b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or*

*c) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance*

*d) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability. or that of Northumberland County Council:*

*"(4) The term "Assistance Dog" shall mean a dog which has been trained to assist a person with a disability.*

*(5) The expression "disability" shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation".*

## **The Anti-Social Behaviour, Crime and Policing Act 2014**

### **Dog Control Public Spaces Protection Order (Runnymede Borough Council) 2020.**

Runnymede Borough Council (in this Order called "the Council") hereby makes the following Order:

This Order comes into force on 14<sup>th</sup> June 2020 for a period of 3 years until 13<sup>th</sup> June 2023.

At any point before the expiry of this Order the Council can seek to either extend, discharge or vary the Order at any time, subject to their being reasonable grounds to support such a decision.

#### **General Provisions:**

1. This Order applies to all land in the administrative area of the Council to which the public or any section of the public has access, on payment or otherwise, as a right or by virtue of express or implied permission.

#### **Obligations on persons with dogs:**

##### *2. Fouling*

If a dog defecates at any time on land to which this Order applies, a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless

- (a) he has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

##### *3. Leads by Order*

A person in charge of a dog on land to which this Order applies must comply with a direction given to him by an authorised officer of the Council to put and keep the dog on a lead unless

- (a) he has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer may only give a direction under this Order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

##### *4. Exclusions of dogs in specified areas*

A person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area and signed at its entrance(s) as a "dog exclusion area" (whether the sign use those particular words or words and/or symbols having like effect) which is designated and marked for children's play unless.

- (a) he has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

## 5. Exemptions

The requirements and prohibitions imposed by this Order shall not apply to any person who:

- (a) has a disability within the meaning of the Equality Act 2010 and whose disability restricts their ability to comply with the Order where their guide dog or assistance dog, which they rely on, has been trained by an appropriate registered charity or
- (b) is using a working dog for purposes of law enforcement, military duties or statutory emergency services (search and rescue).

## 6. Definitional terms

For the purpose of this Order —

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces
- "An authorised officer " means an employee, partnership agency or contractor of the Council who is authorised in writing by the Council for the purposes of the enforcement of the Order,

## 7. Failure to comply with this Order.

A person who fails to comply with any obligation imposed by this Order is guilty of an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014 and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person who is believed to have engaged in a breach of this Order, is required to give their name and address to a Police Office or an authorised officer so designated by the Council

A Police Officer or an authorised officer may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. A person issued with a fixed penalty notice will have 14 days following the date of the fixed penalty notice to pay the fixed penalty of £100 (If the fixed penalty is paid within 10 days the amount payable is £80).

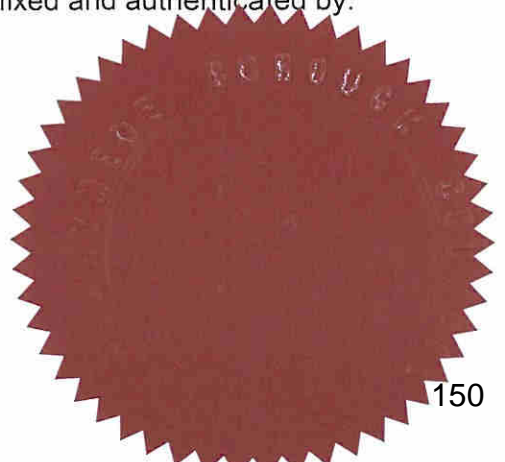
Dated 1<sup>st</sup> June 2020

The Common Seal of Runnymede Borough Council is hereto affixed and authenticated by:

Signed.



Mario Leo, Corporate Head of Law & Governance.



**Synopsis of report:**

**To seek Member's endorsement of the updated Environmental Services and Private Sector Housing Enforcement Policies.**

**The Committee is further requested to endorse the Environmental Crime, Fixed Penalty and Civil Penalty Notice Enforcement Protocol.**

**Recommendation:**

**Members approve the updated Environmental Services and Private Sector Housing Enforcement Policies attached.**

**1. Context of report**

- 1.1 The last update of the Environmental Services (ES) Enforcement Policy came before this Committee in April 2019. The policy document outlines the general approach to how the Council deals with enforcement issues in the wider sense 'the policy' overarches a number of other related enforcement policies and protocols covering specific service areas e.g. private sector housing enforcement and domestic waste enforcement policies.
- 1.2 Members will be aware that Engineering Services and, more recently, Open Spaces (delivery) transferred to Environmental Services. These service areas have drainage and parks byelaws and the policy has been updated to specifically reference these areas. Should the need arise for enforcement action this will support the consideration of enforcement action in these areas being in line and in scope of an overarching enforcement policy. Other housekeeping amendments, such as to reflect any changes in post, have also been made. Whilst administrative amendment and revision may be carried out under delegated officer authorisation, the policy is also reviewed every 5 years and brought to the committee for approval. The overall ethos of the policy has remained unchanged.

**2. Report**

- 2.1 The ES Enforcement Policy, last updated in April 2019, has been reviewed and updated to reflect changes in legislation, updates to posts named in the policy and the incorporation of Engineering Services and, more recently, Open Spaces (delivery) into Environmental Services whom are liable to enforce drainage and parks byelaws.
- 2.2 The latest version of the ES enforcement policy is attached at Appendix A together with an updated version of the Private Sector Housing enforcement policy at Appendix B which, whilst coming under the umbrella of the ES policy specifically deals with private sector housing legislation, including houses in multiple occupation (HMO) matters.
- 2.3 Given the number of fixed penalty notices available to deal with environmental crime offences a separate Enforcement Protocol has been drawn up to cover this area of work.

**3. Policy framework implications**

- 3.1 The Council has a statutory duty as to enforce relevant legislation. Under section 222 of the Local Government Act 1972, a local authority has the power to prosecute (or defend) legal Proceedings.
- 3.2 The Council must have regard to any Statutory Guidance issued in relation to determining the level of fixed penalty notices or civil penalties

#### **4. Resource implications**

- 4.1 There are no resource implications

#### **5. Legal Implications**

- 5.1 Legislative and Regulatory Reform Act 2006 - Regulators whose functions are specified by order under section 24(2) of the Act, includes Local Authorities, must have regard to the Regulators Code when developing policies and operational procedures that guide their regulatory activities.

#### **6. Equality Implications**

- 6.1 There are no Equality Implications arising from this report. The Enforcement Policy applies equally to all residents and businesses unless exempted by legislation with regard to a positive impact on equality.

#### **7. Environmental/Sustainability/Biodiversity implications**

- 7.1 None

#### **8. Conclusions**

**(To resolve)**

##### **Background papers**

The Environmental Services Enforcement Policy (Current edition April 2019)





## **Environmental Services Enforcement Policy**

**June 2023**

## RUNNYMEDE BOROUGH COUNCIL

### ENVIRONMENTAL SERVICES ENFORCEMENT POLICY

#### 1. Background

A clear Enforcement Policy which is monitored, regularly reviewed and updated is required to ensure that all those who work, live and visit the Borough of Runnymede have a clear understanding of the Environmental Services enforcement standards.

#### 2. Introduction

Runnymede Borough Council Environmental Services enforcement policy covers the following key areas (not exhaustive);

- **food safety,**
- **health & safety at work,**
- **private water supplies,**
- **infectious disease control,**
- **statutory nuisance;**
- **industrial installation pollution**
- **contaminated land,**
- **air quality,**
- **housing conditions in the private rented sector (including houses in multiple occupation**
- **licensing of taxis & private hire vehicles,**
- **alcohol licensing (including premises and personal licences),**
- **gambling,**
- **lotteries**
- **scrap metal collectors**
- **stray dogs**
- **animal activities licensing and other licensing functions.**
- **Caravan/park home licensing**
- **Waste enforcement**
- **Open spaces (byelaws)**
- **Drainage**

2.1 Enforcement includes council officers giving advice, carrying out visits and inspections, responding to complaints and service requests, assisting consumers and businesses to comply with statutory duties, licensing requirements and taking formal enforcement action where warranted against those who breach the law.

2.2 The primary aim of our enforcement policy is to protect the health, safety and welfare of the public and the environment in its widest sense.

2.3 The enforcement policy outlines how the wider Environmental Services carries out its enforcement role when delivering the various services outlined above and sets out what businesses, residents and visitors can expect from Enforcement Officers. In

addition to the main policy individual areas of work may also be covered by a more focused enforcement protocol or policy such as;

- The Private Sector Housing Enforcement Policy

Runnymede may also from time to time publish and enforce 'area or activity specific' policies for example under a Public Spaces Protection Order Enforcement Protocol.

2.4 All policies and protocols will be reviewed and updated at least every five years to take into account new legislative requirements, guidance from central government, respective national bodies and best practice.

### 3. **Objectives of the Enforcement Policy**

3.1 To ensure protection of the public and the environment, from unsafe food, premises, work practices, products, unscrupulous and illegal traders, noise, atmospheric or land pollution, public health pests, stray dogs, unsafe accommodation or rogue landlords.

