

NORTHAMPTON BOROUGH COUNCIL
OVERVIEW AND SCRUTINY
STREET SCENE TASK AND FINISH GROUP

Tuesday, 20 February 2007

PRESENT:

Councillor C Church	Chair
Councillor T Crake	
Councillor J Duncan	
Councillor M Hill	
Mr K Ingleson	Co-Optee
Ms E Percival	Co-Optee
Carl Grimmer	Corporate Manager
Nicci Marzec	Corporate Manager
Tony Spiezick	Street Scene Manager
Tracy Tiff	Scrutiny Officer

Witnesses

Councillor P Flavell	Portfolio Holder
Councillor P Larratt	Portfolio Holder
C Stevenson	Corporate Manager
M Seddon	Interim Development Control Manager

1 APOLOGIES

There were none.

The Chair welcomed everyone to the meeting and invited attendees to introduce themselves.

2 MINUTES OF THE MEETING HELD ON 18 JANUARY 2007

The minutes of the meeting held on 18 January 2007 were agreed as a true record.

3 WITNESS EVIDENCE

(A) PORTFOLIO HOLDER

Councillor P Larratt, Portfolio Holder for Community Engagement and Democratic Services, and Councillor P Flavell, Portfolio Holder for Local Environment, were in attendance for this item.

The Task and Finish Group put the following questions to Councillor Larratt:

1 Are there plans to employ full time Enforcement Officers?

Presently there are no plans due to the budget demands but this will be reviewed on a quarterly basis, based on demand and funding.

A bid for £60,000 was submitted for two full time enforcement officers but no bids were considered. The Street Scene Team had two vacant Community Liaison Officers and these posted were not recruited and were used to supplement the budget shortfall.

2 Does the Administration intend to put in place Protocols for the collection of shopping trolleys left in localities in the Borough?

The system currently employed by Corby and other Councils is being investigated, whereby NBC would collect trolleys left on housing estates and deliver them back to the Supermarkets for a charge of up to £35 per trolley.

A shopping trolley costs £180. If the supermarket did not want one of its trolleys returned, the Council would probably scrap it.

3 Can anything be done regarding cars with for sale notices parked on the highway?

The Abandoned Vehicle Officer checks all cars that are presented for sale on the highway. Should there be two vehicles within 500 yards, the Council has had them moved and parked in more appropriate locations.

4 Could an agreement be implemented through the ELVIS Partnership regarding the removal of such vehicles?

Discussions will be taken with Northamptonshire County Council regarding authorisation for removing vehicles put up for sale on the highway.

Councillor Larratt was thanked for his address.

The Task and Finish Group put the following questions to Councillor Flavell:

1 What is the Council doing to prepare for the Clean Neighbourhoods and Environment Act 2005 in respect of Street Scene?

Northampton Borough Council will use the Act to strengthen the enforcement throughout Northampton. The Council has a partnership approach to delivering the Act in order that maximum efficiency is achieved.

An anti-littering campaign is being planned, which will be run from 2 April 2007 and will take a zero tolerance approach to littering and side waste issues. The Street Cleansing Area Officers in conjunction with the Neighbourhood Wardens will carry out the enforcement.

The Neighbourhood Wardens will go into schools and educate the young people on issues such as fly-tipping and littering. The Neighbourhood Wardens will shortly begin to patrol areas with Police Community Support Officer

'Street litter notices' will be served which will require people such as MacDonald's, Ramsden's and Burger King in the Drapery to take some ownership and responsibility for clearing the litter and emptying the litter bins outside of core hours worked by cleansing staff. Litter is the fast food's responsibility if it is 100 yards within either side of the shop. Good practice guides are available. In response to a query regarding asking all shops to sweep their fronts, it was confirmed that this is being done through the Town Centre Partnership.

Failure to do so can result in daily fines being imposed, which range from a daily fine of up to £100 per day to a maximum penalty of £2,500. The severity of the cost will increase after each offence or each day they have failed to comply.

Northampton Borough Council will also introduce a shopping trolley system, whereby we collect them and inform the stores, who will pay to have them returned. This is more of a problem in the eastern district than anywhere else in town.

The Council is looking to sell organisations bins for their employees to dispose of cigarette stubs

Most shops are willing to display posters regarding littering.

T Spiezick, Street Scene Manager, undertook to circulate the Council's legal procedure on fly-tipping prosecutions.

2 Are there appropriate resources available to deal with the problems of side waste and litter left following refuse collection?

The Council is amending the strategic use of the Wardens to encompass this role.

The Neighbourhood Wardens are all now fully trained to carry-out enforcement duties and the Wardens will be heading up the enforcement drive planned for April, along with Area Officers and Team Leaders from the Street Cleaning Service. There will be a poster and press campaign, using the both local radio stations and local papers.

3 Is there anything that can be done regarding plastics and other material blowing from the recycling bins on windy collection days?

The Council sells nets to residents at a cost of 99 pence. This is advertised and nets can be collected from Westbridge depot.

