

Notice of Non-key Executive Decision

Subject Heading:	Air Quality equipment at Ingrebourne golf course: Licence-Land on the east side of Launder Lane, Rainham
Decision Maker:	Mark Ansell – Director of Public Health
Cabinet Member:	Councillor Gillian Ford - Cabinet Member for Adults and Health
SLT Lead:	Mark Ansell – Director of Public health
Report Author and contact details:	Luke Squires Public Health Practitioner Telephone 01708 43 3934 Email Luke.TSquires@havering.gov.uk
Policy context:	Air Quality Standards Regulations 2010 National Emissions Ceiling Regulations 2018 Part IV of the Environment Act 1995 Part 2A of the Environmental Protection Act 1990 Part 2A Contaminated Land Statutory Guidance (April 2012) Contaminated Land inspection Strategy (revision 02, November 2003). Health and Social Care Act 2012
Financial summary:	£1500 + VAT
Relevant OSC:	Health Overview and Scrutiny Sub-Committee

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Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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The subject matter of this report deals with the following Council Objectives

[X] People - Things that matter for residents

[X] Place - A great place to live, work and enjoy

[X] Resources - A well run Council that delivers for People and Place.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The report seeks authority for the Council to enter into a licence agreement with **Ingrebourne Valley Limited to install air quality monitoring equipment on Launders Lane, Rainham. The licence will all also permit the Council to monitor and take readings from the equipment for a period of 12 months.**

Background

Arnolds Field site is privately owned, approximately 15 hectares in area that sits adjacent to the A1306 New Road and off Launders Lane (shown in dark blue on the appended site location plan). Due to the combustible nature of some types of waste (e.g. plastic) and uncontrolled decomposition of organic waste, in combination with overgrown grass, the site catches fire, especially during hot weather. Since 2018, the London Fire Brigade has responded to over 70 fires at the site.

To address residents' health concerns, the London Borough of Havering (The Council) has decided to carry out an investigation and assessment of the health risks associated with the fires at Arnolds Field

In order to obtain sufficient and appropriate evidence of risk to health the Environmental Research Group (ERG) team at Imperial College London will be commissioned

- (a) to retrospectively review, on the basis of a statistical analysis, smoke plumes produced by fires at Launders Lane, based on the recorded history of fires at the site, meteorological information and air quality data from pre-existing monitoring stations; and
- (b) to help identify areas most at risk and estimate the extent to which fires may have increased their exposure to common pollutants (particulates and NO₂). Install further air quality monitors measuring particulate matter and NO₂ for an agreed period.

Breathe London Sensors have been installed at three locations (Acer Avenue, Spring farm park, King Edwards Avenue) and will be installed at a further two locations (Ingrebourne golf course and Harris Rainham Academy).

The resulting data will be made publically available via Breathe London and ERG will support the Council to maximise public awareness and understanding. ERG will produce a report, comprising the statistical analysis and monitoring results, conclusions and recommendations; as a minimum, the results of monitoring should be reported against UK Air Quality Standards. ERG will present the insight generated to the expert technical group and assist the group to reach a consensus as to the likely health impacts of exposures e.g. the significance of any exceedances of statutory and / or health related short and long term recommended limits. Repeat the analysis at an agreed interval using data gathered from the enhanced network of air quality monitors.

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TRL are also contracted to do further analysis of landfill specific pollutants including metals, furans, PCBs, PAHs, and VOCs for a period of 12 months. They will have two automatic monitoring stations (one located at spring farm park – already installed and another at Ingrebourne golf course – installation subject to license agreement), they will also install 10 b-tex tubes around the perimeter of the Arnold's field site

The health risk assessment of the Launderers Lane site in Rainham is now ongoing.

Ingrebourne Valley Limited (Licensor) has agreed to grant a licence to the Council to install specialist air quality monitoring equipment on the golf course at Launderers Lane, Rainham (Land). **Golf Course (Ingrebourne Links Golf & Country Club) on New Rd, Rainham, Essex RM13 9FL**. The golf course is located near to Arnold's field site.

External contractors will install and monitor the readings/data received from the air quality monitoring equipment beginning from the date equipment is installed at Ingrebourne golf course. The information will form part of the Council's health risk assessment of Arnold's field in Rainham, the air quality monitors at Ingrebourne golf course will form part of a perimeter located around the site to address resident's health concerns by monitoring the concentrations of air pollutants in the area.