3.2 To stop, control and prevent any untoward practices prejudicial to the health of the public and thereby protect the health of the public.

3.3 To achieve compliance through informal action and through an enabling and supportive relationship with businesses and the public. Formal enforcement procedures, including prosecution, will only be used where in the opinion of the Council or its officers there is a serious or imminent risk of injury to health or personal injury, a blatant disregard for the law, breach of statutory duty, deliberate intent or serious negligence or in accordance with a specific protocol.

3.4 To ensure a consistent approach with regard to openness, helpfulness and proportionality to the risk posed.

3.5 To promote and maintain a consultative and participatory relationship with businesses, consumers and service users.

3.6 To have a better informed community and thus reduce the need to rely on regulatory intervention for compliance with legislation.

3.7 The Environmental Services are committed to implementing policies and procedures that subscribe to principles of good enforcement. In forming this policy due consideration has been paid to the Department for Business Innovation & Skills Better Regulation Delivery Office (BRDO), Regulators' Code April 2014 (now the Office for Product & Safety, part of Department for Business and Trade) and centrally issued guidance.

### 4. **The Key Aspects of the Policy**

4.1 All enforcement actions and investigations work whether formal or informal will be undertaken in accordance with and are based on applicable legislation and guidance including

- Relevant Acts of Parliament
- Codes of Practice made under the key relevant acts for each enforcement area e.g. Home Office Code of Practice Powers of Entry December 2014

- Central & National Guidance from the Food Standards Agency (FSA) and the Local Government Association (LGA), The Health & Safety Executive (HSE)(and their Local Authority Unit (LAU), The Department of Environment, Food & Rural Affairs (DEFRA), The Environment Agency (EA), The Chartered Institute of Environmental Health (CIEH) and The Department for Business, Energy & Industrial Strategy (BEIS, now the Office for Product & Safety, part of Department for Business and Trade).
- Benchmarking exercises, Best Practice arising from County liaison groups.

## 5. **Prevention and Promotion**

It is recognised that most businesses, licensees, landlords and individuals want to comply with the law and the Environmental Services actively seeks to promote awareness about the standards it applies through: -

- routine inspections of premises and practices
- investigatory visits in response to complaints
- persuasion, advice, information and training
- where requested and if required requested, providing translation where English is not the principal language of communication
- rewarding business operating exceptionally high standards of food hygiene under the FSA (Food Hygiene Rating Scheme) FHRS via positive endorsement via the Council's twitter account and/or other social media
- taking firm action against blatant breaches of the law

## 6. **Enforcement Actions**

In the event of non-compliance with statutory requirements, a range of enforcement actions are available, these include: -

### 6.1 **Informal Action**

Use of compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an 'informal caution') will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. However any failure to honour voluntary undertakings is taken very seriously and formal enforcement action is likely to result.

### 6.2 **Formal Action**

- 6.2.1 **Statutory notices:** Notices requiring compliance immediately or within a specified time, and prosecutions will normally be confined to serious breaches of the law. For breaches posing a nuisance or considerable risk to the health of the public, specific individuals or the environment The Council will serve either an improvement or

abatement notice requiring compliance immediately or within a specified time. Where there is imminent risk of serious personal injury, prohibition powers in the form of prohibition notices/orders will be used to stop the activity or close down the premises. These powers may involve seizure and detention of the offending equipment where necessary. In addition the proprietor/landlord or individual responsible may be prosecuted in the Magistrates Court.

**6.2.2 Simple Caution where an offence is admitted:** This procedure is an alternative to taking action in the Courts. Once a simple caution has been administered, should a further offence be committed, it may be cited in any subsequent Court proceedings. A Simple Caution is a serious matter and it is recorded by the Council and where applicable on the Police National Computer. Cautioning is recognised as an increasingly important way of keeping offenders out of Court and in many circumstances reducing the risk that they will re-offend. In considering and issuing simple cautions we will have regard to the Ministry of Justice Guidance April 2015 – Simple Cautions for Adult Offenders. The caution will be administered by a Senior Officer who has been designated a ‘Cautioning Officer’ (e.g. the Corporate Director of Planning and Environmental Services or the Environmental Health and Licensing Manager).

**6.3 Fixed Penalty Notices (FPN)/Penalty Charge Notices (PCN):** The Council has powers to issue fixed penalty notices in respect of some breaches of legislation. A fixed penalty notice is not a criminal fine, and does not appear on an individual’s criminal record. If a fixed penalty is not paid, The Council may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach The Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

The Council is only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at The Council’s discretion. With respect to litter and dog fouling issues The Council via its contractors operates a ‘zero tolerance’ policy, a FPN will be offered in all cases. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

**6.4 Prosecutions** The decision to prosecute does not preclude the issue of legal notices as well. Prosecutions have a preventative role in drawing attention to the need for compliance and the maintenance of good standards. We will apply the principles of “Criminal Procedures & Investigations Act 1996” the “Crown Prosecutors” statutory Code of Practice and the Regulators’ Code as well as Home Office Guidance, when making decisions on the course of action to be taken in any particular case.

**6.4.1 In deciding whether to prosecute or not, we will consider the following matters: -**

**6.4.1.1 The gravity of the offence/s, for example whether: -**

- there has been blatant disregard for the law, deliberate intent or serious negligence
- there are persistent poor standards and/or malpractice
- there has been ill health as a result of a substantial legal contravention
- a particular contravention has caused serious public alarm
- those affected are particularly vulnerable
- failure to comply with the requirements of notices issued

#### 6.4.1.2 **The general record and approach of the offender**, for example: -

- repeated breaches of legal requirements or license conditions or various breaches of a multiple concern and, where it appears that an individual or a company is neither willing nor able to deal adequately with these
- failure to comply with statutory notices where matters of significant concern are persistent rather than transitory
- previous convictions or cautions which are relevant to the offence
- offending was or is likely to be continued, repeated or escalated

## 7. **Our Standards**

### 7.1 **Consistency: We will:** -

- carry out our duties in an efficient, fair, courteous and consistent manner
- have in place in-house procedures and arrangements which are reviewed and updated regularly to promote consistency in the way we deliver the service
- have in place effective arrangements for liaison with other Local Authorities and enforcement bodies such as LGA, FSA, HSE, Fire Authority, Police Authority, EA, etc., particularly where there is a shared enforcement role.
- draw up yearly activities, priorities and targets, setting out the level of service and performance the public and businesses can expect to receive through our Annual Service Plans

### 7.2 **Openness: We will:** -

- provide information and advice in plain language on the rules we apply
- be open about how we set about our work, including the charges that we set
- discuss general issues and specific compliance failings or problems
- provide an opportunity to discuss the circumstances of a case and, if possible, resolve points of difference before enforcement action is taken (unless immediate action is required)
- give an explanation of why immediate action is required
- provide information on the rights of appeal against formal action

### 7.3 **Helpfulness: We will:** -

- actively work with individuals, businesses, especially small and medium sized businesses, to advise on and assist with compliance
- provide a courteous and efficient service and our staff will identify themselves by name
- provide a contact point and telephone number for further dealings with us and we will encourage individuals and businesses to seek advice/information from us

- deal with applications for licences, registrations and consents in accordance with service standards
- ensure that wherever practicable our enforcement services are effectively coordinated to minimise unnecessary overlaps and time delays
- have provision to visit a business out of normal office hours at times when the business is available

#### 7.4 **Proportionality: We will: -**

- As far as the law allows, minimise the costs of compliance for individuals and businesses by ensuring that any action reflects the risks involved
- as far as the law allows, take account of the circumstances of the case and the attitude/actions of the individual or organisation when considering action
- take particular care to work with individuals, small businesses, voluntary and community organisations so that they can meet their legal obligations without unnecessary expense
- ensure that information given to a business, landlord or individual, whether written or verbal, will clearly identify those requirements which are mandatory and those which are advisory or are recommendations of best practice

### 8. **Publicity**

8.1 The Council may publicise cases of businesses, licensees, landlords and individuals it successfully prosecutes for relevant offences as well as those it rewards for implementing very high standards. Names of companies and individuals convicted of offences maybe published on the Council's website or through social media. Cases subject to an active appeal will not usually be published, until the applicable appeals process has elapsed.

8.2 Information related to enforcement notices issued by the Council may appear on the Council's website or social media outlets. Notices which are withdrawn or subject to an active appeal will not be published.

### 9. **Consultation With Customers: We will: -**

9.1 Make our enforcement policy available publicly and assist all in complying with relevant areas of the law.

9.2 Provide anyone with the opportunity to provide feedback and comments relating to our enforcement policy. Feedback can be provided by email to [environmentalhealth@runnymede.gov.uk](mailto:environmentalhealth@runnymede.gov.uk) , by writing to the address given in section 10 below.

9.3 Respond to anyone enquiring about or commenting on our enforcement policy.

### 10. **Complaints and Appeals**

We subscribe to the Council's [corporate complaints procedure](#) <https://www.runnymede.gov.uk/say/complaints/4> In addition, the majority of

legislation enforced by officers of the Environmental Services division have an in built appeals procedure prescribed within.