Through the course of the year, there will be an evaluation of the recycling system and receptacles provided to residents. The collection of glass will form part of the review. The current machinery does not allow glass to be sorted.

4 Are there any other plans for enforcement in respect of side waste and littering issues?

A response to this questions was provided in the reply to question 1 above.

Mr Ingleson, co-optee, conveyed his concern regarding sidewaste issues from multi occupancy properties giving an example of one in his neighbourhood. In response to the reply that Fixed Penalty Notices can be issued, K Ingleson advised that often individuals are only at such properties for around three months and suggested that the flytipping and littering be the responsibility of the landlord. T Spiezick confirmed that the Act enables the Council to prosecute the producer of the waste and not the landlord.

It is a requirement for Multi Occupancy properties to be licensed.

5 If the Neighbourhood Warden Service is to continue, will the Wardens become responsible for enforcement?

Yes the service will continue and it is anticipated that the Neighbourhood Wardens will become responsible for enforcement in the foreseeable future.

6 Are multi lingual letters, explaining side waste issues, issued to residents?

Yes, they are currently being translated by the unit at Northampton County Council and include:-

- Polish
- Somalian
- Hindu
- Albanian
- Croatian

The Task and Finish Group suggested that Russian and European languages be included.

7 If so, how frequently?

The letters are produced on an as and when required basis. Initially the letter is issued to all households in English, with a section in the above languages at the back stating if the letter is needed in another language to contact the Street Scene Department.

Councillor Flavell was thanked for her address.

(B) DVLA

At an earlier meeting the Group heard that a central unit of the ELVIS partnership receives all abandoned vehicle enquiries and a 'fast track' approach has been adopted. Permission must be obtained from the DVLA to remove a vehicle from the highway and

must meet the DVLA's criteria:-

- The vehicle is untaxed and has been so for more than a month
- There has been no change of ownership for five years

The DVLA was contacted to ascertain whether further information could be provided on the above two criterion for the removal of a vehicle from the highway.

A representative from the Policy Unit, DVLA, Swansea, confirmed that there is no further information to add to the above criteria. He did however provide details of the Nuisance Vehicles Users' Guide, which allows Local Authority officers to make immediate decisions over abandoned vehicles in their area, the DVLA developed the Web Enabled Enquiry (WEE) system to provide 24-hour on-line access 7 days a week, to their vehicle keeper database. The ELVIS Partnership has access to the WEE system.

(C) CORPORATE MANAGER (PLANNING, ENVIRONMENTAL HEALTH AND BUILDING CONTROL)

C Stevenson, Corporate Manager, and M Seddon, Interim Development Control Manager, advised the Task and Finish Group on the Planning Policies (Policies H21, H22, H23, H24, H25 and H26) in the Northampton Local Plan (adopted in 1997) and that they did not specifically require the provision of waste disposal for flats development.

The Development Control Team acknowledges that it is important to seek such provision within layouts and planning condition are to be imposed requiring the provision of waste disposal facilities.

It was emphasised that planning conditions are enforceable, and if they are not adhered to a breach of condition notice is issued. Planning Services will work with Street Scene Officers to obtain their expertise when applications for multi occupancy premises are submitted. The Enforcement officers have a list of the all Multi Occupancy premises in the Borough which they are investigating.

It was confirmed that the Planning Policy Department is currently looking at all planning and planning policy guidance notes to ensure that they are up to date.

The Chair confirmed that the Task and Finish Group's concern was regarding multi occupancy households.

(D) WARD COUNCILLORS

The Task and Finish Group received a briefing note detailing that at the initial scoping meeting it was agreed that all Councillor be contacted and asked whether they had any problems with abandoned vehicles, side waste and fly tipping problems in their wards. The Chair wrote to all Councillors and a response was received from Councillor Pritchard.

Councillor Pritchard commented that she makes almost daily reports to the call centre about fly-tipping in her ward and provided examples of the types of the reports that she makes. It was noted all of the reports had been dealt with. All items recorded on the daily fly-tipping schedule were removed within 48-hours

4 OFFICER'S REPORT - BASELINE DATA

(A) DESKTOP RESEARCH

The Task and Finish Group received a briefing note that detailed that at the initial scoping meeting it was agreed that neighbouring Local Authorities and those Local Authorities noted for best practice regarding the collection of abandoned vehicles and that details of the following best value performance indicators (BVPI) be obtained: -

- Best Value Performance Indicator BV218a – Percentage of new reports of abandoned vehicles investigated within 24 hours of notification.
- Best Value Performance Indicator Bv218b – Percentage of new reports of abandoned vehicles investigated within 24 hours of notification.

