

Report of the Review of Clean Neighbourhood & Environment Act Working Group

Review of Clean Neighbourhood & Environment Act

1.0 Summary

- 1.1 Development and Scrutiny Committee 1 were asked by the Policy and Strategy Committee to undertake a review of the various aspects of the Clean Neighbourhood & Environment Act, which included Street Trading Provisions.
- 1.2 The Committee appointed a Working Group of three Members to administer the review.

2.0 Recommendation

- 2.1 That the current level of resources is capable of issuing Fixed Penalty Notices. This should be undertaken by responsible officers in their specialized section of work. Staffing levels should be reviewed annually.
- 2.2 That there should be controlled street trading in the town centres, the public highways should be prohibited to trading. Special provisions should be made to allow markets to operate in the town centres.
- 2.3 That public notices should be erected to alert residents to the introduction of the Act and the advent of Fixed Penalty Notices. The Act should be published in the local press.

3.0 Background

- 3.1 The Development and Scrutiny Committee 1 agreed at their meeting on 15 September 2005 to carry out a review on the Clean Neighbourhood and Environment Act.
- 3.2 Councillors Jim Funnell, Janet Mockridge and Mike Howard were appointed to form a Working Group to administer the review.

4.0 Development & Scrutiny Community 1 – Public Hearings

- 4.1 The key questions considered were:-
 1. What is the level and effect of the problem relating to:
 - a. Selling of cars on the roadside
 - b. Litter, including smoking materials and chewing gum
 - c. Commercial Waste
 - d. Other Street Trading

2. Are the current resources sufficient to enforce the new legislation and/ or street trading provisions?
3. If current resources are not sufficient, what resources would be required?
4. What would be the benefits and dis-benefits of enforcement?
5. Where, if at all, should street trading be prohibited, licensed or not controlled?

Statements were received from the following:-

- Head of Legal and Democratic Services,
- Head of Housing Need and Environmental Health,
- The Town Centre Co-ordinator,
- The Chairman of the Planning & Regulatory Committee,
- Sompting Parish Council,
- Shoreham Beach Residents Association

The following people appeared before the Committee:-

- Jeremy Cook, the Head of Legal & Democratic Services,
- Gary Cushing, the Senior Environmental Health Manager,
- David Steadman, the Town Centre Co-ordinator,
- Councillor Melanie Blunden, the Chairman of Planning & Regulatory Committee,
- Peter Latham, the Director of Services

Two hearings were held the first on 6 October 2005 and the second on 27 October 2005 both at the Civic Centre, Ham Road, Shoreham-by-sea.

4.2 Head of Legal & Democratic Services

The Head of Legal and Democratic Services explained that his submission was the report that went to Policy and Strategy on 14 July 2005 as this clearly sets out the legislation relevant to Adur.

It was offered to the Committee that any legal questions or questions on resources with regards to enforcement would be answered.

The Members present asked questions with regards to Fixed Penalty Notices, the process and costs of prosecutions.

4.3 Senior Environmental Health Manager

The Senior Environmental Health Manager advised members that he was here on behalf of the Head of Housing Need and Environmental Health.

The Committee asked questions relating to noise prosecutions and fly-tipping. The Officer advised the members of procedures and some of the problems regarding to fly-tipping.

The Town Centre Co-ordinator

The Town Centre Co-ordinator explained that the amended document gives an idea of the resources available.

The Street Scene gives an opportunity to educate people, fixed penalty notices are not an opportunity to create revenue for the council.

The Committee asked questions regarding to the removal of abandoned vehicles and fly posters.

4.4 The Chairman of the Planning & Regulatory Committee

The Committee asked questions regarding the removal of abandoned cars, chewing gum, smoking litter and as to whether advertisements could be placed on lampposts advertising the cleaner, greener Adur.

4.5 The Director of Services

The Director of Services talked in general terms to the Committee and posed one or two issues which Development and Scrutiny might like to take into account when passing their advice on to the Executive Committee.

The Committee asked questions with regards to the scale of the problem in the Adur area and the current procedures for dealing with it. Members explored the idea of training existing staff to issue Fixed Penalty Notices.

5.0 Consultation

5.1 The Committee agreed to send out a questionnaire to all District Councillors and the County Councillors that represent the Adur area. The questions used were the same as the ones used in the hearings and are listed in section 4.1 of this report.

5.2 The local resident associations, Adur Youth Council, the Parish Councils and the Adur Chamber of Trade & Commerce were written to and asked the questions as set out in section 4.1 of this report with question 3 removed.

6.0 Conclusions

6.1 As abandoned vehicles come within the remit of the Act, the abandoned vehicles officer should take on the role of issuing Fixed Penalty Notices for abandoned vehicles on the road, offending vehicles for sale on the road and repairing vehicles on the road.

6.2 Adur's main litter problem is the discarding of smoking materials and chewing gum. There is currently a lack of resources to undertake intensive cleaning. Unless the Council employs staff to patrol the area it will be difficult to catch the perpetrators. This line of action is not considered viable, therefore it is anticipated that few Fixed Penalty Notices will be issued.

6.3 Adur like most Councils suffer from Commercial waste entering the domestic waste stream. The enforcement is undertaken by the Waste Services Manager and the Assistant Waste Services Manager, this follows a complaint or intelligence received. The investigation can develop into a long process and become time consuming for them. The implementation of issuing Fixed Penalty Notices should assist the officers to address the problem.

- 6.4 All streets should be prohibited streets for the purpose of street trading except nominated streets in Town Centres.
- 6.5 It is considered that Adur does not have major problems, but those that are encountered should be dealt with by the new Act. The Council should issue Fixed Penalty Notices where appropriate, this can be undertaken by responsible officers in the area of work which is in their remit.
- 6.6 Non-enforcement of the provisions would have a major impact on the Street Scene, existing standards would erode, the fear of crime would increase, the public would become disenchanted and it would effect staff morale.

The CPA would be critical of the Councils response to the new legislation. It is essential that the new legislation is implemented.

Local Government Act 1972

Background Papers:

Policy & Strategy Committee Agenda and Minutes
Development & Scrutiny Committee 1 Agendas and Minutes
Working Group Notes

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Appendix

1.0 Council Objective

1.1 The proposals contained in this report are intended to assist the Council to create a clean green and safe environment, aid to revitalising Adur and assist with the Community Strategy.

2.0 Specific Targets

2.1 This report does not seek to achieve any particular Council target.

3.0 Sustainability Issues

3.1 There are no particular sustainability issues raised by the report

4.0 Equality Issues

4.1 There are no particular equality issues raised by the report

5.0 Community Safety issues (Section 17)

5.1 Decisions in respect of matters referred to in this report may impact upon crime levels within the district. The Act is aimed at reducing anti-social behaviour and, therefore, if no resources are made available it could be seen to have an adverse affect upon crime levels in the District.

6.0 Human Rights Issues

6.1 This report does not raise any particular human rights issues

7.0 Financial Implications

7.1 This report does raise issues relating to finance both as a cost for providing additional resources and the use of receipts from fixed penalty notices. It is not, however, possible to quantify those at present.

8.0 Legal Implications

8.1 Legal implications are addressed within the report

9.0 Consultations

9.1 The Committee consulted with Officers, District Councillors and local resident associations the details of which are detailed within the report.

10.0 Risk assessment

- 10.1** The Council is expected to address issues relating to anti-social behaviour. Therefore there is a risk attached to any decision not to provide the resources necessary to address the matters set out in the report. Non action could lead to a challenge under the Crime and Disorder Act if crime was not to be adequately addressed.

11.0 Health & Safety Issues

- 11.1** There are no particular health and safety issues raised by this report.