If you do not agree with any action taken by an officer you should contact the Principal Environmental Health Officer, whose details are given below.

**Principal Environmental Health Officer  
Runnymede Borough Council  
Runnymede Civic Centre  
Station Road  
Addlestone  
Surrey KT15 2AH  
Tel. No. 01932 425733**

**This Enforcement Policy supersedes and replaces all earlier enforcement policies relating to Runnymede Borough Council Environmental Health Services. June 2023**



# Runnymede Borough Council

## Environmental Services

### Private Sector Housing Enforcement Policy

June 2023

## **1. Background**

A clear Enforcement Policy which is monitored regularly reviewed and updated is required to ensure that all those who work and live in the Borough of Runnymede have a clear understanding of the Private Sector Housing section's enforcement standards.

## **2. Introduction**

The aim of this policy is to set out how the Private Sector Housing Team deal with hazards found in private sector dwellings and the licensing of Housing in Multiple Occupation (HMO). Whilst this policy is specific to private sector housing issues the document should be read in conjunction to the overarching Environmental Services Enforcement Policy.

The Private Sector Housing Team is part of the Environmental Services of Runnymede Borough Council. The aim of the teams work is to ensure the standard of private sector housing is safe and suitable for the occupants and that premises subject to Housing in Multiple Occupation (HMO) licensing are compliant.

The aim of this enforcement policy is to ensure that people who own and rent property within the borough of Runnymede are aware of what they can expect from officers of the Private Sector Housing Section. The policy is designed to ensure fair, consistent, and transparent delivery of enforcement activity from the Private Sector Housing Team.

The Private Sector Housing Section raises housing standards by responding both reactively and proactively.

In the case of reactive enforcement work, the section responds to:

- Complaints from private sector tenants who contact the Council complaining about deficiencies found in the properties they live in;
- Complaints about private sector properties that are causing problems for neighbouring occupiers;
- Requests for service from private sector landlords;
- Requests for service from owner occupiers.

Proactively the private sector housing team:

- Identifies and inspects houses in multiple occupations (HMO's) by carrying out surveys of the district and prioritising inspections by focusing on high risk HMO's.
- Operates a mandatory HMO Licensing Scheme for HMO's.
- Enforces private sector housing related legislation e.g. The Housing Act 2004, The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, The Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015 and the Redress Scheme for Lettings Agents Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014.

## **3. Principles of Good Enforcement**

The Private Sector Housing Section is committed to implement policies and procedures that subscribe to principles of good enforcement. In forming this policy due consideration has been paid to the Department for Business Innovation & Skills Better Regulation Delivery Office (BRDO), Regulators' Code April 2014 and centrally issued guidance.

## **4. Approach to enforcement action**

There are two types of enforcement work the Private Sector Housing Team engage in: Formal and Informal.

#### **4.1 Informal Action**

Informal Action will be considered where one or more of the following circumstances apply;

- there is no legislative requirement to serve formal notice or an order and
- the circumstances are not serious enough to warrant formal action;
- past history suggests informal action will achieve compliance;
- there is confidence in the management or the individual;
- the consequences of non-compliance will not pose a significant risk to occupiers or others.

Informal action usually involves officers undertaking one or more of the following actions:

- No action where complaints or allegations of breaches in housing legislation are unsubstantiated or formal action is inappropriate in the circumstances;
- Verbal advice;
- Verbal request for action;
- Written request for action;
- Written warning of formal action if faults are not corrected.

Circumstances in which informal action is likely to be appropriate include situations where:

- The landlord is willing to undertake the required remedial action;
- The act or omission is not serious enough to warrant formal action;
- The individual or company's past history suggests informal action will achieve compliance;
- The Officers confidence in the management of the property or premises is high;
- Standards are generally good suggesting a high level of awareness of statutory responsibilities; and
- The consequences of non-compliance with standards are acceptable e.g. minor matters, or the time period allowed to seek compliance does not present a significant risk to public health.

A re-visit may be carried out where informal action has been agreed to confirm that identified faults have been corrected.

#### **4.2 Formal Action**

The use of formal enforcement action will at all times be consistent with the principles set out in the Regulators Compliance Code. Formal action usually consists of one or more of the following:

- Service of appropriate statutory notices/orders;
- Undertaking emergency remedial works;
- Undertaking works in default of a statutory notice;
- Issuing formal (simple) cautions;
- Civil penalties;
- Prosecution;

In coming to a decision Officers will in every case have regard to:

- The seriousness of the hazard;
- Whether the Council has a duty or a discretionary power to take action;
- The individual's or company's past history in terms of compliance;
- The Officers confidence in the management of the property or premises;
- The consequences of non-compliance in terms of risk to people, property or the environment;
- The likely effectiveness of the various enforcement options; and
- The risk to public health or the health and safety of the occupant(s).

### Statutory notices/orders

Appropriate statutory notices/orders that may be served include;

- Hazard awareness notices
- Improvement notices
- Prohibition orders
- Emergency prohibition orders
- Demolition orders

### Power to Take Action without Agreement

Where the Council considers that reasonable progress is not being made for completion of an action specified in an improvement notice, the Council may consider serving a notice before entering the premises for the purpose of taking remedial action in relation to the hazard.

The Council will take action to recover expenses in all cases where action is required in default of a statutory notice.

### Simple Caution where an offence is admitted

The use of a simple caution offers an alternative to prosecution and will be considered during any decision to prosecute. Before issuing a caution, the following conditions must be satisfied:

- There must be evidence of guilt sufficient to give a realistic prospect of conviction if the case were to be taken to prosecution
- The offender must understand the significance of the simple caution and consent to it
- The offender must admit the alleged offence by signing a simple caution form.

A simple caution is a serious matter, which will influence any future decision should the company or individual offend again. Where the offer of a simple caution is refused, a prosecution will generally be pursued.

### Civil Penalties

Under s249A of the Housing Act 2004 the Council may decide to impose a financial penalty as alternative to prosecution for the following offences under the Housing Act 2004 (as amended):

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of HMOs (section 72);
- Offences of contravention of an overcrowding notice (section 139);
- Failure to comply with management regulations in respect of HMOs (section 234)
- Breaching a Banning Order (Housing and Planning Act, section 23)

The amount of a financial penalty is determined by the Council but it must not be more than £30,000 for each offence.

### Other Penalties

- Failure to comply with the requirements of a Remedial Notice (Smoke and Carbon Monoxide Alarm Regulations 2015)
- Failure to comply with the Electrical Safety Standards Regulations 2020

## Prosecution

Consideration to prosecute for breach of any offence will be based on the Code for Crown Prosecution Guidance and in particular regard will be given to the following:

- There is sufficient and reliable evidence that an offence has been committed;
- Recklessness, obstruction or assault involved;
- There is a realistic prospect of conviction;
- There are public interest factors.
- Consideration of personal circumstances of the offender;
- The likelihood of a significant sentence;
- The need to deter.

### **4.3. Additional enforcement powers**

In addition to the formal powers detailed the Council may also instigate a number of other enforcement powers including;

- Declaration of clearance area. A clearance area is an area that is to be cleared of all buildings. The Council may declare an area to be a clearance area if the majority of the buildings in the area are classed as unfit or by virtue of their bad arrangement, are dangerous. The Council is required to consult on the declaration of a clearance area and publish its intentions. Owners and in certain cases occupiers of properties are compensated accordingly.
- Compulsory purchase orders (CPO) used for regeneration and urban renewal, and may be utilised by the section as a last resort to facilitate bringing an empty dwelling into use, or as an enforcement tool for dealing with seriously deficient premises. CPO will only be considered by the Council when all other appropriate modes to resolve the problem have been exhausted
- Enforced sale of a property. The legislation allows the local housing authority to recover charges under section 49 (charges for certain enforcement actions) of the same Act by the enforced sale or lease of a property

### **5. Power of Access**

Section 239 of the 2004 Act gives the Council power of entry to properties in pursuance of the duties under parts 1 to 4 and part 7 of the Act when certain conditions are met. Officers of the Council will have written authorisation when exercising power of access which sets out the purpose for which entry is authorised and will give at least 24 hours to the owner or occupier of the premises that they intend to enter.

Section 240 enables a Justice of Peace to issue a warrant for admission to premises. This includes power of entry by force if necessary. This power will only be exercised when entry under section 239 has been refused; or the property is empty and immediate access is necessary; or prior warning is likely to negate the purpose of access.

### **6 Policy Review**

This enforcement policy will be reviewed at least every five years.

### **7. Complaints and Appeals**

We subscribe to the Council's Corporate Complaints and Appeals Procedure. In addition, the majority of legislation enforced by officers of the Private Sector Housing Service has an in built appeals procedure prescribed within.

If you do not agree with any action taken by an officer you should contact the Private Sector Housing Manager whose details are given below.