Information was provided from:-

- East Northants District Council
- Kettering District Council
- Liverpool City Council
- Solihull Metropolitan Borough Council
- Wellingborough District Council

Further information was given on other initiatives around the country:-

- Liverpool City Council
- Kettering Borough Council
- Solihull Metropolitan Borough Council
- Birmingham City Council
- Bristol City Council

Councillor Hill supported Bristol initiative whereby Bristol Police has recently pioneered an 'immediate response' scheme in the South of the city whereby vehicles identified as being abandoned are immediately collected and disposed of. In the course of the 18 months in which the scheme has been in operation over 1,500 vehicles have been removed from the streets and the police are currently removing 130 vehicles a month at a cost of approximately £45 per vehicle. To date, they have not had a single claim and have experienced a reduction in crime, fear of crime, and arson. The Council has also experienced considerable savings on the costs of removing and disposing of abandoned vehicles. The Group was informed that the ELVIS scheme cost each Council £3,500 per annum, the Bristol Initiative costs £45 per removal of each vehicle, NBC moves around 50 vehicles a week, therefore, it would not be cost effective for the Council to adopt a similar scheme. Prior to the ELVIS scheme, the removal of abandoned vehicles was costing the

Council around £70,000 per annum.

The Task and Finish Group received a briefing note that at the initial scoping meeting it was agreed that neighbouring Local Authorities and those noted for best practice regarding fly-tipping and side waste be contacted.

Information was provided from:-

- East Northants District Council
- Kettering Borough Council
- Daventry District Council
- Wellingborough District Council
- Fenland District Council

A range of information was also obtained from the Councils', the Audit Commission's website and from APSE.

APSE reported that the key issues regarding fly-tipping were:-

- Local Authorities in England reported that they had dealt with over one million incidents of fly-tipping.
- An average 89,173 incidents of fly-tipping was reported each month equating to an average of 1.8 incidents per thousand population in England.
- London tends to report the highest number of fly-tipping incidents and the South West reported the fewest.
- 86% of fly-tipping takes place predominantly in urban Authorities where 63% of people in England live.
- More than half of fly-tipping occurs in the 88 Local Authorities identified as Neighbourhood Renewal areas.
- Over 48% of reported incidents were on highways and 22.5% were on Council land.
- 51% of fly-tips dealt with by Local Authorities are household waste.
- The most common size of fly-tips occurs within the car boot or less and single item categories. A large number of these incidents are single black bin bags left outside the relevant collection times.
- Local Authorities are continuing to develop their capacity to take enforcement action against fly-tippers with nearly 1,500 prosecutions against fly-tippers between April 2005 and March 2006
- DEFRA comments that almost five times as much is being spent by Local Authorities on clean up rather than prevention and enforcement.

5 CITY OF LONDON (WESTMINSTER) - ENFORCEMENT PROCESS

A briefing note was submitted that detailed that at the last meeting it was agreed that the City of Westminster and the London Borough of Merton be contacted and details of their models of prosecution for littering and fly-tipping be obtained.

The Enforcement Manager, City of Westminster, provided the following details. The Authority does not have a written Policy but it adheres to the following guidelines:-

The Council aims to educate people and inform individuals and businesses of its obligations. If they litter or fly-tip, a warning is given in the first instance.

If they continue to litter or fly-tip following the initial warning, they are issued with a Fixed Penalty Notice

If after the Fixed Penalty Notice has been issued, and they continue to litter or fly-tip, prosecution is taken through the Magistrates Court. This guidance is in accordance with the Government's Concordat.

The following statistics were provided for 2006:-

- 2,500 Fixed Penalty Notices were issued to businesses for littering, 60% of which were paid
- 4 successful prosecutions for littering in accordance with S34 (Commercial Waste, duty of Care) of the Environment Protection Act
- Further prosecutions are ongoing

A letter, detailing a name and address, found in an illegally discarded black bag of rubbish, can and has been, used as evidence for a fly tipping prosecution by the City of Westminster. Depending on how the letter is written the Authority may send a Fixed Penalty Notice (FPN) but there has to be enough information in the letter to identify an individual or limited company. The letter must be addressed to an individual or a plc. The Authority cannot issue a Fixed Penalty Notice to, for example, Three Horse Shoes Hotel. In cases where letters have been addressed in such a way, the Enforcement Officer will make further enquiries to find out who has the duty of care for the rubbish. If the individual does not pay the FPN and the case is referred to the Magistrates Court, evidence is needed to show that the FPN was correctly issued. If an individual is seen disposing of rubbish illegally, this is used as evidence and a FPN issued. The Authority tries not to use third party evidence unless the third party is willing to act as a witness. The Authority has also used video evidence in the past, e.g. filming an individual disposing of rubbish illegally.

A response was not received from the London Borough of Merton.

C Grimmer confirmed that prosecution procedures are being put together with legal services and will take note of best practice from other Councils. There will be the opportunity for the Council to take 'block bookings' to the Magistrates Court, for example a whole morning. The Chair advised that the Council's legal services appeared to lack confidence that the Magistrates Court would prosecute for fly

tipping and that Westminster City Council's procedure should be used as an example of good practice.

6 DATE OF NEXT MEETING

The next meeting was noted as 15 March in the Holding Room. It was agreed to bring the meeting forward to the earlier start time of 6pm.

The meeting concluded at 7:15 pm