

**Minutes
Environment Scrutiny Panel**

**22 May 2006
5.30 p.m.
Town Hall**

Present: Councillors Wolstenhome (in the Chair), Colledge, Kinghorn, McDonnell, Marsden and Turnbull.

Also in Attendance: Councillors Cowper, Hepplewhite, Kellett, Lightley, Robinson, Smith and Stoddart.

Michael Yeadon – Environmental Protection Manager
Andrew Jackson – Technical Support Manager

Apologies

There were apologies for absence from Councillors Carr, Pitts, Simpson and Walton.

Minutes of the Meeting held on 19 April 2006

The minutes of the previous meeting were confirmed as a correct record.

Draft Report on Recycling

Members felt that the free bulky items collection was a valuable service that the City of Durham provided and that if possible it should be continued. Members were concerned that a charge for this service may result in more incidents of fly-tipping.

Accordingly, the Panel agreed the Draft Report subject to the following amendments:-

- Section 5 - Recommendation 3:

“That the provision of a free collection service for bulky items be maintained, subject to further information regarding the on-going viability of these collections being obtained. This recommendation could then be reviewed accordingly by Members.”

Environmental Protection Manager / Technical Support Manager – Discussions on the current topics

The City of Durham’s Environmental Protection Manager and Technical Support Manager (Michael Yeadon and Andrew Jackson respectively) gave Members a brief overview of how the Clean Neighbourhoods and Environment Act 2005 could be utilised at the City of Durham as regards enforcement pertaining to litter offences. The main points were as follows:-

- Under the new Act is an offence to drop litter at any location, which plugs the gap in previous legislation which did not take account for littering on privately owned land. In addition the definition of what constitutes an item of litter is explicitly set out.

- For littering offences, appropriate Officers can issue a fixed penalty notice (a fine of £50). Offenders who pay the fixed penalty within 14 days cannot be subsequently convicted of the offence. As a matter of procedure within the City of Durham when a minor has been caught littering, their details are taken and a Neighbourhood Warden would usually arrange to visit the home address and issue the fixed penalty notice in the presence of the minor's parent or guardian.
- Where an Offender does not comply with the fixed penalty notice, then the next stage would be to take the matter to Magistrates' Court. A maximum fine of £2,500 can be given for a litter offence by the Magistrates' Court.
- Whilst the guidance from central government is for a penalty of £75, there is a range for the fine (£50-£80) that Local Authorities can adopt. It was felt that a balance had to be achieved between the deterrent factor of a fine and the number of fines that were settled without further Court action. By setting the City of Durham fine at £50, it is hoped that more people would be willing to pay this "lower" fine than holding out and forcing the Council to take the matter further. The evidence thus far vindicates this approach as the number of returns for the fixed penalty notices is quite high.
- The revenue generated from these fines can then be reinvested into the service, e.g. free "poop-scoop" bags, "Stubbi" bags etc.
- As 40% of litter can be traced as being items associated with smoking (butts, boxes, cellophane etc.) the campaign regarding the issue of cigarette butts now being considered as litter (and as such are items that can attract a fine if disposed of incorrectly) has been quite successful. This is reflected in a 30% increase in the cleanliness of the city centre by comparison prior to the campaign, as measured by a Local Environment Quality Survey.
- Currently Neighbourhood Wardens can issue these fixed penalty notices, and it maybe that other frontline staff maybe able to issue them in the future i.e. Street Scene Team Leaders, Environmental Protection Officers etc. This would need to be researched accordingly as regard remits and workloads of these types of Officers and decisions made in due course.
- It was noted that in Scotland that the street appeared to be very clean. It maybe that this could be attributed to the smoking ban introduced in Scotland and it was noted that a similar ban in England is not due until 2007.

Note: *Councillor Lightley left the meeting at 5.57 p.m.*

- Litter Clearing Notices can be issued by Local Authorities to Owners / Occupiers who do not clear litter from land that has a litter problem. Also the Owner / Occupiers can be forced to take steps to prevent any subsequent build up of litter. Litter Clearing Notices can be served on all types of land, private as well as public, other than those listed in with Section 92A(11) of the Act. These Notices can be served without the prior designation of a Litter Control Area. Again, if a Litter Clearing Notice is not complied with (within 28 days or less) this is an Offence. In cases where a specific standard of clean up as set out in the Notice has not been achieved, Local Authorities can enter onto the land and clear it to the required standard and then recover the costs.

- A Street Litter Control Notice is another type of notice that can be issued where there are problems with litter. These notices, rather than forcing a clearing up of litter after a problem is encountered, can be used so that Owner / Occupiers of properties have an ongoing obligation to comply with the requirements specific to the Notice. If the Owner / Occupier changes, a new Notice must be issued in order for the requirements of the notice to continue. Current guidance is that prior to any issuing of these notices a period of education of businesses in an area would hopefully help to prevent the need to issue such notices, or at least have a impact on the number issued subsequently. Again, fixed penalty notices can be issued as an alternative to prosecution with the recommended amount being £100, with the range available to Local Authorities being £75-£110.
- Councillors noted that in certain locations within the district could be perceived to have “too many” takeaway restaurants. This would be a matter for the Development Control Committee to consider, though in an application cannot be refused out of hand. If an application is made and there are no grounds for a refusal, it would be approved.

Actions for the next meeting:-

- Further discussions with the Environmental Services Manager regarding the topic of Litter Picking.

The Meeting terminated at 6.15 p.m.