If you feel we have given an unsatisfactory service contrary to these criteria, you can complain direct to:

**Private Sector Housing Manager  
Runnymede Borough Council  
Runnymede Civic Centre  
Station Road  
Addlestone  
Surrey KT15 2AH  
Tel. No. 01932 425888**

This Enforcement Policy supersedes and replaces all earlier enforcement policies relating to Runnymede Borough Council Private Sector Housing Section

**For all information contained within this document contact:**

Runnymede Borough Council  
The Civic Centre  
Station Road  
Addlestone  
Surrey KT15 2AH

Tel 01932 838383

email: [privatesectorhousing@runnymede.gov.uk](mailto:privatesectorhousing@runnymede.gov.uk)

[www.runnymede.gov.uk](http://www.runnymede.gov.uk)

## Policy and Guidance on Determining the Level of the Civil Penalties

### 1. Purpose of the Civil Penalties Policy

1.1 Local housing authorities have the power to impose civil penalties of up to £30,000 on individuals and organisations (for certain specified offences under the Housing Act 2004) as an alternative to prosecution.

1.2 The purpose of this Policy is to describe how Runnymede Borough Council (the Council) will use its new powers, how it will decide when to prosecute and when to impose a civil penalty, and how it will determine the size of each civil penalty.

1.3 The Policy is designed to ensure transparency, consistency and fairness in how and when civil penalties are imposed.

### 2. Financial Matrices for Civil Penalties

Factors taken into account when deciding the level of civil penalty

2.1 Generally, the maximum civil penalties will be reserved for the very worst offenders. The actual amount levied in any particular case will reflect the severity of the offence and take account of the landlord's previous record of compliance.

2.2 In order to ensure that the civil penalty is set at an appropriate level, The Secretary of State has issued statutory guidance on what a Council should take into account when determining the level of any final penalty. The issues to consider are:

- ***The severity of the offence***

The more serious the offence, the higher the civil penalty should be.

- ***The culpability and track record of the offender***

A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.

- ***The harm caused to the tenant***

This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when the local housing authority imposes a civil penalty.

- ***The punishment of the offender***

A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure

that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

- ***Whether it will deter the offender from repeating the offence***

The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

- ***Whether it will deter others from committing the offence***

While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

- ***Whether it will remove any financial benefit the offender may have obtained as a result of committing the offence***

The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

2.3 The final factor is an overarching one and, after all the other factors have been considered and applied, the Council will need to ensure that the civil penalty that is set removes the financial benefit that has been gained from committing the offence.

2.4 When setting a civil penalty, the Council will also take into account the cost of investigating the offence(s) and preparing the case for formal action, together with any costs that it incurs in defending its decision at the First-tier Tribunal.

2.5 The Civil Penalty Matrix aims to incorporate the above factors and will require supporting reasons recorded separately.

### **3. Financial means to pay a civil penalty**

3.1 In setting a financial penalty, the Council may conclude that the offender is able to pay any financial penalty imposed, unless the offender has supplied suitable and sufficient financial information to the contrary.

3.2 It is for the offender to disclose to the Council such data relevant to his financial position as will enable the Council to assess what s/he can reasonably afford to pay.

### **4. Housing offences covered by civil penalties**

4.1 The power given to local authorities to impose a civil penalty as an alternative to prosecution for certain specified housing offences was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016.



4.2 Civil penalties are intended to be used against landlords who are in breach of one or more of the sections of the Housing Act 2004 listed below:

- Section 30 – Failure to comply with an Improvement Notice
- Section 72 – Offences in relation to licensing of Houses in Multiple Occupation
- Section 95 – Offences in relation to licensing of houses under Part 3 of the Act
- Section 139 – Offences of contravention of an overcrowding notice
- Section 234 – Failure to comply with management regulations in respect of Houses in Multiple Occupation

## **5. Process for imposing penalty charges**

5.1 Where it has been determined that a financial penalty may be appropriate to impose as an alternative to prosecution, the Council will follow the following process.

5.2 A “Notice of Intent” shall be served on the person suspected of committing the offence. The Notice shall specify:

- a. The amount of any proposed financial penalty
- b. The reasons for proposing the financial penalty
- c. Information about the right to make representation to the Council.

5.3 The person to which the notice relates will be given 28 days to make written representation to the Council about the proposal to impose a financial penalty. The representation may be via any legible written format to the Environmental Health and Licensing Manager.

5.4 Following the 28 day period the Council will decide:

- a. Whether to impose a financial penalty on the person, and
- b. The value of any such penalty imposed.

5.5 If the Council decides to impose a financial penalty, a final notice shall be issued imposing that penalty. The final notice will specify:

- a. the amount of the financial penalty,
- b. the reasons for imposing the penalty,
- c. information about how to pay the penalty,
- d. the period for payment of the penalty,
- e. information about rights of appeal to the First tier Tribunal, and
- f. the consequences of failure to comply with the notice.

## **6. Consequences of non-compliance and miscellaneous provisions**

6.1 If, after any appeal has been finally determined or withdrawn, a person receiving a financial penalty does not pay all or part of the penalty charge, the Council will recover the penalty by order from a County Court. Where appropriate, the Council will also seek to recover the costs incurred in taking this action from the person to which the financial penalty relates.

6.2 Financial Penalties are an alternative to criminal proceedings and as such if a penalty is imposed, no criminal proceedings can be initiated for the same offence.

6.3 The Council may, at any time:

- a. Withdraw a notice of intent or final notice
- b. reduce the amount specified in a notice of intent or final notice

Where the Council decides to take either action, it will write to the person to whom the notice was given.

6.4 Where a person has received two financial penalties under this legislation in any 12 month period, irrespective of the locality to which the offences were committed, the Council will consider making an entry on the national database of rogue landlords and property agents. When considering making an entry, the Council will have regard to any guidance issued by the Secretary of State

Updated June 2023

## Civil Penalty Matrix

Factors	Score = 5	Score = 10	Score = 15	Total
<b>1 Deterrence &amp; Prevention</b>	High confidence that a financial penalty will deter repeat offending. Publicity not required as a deterrence.	Medium confidence that a financial penalty will deter repeat offending. Some publicity will be required as a deterrence in the landlord community.	Low confidence that a financial penalty will deter repeat offending. Mass publicity will be required as a deterrence in the landlord community.	
<b>2 Removal of Financial Incentive</b>	No significant assets and low financial profit made by offender.	Small landlord/agent managing up to 5 properties and/or some rental income retained.	Portfolio landlord/agent running over 5 rental properties.	
<b>3-Offence &amp; History</b>	No previous history and single low offence.	More than one recent offence and/or moderate level offence(s).	Multiple and/or continuous serious offences.	
<b>4- Harm to tenants – DOUBLE WEIGHTING</b>	Low potential harm to tenants and single household dwelling.	Moderate potential harm to tenants and/or small HMO with up to 5 tenants.	High level of potential harm to occupants, continuous impact and/or large HMO with more than 5 occupants	
<b>Cumulative Total</b>	X	X	X	

- Only one option must be scored for each row with supporting reasons recorded separately.
- Each row must be scored.
- Each calculated score shall be justified via evidence prepared to a prosecution case standard.

- The scoring matrix will result in a minimum of £300 and a maximum of £30,000 in penalties (see table below).
- Full payment within 28 days of the 'Notice of Intention' shall attract a 20% discount to the overall penalty charge.

<b>Score</b>	<b>Penalty Charge</b>
25	£300
30	£500
35	£750
40	£1,000
45	£2,500
50	£5,000
55	£10,000
60	£15,000
65	£20,000
70	£25,000
75	£30,000

## **Food Safety Plan – Principal Environmental Health Officer – Daniel Bradding**

### **Synopsis of report:**

**The purpose of this report is to seek Members approval of the proposed Food Service Plan for 2023/24**

### **Recommendation:**

**The Food Service Plan for 2023/24 as attached at Appendix A is approved.**

## **1. Context and background of report**

- 1.1 The Food Standards Agency (FSA) has produced a framework agreement on local authority food law enforcement. One part of that agreement contains service planning guidance. This ensures that key areas of enforcement covered by the Food Law Enforcement Standard are included within local Food Service Plans, whilst allowing scope for flexibility and the inclusion of any locally defined objectives. The requirement to produce a local Food Service Plan came into effect on 1 April 2001.
- 1.2 The Food Standards Agency requires a Local Authority's proposed service plans to be submitted to the relevant Member forum (which is this Committee) for approval to ensure local transparency and accountability.

## **2. Report and, where applicable, options considered and recommended**

- 2.1 The proposed Plan for 2023/24, attached at Appendix 'A', will satisfy the requirements of the Food Standards Agency. Members are made aware that the FSA suspended the national food safety inspection programme in 2020 during the initial stages of the Covid pandemic and further suspensions followed.
- 2.2 Moving on from the challenges of 2020-2022, the team has been working on a quarterly programme of interventions that has provided a route to recovery by the end of the 2022-2023 period such that our position is now fully recovered. Routine and reactive microbiological sampling of both poorly compliant premises and contributing to national sampling programmes resumed in 2022-23 and this will continue into 2023-24
- 2.3 It is of note that organisational improvements to general software have led to the service developing in-house digital forms for official controls. In 22/23 this resulted in greater data insights from inspections and will continue in 23/24.

