

CLEANER, GREENER, SAFER

A record of decisions made by the Executive Member with responsibility for Cleaner, Greener, Safer on:-

1ST JUNE, 2009

Following consideration of the matters detailed below in the presence of:-

Councillor Bashir-Ismail	-	Executive Member for Cleaner, Greener, Safer
Councillor Morgan	-	Major Opposition Spokesperson
Councillor J. Rothwell	-	Minor Opposition Spokesperson
Mr S. Young	-	Assistant Director of Environmental Services
Mr M Russell	-	Greenspace Manager
Mr A. Bolan	-	Environmental Education and Enforcement Manager
Mr J. Sharrock	-	Head of Street Scene
Ms J. Pollard	-	Policy Accountant
Mrs S. Bailey	-	Principal Democratic Services Officer

1. MONITORING OF EXECUTIVE MEMBER DECISIONS

The Director of Chief Executive's Department submitted a report which provided an update on decisions taken at previous meetings of the Executive Member.

The Executive Member NOTED the report.

2. ALLOTMENTS – SERVICE REVIEW

A report of the Director of Environmental Services was submitted which outlined proposals to review the Allotments Service.

By way of background information, the report advised that the Allotments Service managed the provision of approximately 968 allotment plots across 37 sites within the Borough. For a number of years, the waiting lists for sites had been closed due

to the relatively slow turnover in plots. However, in recent years, the level of demand appears to have increased, reflecting the national picture.

The report stated that, given the increase in demand and ongoing financial pressures, it was now felt appropriate to carry out a review of the Allotments Service.

In this regard, the report advised that in order to assist the review, a number of management actions had been implemented recently to try and address the outstanding waiting lists and to get a more accurate picture of the level of demand for plots and the cost of the service. These included re-opening of waiting lists, splitting of vacant plots into half when they became available and a review of the allotments budget structure.

Following internal consideration and initial discussions with the Allotments JCC, it was proposed that the following items should be considered as part of the review and that further consultation with allotment tenants should take place:-

- a) split approximately 25% of plots on each site into half plots as they became vacant – to increase plot capacity;
- b) target size approximately 100m² – to keep a reasonable minimum plot size;
- c) to identify on a site by site basis which plots could be split – some plots may not be easy to split due to access or other problems;
- d) consider training for prospective tenants in the basics of food growing – to ensure that prospective tenants fully understood the demands of taking on an allotment;
- e) allowing only new tenants to take half plots with an option to move to a full size plot (when a vacancy occurred) after two years as a good tenant – most tenancy terminations or surrenders

were new tenants;

- f) whilst waiting lists existed, do not allow existing tenants to take a second plot – this would maintain capacity for new tenants;
- g) review tenancy renewal date and consider moving to 30th September – so non-renewed plots could be re-let outside growing season thereby giving new tenants chance to get the plot cultivated before the weeds took hold;
- h) offer to split plots where current tenants were struggling to maintain a fully cultivated plot – would support long term (often older) tenants, giving new tenants an opportunity and keep plots productive;
- i) work with groups who had a number of plots on the same site and Corporate Property to identify potential new community growing locations – to free up existing plots for new growers and increase overall capacity without increasing costs;
- j) review allotment rentals structure during 2009 – to take account of increased admin costs, moving away from cost per metre²;
- k) review the existing allotment competitions – to reduce administration costs; and
- l) explore potential to lease sites to allotment groups and devolve management – to reduce costs to contribute to budget efficiency requirements over next few years.

The Executive Member APPROVED –

The Proposed Allotments Service Review, as detailed in the report now submitted.

18. DOMESTIC WASTE RECEPTACLE ENFORCEMENT POLICY

The Director of Environmental Services submitted a report which:-

- a) presented options for the enforcement of domestic waste receptacle offences; and
- b) outlined the process for issuing Fixed Penalty Notices.

By way of background information, the report advised that under provisions introduced within the Clean Neighbourhoods and Environment Act 2005, local authorities were presented with the ability to issue Fixed Penalty Notices for offences in relation to waste receptacles. A number of issues had created a justification for looking at actions to reduce waste receptacle offences, as follows:-

- litter caused by overflowing or vandalised bins;
- theft of wheelie bins;
- litter and pest control issues from bagged side waste;
- bins left on streets reducing cleansing activity performance;
- bin fires;
- non-participation in recycling schemes with potential LATs penalties; and
- obstruction for disabled residents.

The report advised that existing legislation, Environmental Protection Act 1990 (EPA), gave local authorities the power to issue legal notices known as a Section 46 notice that required the occupier of a property to take certain measures with regard to their waste. These included:-

- where and when the receptacle should be presented for collection;

- prohibiting the presentation of residual side waste;
- not to overload the receptacle (Lid up policy); and
- the kind of substance that may be placed within the receptacle.

The offence under Section 46 was failure to comply with the above requirements imposed by the notice.

The Clean Neighbourhood and Environment Act gave local authorities the option to issue Fixed Penalty Notices (FPNs) instead of prosecuting offenders. These FPNs require the recipient to pay a fine of £100 (£75 if paid within 10 days) to discharge all liability from the offence. Failure to pay would render the recipient open to prosecution.

The report advised that in order to issue FPNs in accordance with the Act, the Authority must meet certain requirements and adopt a clear process. In order to ensure compliance with the requirements, the report put forward a suggested process, as illustrated in the flowchart attached at Appendix 3 to the report. The process would introduce an informal notice stage within the investigation process, as detailed at Appendix 1 to the report. In addition, the legal notice would be presented with a second letter, as detailed at Appendix 2 to the report, which would continue to state that bins must be presented and returned to the property on the day of collection.

There would be a short period of grace from noon the day before until noon the following day during which time no enforcement would take place.

The Executive Member APPROVED –

The process flowchart and the enforcement grace periods, as detailed in the report now submitted.