The Council as Licensee will have 3 months from the date of the licence to obtain the necessary consents to carry out the works, a further 3 months to install the equipment and thereafter 12 months to collect data.

. The Council will be liable to pay for the duration of the licence the following:

1. Licence fee of a £1.00 per month (if demanded) or £12 for the duration of the licence period
2. rates, charges or levy lawfully imposed by any person or any competent authority in respect of the works
3. Utilities

AUTHORITY UNDER WHICH DECISION IS MADE

3.6.2

a) To take responsibility for all the Council's public health functions.

(f) To provide assistance (including financial assistance) to help individuals to minimise risks to health arising from their accommodation or environment

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STATEMENT OF THE REASONS FOR THE DECISION

A licence agreement is required to install the air quality monitoring equipment on the Land. The Land is in close proximity to Arnold's Field site where the Council are undertaking a health risk assessment.

OTHER OPTIONS CONSIDERED AND REJECTED

The Council could decide not to enter into a licence agreement with the Licensor.

This option has been rejected. In order for the external contractors to preform air quality monitoring close to the Arnolds Field site as part of the health risk assessment, the licence to install equipment is required.

The Council received external advice from Launder's Lane health risk assessment technical group including specialist contractors TRL and the Environmental Research Group (from Imperial College London) that the golf course is well located for air quality monitoring of the Launder's Lane site.

PRE-DECISION CONSULTATION

Public Health, TRL and the ERG from Imperial College London conducted a site visit to Launder's Lane and as part of this visited the golf course to consult on possibility of location air quality monitoring equipment on the golf course's land which was agreed in person and a draft licence agreement has been agreed between the Council and the Licensor.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Luke Squires

Designation: Public Health Practitioner

Signature: Luke Squires

Date: 05/06/2023

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The report seeks authority to enter into a licence to install equipment on the Launderers Lane site for a duration of 18 months.

The Council has a wide “general power of competence” under Part 1, Chapter 1 of the Localism Act 2011, which gives it the same power to act as that of an individual subject to other statutory provisions limiting or restricting its use. The proposal to enter into the licence to install equipment is in keeping with this power.

The licence is a personal arrangement between the Council and the Licensor and offers no security of tenure. The agreement governs the method of installation, period of works and rights granted to the Council. It can be terminated early by either party by giving the other two weeks’ notice or in the event of a breach by the Council at any time by the Licensor.

The licence has been prepared by the Licensor’s solicitors and reviewed /amended by the Council’s legal team to reflect the Council’s statutory obligations and requirements. On completion of the tenancy at will, a report of completion will be prepared by Legal Services which will document the terms of the tenancy. The report of completion will be circulated to the relevant Council departments.

FINANCIAL IMPLICATIONS AND RISKS

This decision paper is seeking authority to enter into a licensing agreement. The total cost of the legal fee to enter into the licensing agreement is £1500 plus VAT at a total cost of £1800.

In addition to the cost quoted above, the council will be liable for the following costs throughout the licensing agreement, for which the actual costs are unknown at this point but are not expected to be material, for the following:

1. Licence fee of a £1.00 per month (if demanded) or £12 for the duration of the licence period
2. rates, charges or levy lawfully imposed by any person or any competent authority in respect of the works
3. Utilities

The total cost will be funded from the Public Health Reserve where sufficient funds are available to meet the anticipated costs and any small additional fees that the Council may be liable for. The Public Health Reserve is being used to postpone the impact of increased investment for mandated 0-19 healthy child services on the General Fund. Additional spending against the PH reserve will bring forward the point at which this becomes a pressure in the MTFS

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HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

No HR implications or risks for the council associated with the licence agreement to install air quality monitoring at Ingrebourne golf course that impact directly on the council's workforce as the health risk assessment is outsourced therefore no direct implications for LBH employees, posts or working arrangements/conditions

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

No direct implications and risks regarding environmental and climate change, however the installation of the monitoring equipment will assist in determining issues with air quality, Whilst the issues arising from the site are not major contributors to climate change, when compared to fossil fuel power stations, the larger study may determine if there are greenhouse gasses being emitted from the site. The installation is assisting in the assessment of any environmental issues arising from Arnolds Field.

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BACKGROUND PAPERS

None.

APPENDICIES

Appendix A Site plan of Arnold's field on Launderers Lane (marked in blue) and Ingrebourne golf course located to the right of Launderers Lane



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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Mark Ansell

Cabinet Portfolio held:
CMT Member title: Director of Public Health
Head of Service title
Other manager title:

Date: 13/06/2023

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____

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