## **3. Policy framework implications**

- 3.1 In relation to the Council's Corporate Business Plan (2022-2026) the Food Service Plan is a key driver in achieving the Health & Wellbeing Strategy and supports the Economic Development Strategy. An effective food safety service contributes to the above priorities in protecting the health of its residents and visitors through the provision of safe food outlets, the prevention and detection of food borne illness and

food poisoning and ensuring good businesses are not being disadvantaged by non-compliant traders.

#### **4. Resource implications/Value for Money**

4.1 There are no resource implications

#### **5. Legal implications**

5.1 The production of a local Food Service Plan is a matter of following Agency guidance best practice, rather than statutory compliance. Service plans provide the basis on which local authorities are monitored and audited by the Agency under The Food Standards Act 1999 and Official Feed and Food Controls Regulations.

5.2 The Council has a statutory duty to enforce legislation relating to food. The Food Standards Agency Food Law Code of Practice (England) March 2021 details the minimum training and qualification requirements for officers authorised by Food Authorities to undertake food enforcement work. Food Authorities that do not have regard to relevant provisions of this Code may find their decisions or actions successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court.

#### **6. Equality implications**

6.1 None

#### **7. Environmental/Sustainability/Biodiversity implications**

7.1 None

#### **8. Conclusions**

**(To resolve)**

#### **Background papers**

FSA Food Law Code of Practice (England) March 2021  
<https://smartercommunications.food.gov.uk/connect/UXYpkuExoT>

# **RUNNYMEDE BOROUGH COUNCIL**

## **ENVIRONMENTAL HEALTH SECTION**

### **ENVIRONMENTAL SERVICES**

#### **FOOD SERVICE PLAN 2023/2024**

Runnymede Borough Council  
Runnymede Civic Centre  
Station Road  
Addlestone  
Surrey KT15 2AH  
Telephone No.: 01932 838383



## **FOOD SERVICE PLAN 2023/2024**

Runnymede Borough Council is designated as a Food Authority with statutory duties to enforce food law and carry out activities in accordance with an approved code of practice. We are required to produce a Food Service Plan annually in accordance with the Framework Agreement on Food Controls by Local Authorities. This plan sets out how we deliver our functions and our current work programme.

### **1. SERVICE AIMS AND OBJECTIVES**

Priorities are generally established on the basis of risk and in response to consumer concerns.

#### **1.1 Aims and Objectives**

- 1.1.1 To ensure that food purchased and produced in the Borough of Runnymede is safe for consumption.
- 1.1.2 To meet statutory responsibilities in a cost effective and responsible manner in accordance with the Food Law Code of Practice for England and associated guidance.
- 1.1.3 To encourage best practice and publish advice on food hygiene regulations to business and voluntary groups.
- 1.1.4 To respond to concerns from members of the public on the basis of risk and in a proportionate way.
- 1.1.5 To carry out enforcement responsibilities as laid down in the Environmental Services Enforcement Policy.
- 1.1.6 To undertake discretionary duties in relation to food sampling.
- 1.1.7 Initiate a proactive food safety education programme and promote good business practices.
- 1.1.7 Liaise and cooperate with partner agencies and other stakeholders.

#### **1.2 Demands on the Food Service**

Since the challenges of 2020-2022, the team has been working on a quarterly programme of interventions that has provided a route to recovery by the end of the 2022-2023 period. The Food Standards Agency operated a Covid recovery plan; directing LA's to concentrate resources on high risk premises and new premises awaiting inspection. We operated our own plan much sooner putting us in a better position at the start of this year. We have also spent a great deal of time updating our registration database. Our position is now fully recovered.

- 1.2.2 The majority of food premises in the area are predominately small to medium sized catering or retail businesses. At the start of the 2023-24 period our scheduled inspection programme is as follows:

PREMISES TYPE	NUMBER
Primary Producers	4
Manufacturers & packers	3
Importers/Exporters	2
Distributors/Transporters	3
Supermarket/Hypermarket	11
Smaller retailers	114
Retailers - Other	49



Restaurant/Cafe/Canteen	167
Hotel/Guest House	10
Pub/Club	65
Take-away	54
Caring Establishments	34
School/College	47
Mobile food unit	43
Restaurants and caterers - Other	55
TOTAL	661

1.2.3 In addition there is always a range of other issues that require attention:

- an international golf tournament held each year at Wentworth requiring the inspection of several visiting food outlets
- a large activity centre at Thorpe Park within excess of 20 food outlets catering for up to 1½ million visitors a year
- several annual agricultural show/fairs e.g. Egham, Chertsey, and the Black Cherry Fair.
- A number of “home authority” referrals requiring investigation relating to poor hygiene or food poisonings and referrals from other local authorities or partner agencies relating to food e.g. imported food issues or hazard warnings.

1.2.4 Microbiological sampling activities had been stopped during Covid. Routine and reactive microbiological sampling resumed in 2022-23 with officers contributing to national sampling plans. This will continue into 2023-24 with sampling of poorly compliant premises and contributions to routine sampling through the UKHSA national microbiological laboratory system.

## 2. **Enforcement Policy**

2.1 Environmental Services works to the current Environmental Services Enforcement Policy and Food Law Code of Practice. All food safety enforcement decisions are made in consideration of the enforcement policy.

2.2. Copies of the Environmental Services Enforcement Policy are available on request and the Policy is made available on the Council’s website.

## 3. **SERVICE DELIVERY**

### 3.1 **Food Premises Interventions (Inspections, audits, monitoring)**

3.1.1 It is the Council’s policy to carry out programmed food hygiene interventions in accordance with the minimum inspection frequencies defined in the Food Law Code of Practice. Priority will be given to inspections of higher risk premises (categories A, B and non-compliant C) and any product specific approved premises. This will continue to be the case in 2023-2024, however, the inspection frequency and risk rating regime is currently being reviewed by the Food Standards Agency for 2024-2025. At this stage of the review, for 2024-2025, proposals include an increased inspection frequency in poorly performing businesses and reduced inspection frequency in low risk premises; meaning that the number of interventions are likely to be broadly similar.

3.1.2 The following interventions were completed within the 2022/23 period:

RISK CATEGORY	Number of interventions
A	7

B	27
C	90
D	170
E	96
TOTAL	390

3.1.4 As a consequence of the interventions carried out in 2022/23 the Division undertook the following enforcement actions:

ENFORCEMENT TYPE	Number
Prosecutions	0
Simple cautions	0
Enforcement notices issued	21
Closures/voluntary closures	2
Written warnings issued	111

The team were also involved in the detention and seizure of bulk imported foods received from third countries.

3.1.5 The current profile of premises by risk rating in Runnymede and the anticipated number of routine primary inspections to be undertaken during the year 2022/2023 is as follows:

RISK CATEGORY	Interventions due
A	3
B	16
C	83
D	125
E	32
Unrated	21

In addition, it is estimated that:

- 50 premises will require revisiting to check compliance following adverse reports after initial inspection
- 30 new food premises will open and require inspection
- 30 outdoor/temporary mobile food traders at show/fairs will be visited
- 20 premises will request official re-visiting under the FHRS

3.1.6 The authority aims to carry out 95% of the inspections due for 2023-2024.

3.1.7 An Alternative Enforcement Strategy (AES) may be applied to some premises in the lower risk category E. However, this was not routinely applied during the 2022-2023 period and will be used sparingly during 2023-2024 in order to help maintain an accurate registration database.

### 3.2 **Complaints or Service Requests About Food or Food Premises**

3.2.1 The number of service requests relating to food or food premises investigated in 2022/23 was as follows. They include responses to both consumers and food businesses. It is estimated that a similar number of complaints will require investigation in 2023/2024:

COMPLAINT/REQUEST TYPE	Number
Food registration/business advice	153

Poor hygiene or structure	8
Suspected food poisoning	5
Other complaint/enquiry	48

### **3.3 Advice to Business and Education**

3.3.1 The authority will work with food businesses to help them comply with the law. It is the Council's policy to endeavour to provide advice to businesses including:

- providing on the spot advice during routine visits and inspections
- responding to queries
- advisory visits on request
- provision of advice relating to planning applications
- provision of free advisory leaflets and information sheets
- targeted mail shots arising from legislative and policy changes

3.3.2 The Service was involved in providing several face-to-face training sessions held at the Civic Centre during 2022-2023. We will continue to offer training during 2023-2024.

3.3.3 In addition to the above new food business operators and those who obtain lower food hygiene ratings may be invited to attend a short online seminar aimed at encouraging compliance and improving food safety culture.

### **3.4 Control and Investigation of Outbreaks and Food Related Infectious Disease**

3.4.1 In the event of an outbreak of food poisoning the Authority follows the procedures set out in the Surrey Outbreak Control Plan and the Environmental Health team will act in conjunction with our colleagues at UKHSA.

3.4.2 There were no major food poisoning outbreaks reported in the Borough during 2022/23. However the team undertook a number of investigations in relation to suspected cases and minor (routine) outbreak response.

3.4.3 Our officers also investigate notifications of food and non-food related infectious diseases in order to identify potential sources and to assist in the collection of national intelligence. We work very closely with UKHSA. In 2022/23 the division received the following food related infectious disease notifications:

ORGANISM	NUMBER
Salmonella Enteritidis	4
Salmonella Typhimurium	1
Other Salmonellas	5
E.Coli	4
Campylobacter	79
Giardia Lamblia	6
Cryptosporidium	1
E.coli O157	2
Shigella sonnei	6
Shigella Flexineri	2

## **4. RESOURCES**

#### 4.1 **Financial Allocation**

4.1.1 The actual costs of the service for the year ending 31 March 2022 were:

	NUMBER
TOTAL EXPENDITURE	£168,304
TOTAL INCOME	£4,370

#### 4.2 **Staffing Allocation**

4.2.1 The 2023/2024 staffing allocation remained unchanged with the majority of the work being carried out by 2 full-time officers and one part-time officer (these officers also carry out other duties outside of the scope of this plan). Additionally, we have been able to attract a Master's student to fill our 0.4 FTE post.

### 5. **CONCLUSIONS**

5.1 The Service is in a good position coming into 2023-2024 having fully recovered from the inspection backlog caused by the Covid response.

5.2 RBC's Food Safety Plan for 2023/24 will primarily focus on tackling (on a priority risk basis), the programme of interventions for 2022/23; together with the continued investigation of food and hygiene complaints posing a risk to the public and infectious disease investigations.

## Food Standards Agency Achieving Business Compliance Proposals – Principal Environmental Health Officer – (Daniel Bradding)

### Synopsis of report:

To update the Committee of the Food Standards Agency's plans outlining the direction the Agency is proposing to take in delivering a new model food regulatory system in England (following a commitment to provide an update to the Committee in 2017).

### Recommendation:

For Information only

## 1. Context of report

- 1.1 The Committee were informed in 2017 of the Food Standards Agency's (FSA) published intentions to change the way in which food businesses were regulated. One of the stated reasons for this is due to insufficient resources in local authority environmental health and a scarcity of available qualified officers. Originally, their proposed vision was for food business registrations to be managed centrally; businesses would be able to participate in assurance schemes; and business intelligence and artificial intelligence would be used to identify which food interventions would be conducted by local authorities. Relatively few changes have been proposed since that time and so there had not been much information to update the Committee with. However, the work of the FSA has continued under the project title "Achieving Business Compliance" and an amended delivery model for local authorities is expected to be published for 2024/2025.

## 2. Report

- 2.1 On the 23<sup>rd</sup> of March 2023 the FSA published a paper summarising the latest position on any changes to the food delivery system in England:  
<https://www.food.gov.uk/board-papers/achieving-business-compliance-programme>
- 2.2 Since the last update to this committee food registrations will continue to be managed by local authorities for the foreseeable future and food authorities will continue to access some business intelligence through the primary authority scheme; although some of the wide-ranging changes envisaged in 2017 are not expected to be realised under current plans.
- 2.3 The latest paper sets out three parts to the FSA programme:
- Modernising the delivery of local authority regulation,
  - Testing new approaches to regulation, and
  - Designing the blueprint for the future regulatory assurance system
- 2.4 Under the 'Modernising the delivery of local authority regulation' strand of the programme Local Authorities are invited to respond to a consultation closing 30<sup>th</sup> June, the full details of which can be found online: <https://www.food.gov.uk/our-work/consultation-on-developing-a-modernised-food-hygiene-delivery-model-england>.

The key proposed developments include:

- a revised risk-based food hygiene intervention rating scheme, amending the frequency of programmed visits. FSA modelling anticipates a slight reduction in the number of official controls compared to the current model. The average time between controls at non-compliant establishments decreasing from 1.2 to 0.5 years.
- an updated risk-based approach to the timescales (where not prescribed in law) for initial official controls of new food establishments, and other due official controls
- increased flexibility as to the methods and techniques of official controls that can be used to risk rate an establishment, including the use of remote official controls
- extending the activities that officers, such as Regulatory Support Officers, who do not hold a 'suitable qualification' for food hygiene can, if competent, undertake.

2.5 In the short term, the proposed amendments to the existing framework increases the number of interventions in businesses considered as high risk (or non-compliant) and reduces the number of interventions in lower risk premises. The overall change to the annual programme of interventions is therefore unlikely to be affected significantly over the next few years. Any longer-term proposals have not yet been outlined.

2.6 The remaining parts of the programme, not subject to consultation at this time, are:

**Testing new approaches to regulation** - This part of the programme is a set of projects which aim to test out potential new approaches which could be used in future regulation, or which could help to drive compliance across the system. It includes:

- o Enterprise Level Regulation pilot with large retailers (may extend to other sectors) starting with the big supermarkets, FSA will work with local authorities and primary authorities to develop an innovative approach that regulates the whole business as one, rather than as multiple small premise-based businesses.
- o the development of the new Food Safety Charter with online aggregators. Those aggregators are encouraged to reduce access to businesses who are considered not broadly compliant and to display food hygiene ratings. RBC regularly receives communications from businesses, particularly takeaways, who are concerned about access to their trade online.

**Designing the blueprint for the future regulatory assurance system** - the final part of the programme is essentially a piece of policy work on the future regulatory system. Now that the UK has left the EU and is responsible for its own food law, FSA are taking a view on what the future regulatory assurance system should look like.

2.7 Significant updates from the programme will be brought to the attention of the committee at a future date.

### 3. Policy framework implications

3.1 Runnymede's food safety policy is governed by the requirements of its annual Food Safety Plan the latest of which covering 2023/24 is available for the attention of the committee. Formulation of the Food Safety Plan is regulated by the FSA (through the Food Law Code of Practice) and therefore it is likely that any future Food Safety Plans will reflect any significant shift in direction from the requirements set out in the Code. In 2022/2023 Runnymede BC met its obligations under the Food Law Code of Practice in full.

3.2 The department has been leading in developing its own modernised approaches to data collection and analysis and have presented our findings to our other Surrey based colleagues. Additional work is scheduled in order to encourage similar uptake so that intelligence may be pooled in the future and help direct resources to support the enhancement of standards and business growth.

#### **4. Resource implications**

4.1 There are minimal resource implications for RBC at this stage. There has been no additional information provided with regards intentions to introduce any new funding models to ensure the sustainability of any amendments to the inspection regime.

#### **5. Legal Implications**

5.1 Runnymede Borough Council are a Competent Authority responsible for the delivery of official food controls and other official activities. When the proposed changes are given effect in a revised Food Law Code of Practice (England) RBC has a statutory duty to have due regard to relevant provisions of the Code.

#### **6. Equality Implications**

6.1 There are no Equality Implications arising from this report.

#### **7. Timeline for Implementation**

7.1 Following this consultation the FSA state they will review feedback, refine the proposals and conduct a six-month pilot and a formal consultation. The pilot is anticipated to run from January to June 2024, leading to implementation of the modernised model in 2025/26 following the publication of an amended Food Law Code of Practice.

#### **8. Conclusions**

8.1 This report brings to the attention of Members FSA's document outlining its plans for future regulation of food safety legislation. Further reports on the FSA's new approach will be brought back to Committee if any other major changes are proposed.

#### **(For Information)**

#### **Background papers**

FSA Achieving Business Compliance Paper March 2023

<https://www.food.gov.uk/board-papers/achieving-business-compliance-programme>

Consultation on developing a modernised food hygiene delivery model - England

[https://www.food.gov.uk/our-work/consultation-on-developing-a-modernised-food-hygiene-delivery-model-england.](https://www.food.gov.uk/our-work/consultation-on-developing-a-modernised-food-hygiene-delivery-model-england)



## Update and remodel of Grounds Maintenance – Corporate Head of Environmental Services (Helen Clark)

### Synopsis of report:

To update the Committee in respect to a remodelling of the Ground's Maintenance service vehicles and equipment to improve service standards, increase capacity and deliver greater resilience.

### Recommendation:

None – this is for information only

## 1. Context and background of report

- 1.1 Delivery options for Ground's Maintenance were considered at Corporate Management committee on the 24<sup>th</sup> February 2022. The model recommended was in-house DSO/CS with the strategic development function to remain in Community Services. This recommendation was approved by Full Council on the 3<sup>rd</sup> March 2022.
- 1.2 The former Idverde grounds maintenance contract was terminated 15<sup>th</sup> November 2022 by mutual agreement. The existing in- house team and former Idverde team were merged to create new mobile teams in January 2023. Since February 2023 the Direct Services Manager has recruited 7 new gardeners with 3 further gardeners pending Bupa driver clearance. One vacancy and 6 seasonal positions remain unfilled.
- 1.3 Vehicle and equipment specification lists were drafted by the Direct Services Manager at the commencement of the mobilisation project in February 2022 guided by area measurements provided by Idverde. Following Runnymede Borough Council procedures, a tendering and procurement programme was undertaken. The capital budget allocated to the grounds maintenance project was £420,000.
- 1.4 The total capital expenditure on the project to the end of March 2023 was £347,000. The Corporate Head of Environmental Services requested the £73,000 unspent capital budget be carried forward to 2023/24 given the likelihood of unanticipated expenditure once the grass cutting season commenced in April 2023.
- 1.5 A further report was submitted to the Corporate Management Committee on 25 May to approve some additional financing to purchase some additional equipment

## 2. Report

- 2.1 The new grounds maintenance service is mobile and consists of 6 separate teams. There is a degree of flexibility and accommodation but largely the 6 teams are allocated to roles as follows.
  - Fine Turf team to cover all cricket wickets and bowls greens.

- Horticulture team to cover all planting and bedding in parks and high streets, maintenance of hedges and shrubbery (187 sites in total)
- Parks team designated to grass cutting and specific meadow cuts in large green spaces plus all cricket outfields.
- Housing/sheltered accommodation team to undertake all maintenance in these locations including gardens, lawns, and walkways.
- Cemeteries team covering all maintenance at the 6 Runnymede cemeteries including grass cutting between graves, grassed areas, hedges, and shrubbery.
- Follow-up team cutting grass in smaller green space sites, strimming and following up areas inaccessible to larger machinery.

### 3.0 **Update and issues identified between April and May 2023**

- 3.1 Between November 2022 and March 2023 the teams caught up with maintenance issues outstanding pre-November 2022 in sheltered housing sites and within cemeteries. Regular meetings held with Housing resulted in a number of new locations being added to the schedules. Housing have requested that the new team develop further gardening initiatives once resources allow.
- 3.2 Delivery of the wide angled mower (WAM) was delayed. Consequentially a tractor with rotary deck was hired in April to cut larger green spaces and outfields.
- 3.3 Various issues have impacted on the service over the first few weeks of the growing season with April until May being the time when the grass grows at its fastest rate each year.
- 3.4 The months of March and April were both extremely wet – March the wettest in 40 years and April the wettest since 2018. Over 190mm fell over the two months leaving the ground sodden or flooded in many locations. The team were unable to start mowing as scheduled at the start of the season as we risked damaging the grass or equipment. The tractor driver tried to cut the grass in Chertsey Recreation Ground for a cricket match in April and having finished the short border sank up to the axle in mud.
- 3.5 The tractor then suffered from several mechanical issues including the clutch burning out three times and a puncture. Although a mobile mechanic has attended as per the contract this has resulted in approximately 10 lost mowing days. The extremely wet March and April has resulted in very rapid growth of grass in May, and it has become clear that reliance on one piece of equipment to cut all large green spaces gives insufficient resilience to the service.
- Using the smaller ride on mowers to cover in this situation is not an option and consequentially the Parks team fell behind with respect to cutting the grass in the large green spaces.
- 3.6 An interim recovery plan for grass cutting has been approved by the Chief Executive and the above issues have forced the Corporate Head of Environmental Services to reconsider the model previously approved and seek to improve resilience within the service.
- 3.7 The new model will also give greater flexibility with respect to the type of cut possible. Cutting longer grass requires specialist equipment. Having the capacity to allow grass to grow longer will support wildflowers and encourage biodiversity. This will

enable the Borough to deliver an increased percentage of Biodiversity Net Gain (BNG).

- 3.8 The review also identified that two of the second-hand vehicles purchased for the team are not optimal with respect to transporting larger mowers. Transporting mowers on beaver-tail trucks is far safer, and quicker. These trucks are more agile allowing them to be used in tighter locations. Beaver-tail trucks can be driven by gardeners who do not have a trailer endorsement on their licence.
- 3.9 Finally growth is sought to buy one additional van for the supervisors. The one van presently available restricts their capacity to support the mobile teams and each other in the event of mechanical failure or accidental injury.

#### 4.0 **Proposed Revisions to the model**

- 4.1 To purchase a small tractor with two decks, one rotary and one cylinder. The two decks will be able to accommodate the grass cutting standards required in all larger green spaces including cricket outfields, meadows, and grassed areas. This machine will complement the wide angled mower due for delivery late May. The two machines will give the service the resilience required to ensure standards are maintained even in exceptional circumstances.
- 4.2 The new tractor will also allow the team to develop naturalised areas as it will have the capacity to cut longer grass left to naturalise over the summer to encourage wildflowers and support biodiversity.
- 4.3 To purchase a flail deck which can be attached to a ride on mower. A flail deck will allow the team to cut paths and firebreaks through meadow areas. Without this equipment the work would have to be completed by a contractor.
- 4.4 Purchase one small zero turn mower for use in cemeteries and sheltered housing locations. This mower is light and slim allowing safe mowing in difficult situations such as between graves or on narrow paths within sheltered housing accommodation.
- 4.5 Sell the two second hand vans and use the income to offset the purchase of two beaver-tail trucks. These trucks are safer and quicker to use. They offer greater mobility as trailers are not needed and preclude the requirement for a trailer endorsement on the driver's licence.
- 4.6 Purchase one small van to be used by the grounds maintenance supervisors to ensure the teams are supported as required and to attend any incidents.
- 4.7 Full vehicle and equipment details are shown in the table at appendix A

#### 5.0 **Policy framework implications**

- 5.1 The remodel will improve service delivery and give resilience to the grounds maintenance service. Purchase of a flail deck will allow greater flexibility to develop naturalised grass areas and contribute to biodiversity. The flail deck will also be used to create fire breaks within meadows, protecting both property and natural habitats in line with the Runnymede Borough Council Climate Change Strategy.

#### 6.0 **Resource implications/Value for Money (where applicable)**

- 6.1 The original capital scheme approved in February 2022 for the purchase of equipment came to £420,000 of which approximately £347,000 has been spent to date leaving £73,000 unspent.
- 6.2 Appendix A sets out the proposed new and alternative acquisitions which total £134,000. This would make the anticipated cost of the overall capital scheme £481,000 meaning that a supplementary Capital estimate for the difference of £61,000 was required to enable these purchases
- 6.3 The additional cost was financed from the virement of an existing revenue budget set aside for a contribution to a Surrey-wide Traveller site which is now unlikely to proceed in the current financial year, with the balance being generated by selling off two of the existing vehicles.
- 6.4 The new model will give the team greater resilience to deliver the service during extreme weather events and in situations such as breakdowns or accidents. The equipment and vehicles proposed will increase the efficiency of the service. The new model will give greater flexibility for creating meadows, naturalised areas, and wildflowers areas, supporting increased biodiversity.
- 6.5 Prices shown are the best available at the time of writing. The team will seek to secure the best equipment and price available at the time of purchase. Consideration will be given to reliability and future maintenance requirements.

## 7.0 **Legal implications**

- 7.1 The Public Contract Regulations 2015 (PCR 2015) sets procurement thresholds for goods, works or services above which the processes and procedures are laid down by law. Below these thresholds, the Council's Contract Standing Orders (Part 4 of the Constitution) set the rules that must be followed.
- 7.2 Following a competitive tendering exercise in 2022/23, a number of grass-cutting mowers were purchased from Farol Ltd. The company have now delivered all but one of the mowers purchased. As identified in the report the equipment ordered has proved inadequate given the ground and weather conditions this spring.
- 7.4 A waiver to contract standing orders (CSO2.6.1) was approved by Corporate Management Committee in May to purchase additional equipment without a procurement exercise on the grounds of urgency which will allow the grounds maintenance team to catch up with grass cutting rounds and deliver acceptable grounds maintenance standards going forward.
- 7.5 In order to expedite the requirements faced, officers have sourced suitable equipment from reputable suppliers including Farol Ltd which are available for immediate delivery as per items in Appendix A. These items are all at below market cost (RRP) and officers sought a waiver to contract standing orders to purchase directly from these suppliers without conducting a tender process, with the justification that the goods are required immediately to deliver essential services. CSO2.6.3 allows for an exemption to competition requirements where there is an unforeseeable risk of serious disruption to council services.

## 8.0 **Equality implications**

There are no equalities implications.

**9.0 Environmental/Sustainability/Biodiversity implications**

Purchase of a flail mower will allow greater flexibility to develop naturalised grass areas and contribute to biodiversity. The flail deck will also be used to create fire breaks within meadows, protecting both property and natural habitats in line with the Runnymede Borough Council Climate Change Strategy.

**10.0. Timetable for Implementation.**

10.1 Officers have already contacted local suppliers to establish existing availability of the machinery required. Below list price offers have been secured.

**11. Conclusions**

Corporate Management Cttee approved an additional capital estimate for the additional equipment on 25 May 2023

**(For information)**

**Background papers**

None

<b>Appendix A</b>			
<b>Equipment</b>	<b>function</b>	<b>quantity</b>	<b>total cost</b>
<b>Beaver-tailed Vans</b>	Angled rear end attached mesh ramps for loading mowers. Safer,quicker and more agile than loading trailer	2	<b>£60,000</b>
<b>Tractor - John Deere 5085M</b>	John Deere Tractor for fitting of large equipment. 100bhp	1	<b>£37,000</b>
<b>Cyclone hydraulic unit</b>	Multi-deck rotary mowing units fitted to rear of tractor: 1.7m width for large areas.	1	<b>£11,100</b>
<b>Major Cyclone</b>	Flail mower for fitting to front of JD 1550 ride-on mowers - used meadow areas	1	<b>£5,200</b>
<b>Van for supervisor</b>	Small box vans	1	<b>£15,000</b>
<b>Scag Liberty</b>	slim Zero turn ride-on mower for Housing and Cemeties	1	<b>£6,500</b>
	total cost new equipment		<b>£134,800</b>

### **Urgent Action – Standing Order 42 (Corporate Head of Customer, Digital and Collection Services – Linda Norman)**

A copy of proforma 1016 (Appendix A) details action taken after consultation with the Chairman and Vice-Chairman of the Committee under Standing Order 42.

**(For information)**

### **Background Papers**

Standing Order 42 proforma 1016

**Standing Order 42****Ref: 1016****Consultation with Appropriate Chairman and Vice-Chairman for Urgent Action to be Taken Under Standing Order 42**

<b>To (Chair &amp; Vice Chair):</b>	Cllr Nigel King and Cllr David Coen
<b>Relevant Committee:</b>	Environment and Sustainability Committee
<b>Date:</b>	20.03.23
<b>Report Author:</b>	Linda Norman
<b>Report Title:</b>	NHS Parking Permits
<b>SO42 Proforma Number:</b>	Check with Democratic Services

**1. Synopsis of report**

To approve the issue of 5 parking permits for use by the NHS Care Quality Commission which will allow free parking in Council owned car parks to support Community Nurses when visiting their patients.

The potential income that could be lost would be between £3,500 and £8,250 per annum assuming that Community Nurses use Council owned car parks for a significant amount of time during their working day.

The reality is that this is expected to be significantly less and therefore is acceptable when considering the wider partnership work the CQC does with the Council in supporting our more vulnerable residents.

**2. Reasons why this matter cannot wait for a Committee Decision.**

(Please state if agreement of Chairman and Vice-Chairman required within 24 hours, and why)

**These permits will make an immediate impact to Community Nurses who are already struggling financially and brings Runnymede BC in line with other Surrey Authorities who already provide free parking to Community Nurses. The next meeting of the Environment and Sustainability is not until 9 June 2023 which would mean delaying this decision for another three months.**

**3. Recommendation(s)**

**To approve the creation of 5 NHS free parking permits which are allocated to the NHS Care Quality Commission to support Community Nursing staff when visiting their patients.**



#### 4. Context of report

A request was received from Jack Wagstaff, the Chief Officer of NHS Surrey Heartlands CQC whether the Chief Executive would consider issuing NHS Community Nursing staff with free parking permits across Runnymede BC. He advised that several Surrey authorities gave his staff free parking permits and that Runnymede were in the minority of continuing to charge for parking permits for NHS staff.

Runnymede do not have Controlled Parking Zones (CPZ) and therefore issuing free parking permits to allow Community nurses to park in these areas is not such an issue for Runnymede as it is to other boroughs. However, discussions with neighbouring authorities does suggest that other Council's do allow free parking permits for Community nurses and as such, Runnymede should consider the impact of introducing this.

Officers looked at the wider implications of this request particularly around the partnership working between the CQC and the Council and how this links in to the new Health and Wellbeing Strategy and as only 5 permits were required, it was felt that the potential loss of income was acceptable to the Council when considering the support given to vulnerable residents by the Community Nurses.

The potential income that could be lost would be between £3,500 and £8,250 per annum assuming that Community Nurses use Council owned car parks for a significant amount of time during their working day.

It is far more likely that the parking permits will be used as a back-up for staff in the event that on-street parking in the required location is not available

#### 5. Report and, where applicable, options considered

Officers looked at potential loss of income depending on how CQC staff could be using Council owned carparks

5 x £7.00 per day x 5 days a week @44 weeks a year	= £7,700
5 x £7.50 (£2.50 @ 3 locations) per day x 5 days a week @44 weeks a year	= £8,250
5 x £700 annual parking permits at a fixed location	= £3 500

It is unlikely that Community Nurses would stay in one location all day so it is more likely that they would visit an area for a couple of hours and then move on to a new location. These figures are based on the assumption that they would be spending large amounts of time in Council car parks when in reality, they would park at their clients property unless there were on-street parking contraventions in place. These figures are therefore assumed to be a worst case scenario for any potential loss of income.

#### 6. Policy framework implications

- This underpins the Council's Corporate Strategies
  - Health & Wellbeing
  - Empowering the Community

#### 7. Financial and Resource implications (where practicable)

Resource implications of suggested course of action:-

- There is a maximum potential loss of income of between £3,500 and £8,250 assuming Community Nurses use Council owned carparks in excess of 6 hours per day

#### 8. Legal implications

There are no legal implications. The Council as the owner of the land used for off-street parking can amend or suspend parking charges by order, notice or permit either for individuals or generally subject to the cost being contained within budget.

#### 9. Equality implications

By creating parking permits for use by Community Nurses will not negatively impact on any residents with protected characteristics and disabled bays will be available as normal.

10.	<b>Other implications</b> (Environmental/Biodiversity/Sustainability must be addressed)	There are none												
11.	<b>Background papers</b>	There are none												
12.	<b><u>Chief Officer(s) Decision</u></b>	<div style="background-color: black; width: 150px; height: 15px; margin-bottom: 5px;"></div> Signature of authorised officer .....  I have been consulted and am in agreement with the above  Signature(s) and position(s) of other relevant Chief Officer, Corporate Heads or authorised representatives <div style="background-color: black; width: 150px; height: 15px; margin: 5px auto;"></div> <hr style="border-top: 1px dotted black; margin: 5px 0;"/> <p><b>NB:</b> this <u>must</u> include the Assistant Chief Executive or his authorised representative where the decision involves expenditure, loss of income, or future implications for budget or financial forecast.</p>												
13.	<b><u>Chief Executive's Decision</u></b>	<div style="background-color: black; width: 150px; height: 15px; margin: 0 auto;"></div> Signature of Chief Executive .....  I have been consulted and am in agreement with the above												
14.	<b><u>Chairman and Vice-Chairman Comments</u></b>	I concur in the Chief Officer's decision  <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: right;">Signed</td> <td style="width: 40%;"><div style="background-color: black; width: 100%; height: 15px;"></div></td> <td style="width: 50%; border-bottom: 1px solid black;"></td> </tr> <tr> <td style="text-align: right;">Date</td> <td><div style="background-color: black; width: 100%; height: 15px;"></div></td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="text-align: right;">Signed</td> <td><div style="background-color: black; width: 100%; height: 15px;"></div></td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="text-align: right;">Date</td> <td><div style="background-color: black; width: 100%; height: 15px;"></div></td> <td style="border-bottom: 1px solid black;"></td> </tr> </table> <p>I have the following further comments:</p>	Signed	<div style="background-color: black; width: 100%; height: 15px;"></div>		Date	<div style="background-color: black; width: 100%; height: 15px;"></div>		Signed	<div style="background-color: black; width: 100%; height: 15px;"></div>		Date	<div style="background-color: black; width: 100%; height: 15px;"></div>	
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The completed copy is to be returned by the Councillors to the Corporate Head of Law and Governance (Democratic Services) who will send a copy to the Chief Officer and report to the relevant Committee for information.

10.	<b>Other implications</b> (Environmental/Biodiversity/Sustainability must be addressed)	There are none
11.	<b>Background papers</b>	There are none
12.	<b><u>Chief Officer(s) Decision</u></b>	<div style="background-color: black; width: 150px; height: 15px; margin-bottom: 5px;"></div> Signature of authorised officer .....  I have been consulted and am in agreement with the above  Signature(s) and position(s) of other relevant Chief Officer, Corporate Heads or authorised representatives  .....  <b>NB: this <u>must</u> include the Assistant Chief Executive or his authorised representative where the decision involves expenditure, loss of income, or future implications for budget or financial forecast.</b>
13.	<b><u>Chief Executive's Decision</u></b>	<div style="text-align: right; margin-right: 100px;"> <div style="background-color: black; width: 150px; height: 20px; display: inline-block;"></div>            Signature of Chief Executive .....         </div> I have been consulted and am in agreement with the above
14.	<b><u>Chairman and Vice-Chairman Comments</u></b>	<div style="background-color: black; width: 100px; height: 30px; margin-bottom: 10px;"></div> I concur in the Chief Officer's decision  Signed _____ Date <u>17/03/2023</u> Signed _____ Date _____  I have the following further comments:

The completed copy is to be returned by the Councillors to the Corporate Head of Law and Governance (Democratic Services) who will send a copy to the Chief Officer and report to the relevant Committee for information.