
Cabinet Member for Policing and Equalities

24 September 2015

Name of Cabinet Member:

Policing and Equalities - Councillor Townshend

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Whoberley

Title:

Progress report on improvements made to the environment and security of the Hearsall area of Coventry

Is this a key decision?

No

Executive Summary:

A petition of 184 signatures was originally submitted on 25 March 2014 by Whoberley Ward Councillors B Singh and Howells.

The petition asked the Council to implement a variety of measures to address environmental issues which if addressed would be likely to improve the security of the Hearsall area, in the ward of Whoberley.

The remaining issue is the obstruction caused by wheelie bins stored on the pavement. This report provides details of additional measures taken by Council Officers to address these issues as recommended by Cabinet Member on 23 April 2015.

Recommendations:

The Cabinet Member is recommended to:

1. Request Officers to:
 - a. Continue to monitor the area to ensure that the progress made in removing wheelie bins from the street is maintained.
 - b. Continue to work with the local residents' group and support them when and where required.

List of Appendices included:

Appendix 1: A before and after comparison of powers available to the Council following decriminalisation of the s.46 Environmental Protection Act 1990 offences

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Context (or background)

1. Context or background

- 1.1 A petition was submitted to Cabinet Member on the 25 March 2014 by Councillors B. Singh and Howells. The petition asked the City Council to improve the cleanliness and address environmental issues, which if addressed were likely to improve the safety and security of the Hearsall area of the city.
- 1.2 A report in response to the petition was presented to Cabinet Member meetings on the 3rd July 2014, 2 October 2014, 22 January 2015 and 23 April 2015.
- 1.3 The Neighbourhood Enforcement Officer Team (NEO) implemented the Care for Our Area/Hot Street project during the summer months in 16 specific streets in the Hearsall area of the city. The aim was to reduce the number of cases of fly-tipping and the number of wheelie bins stored/left on the pavement between collection days. This was accomplished through a dual track approach i.e. delivering targeted education for residents alongside enforcement where appropriate and necessary.
- 1.4 During this period our Officers have routinely met with the local residents' group which has been proactive in their neighbourhood.
- 1.5 In addition Cabinet Member made the following recommendations:
 - Request that 'wheelie bin etiquette' packs be reissued to all properties in Melbourne Road and Sovereign Road;
 - Seven days after the packs have been issued, warning notices be distributed to those properties in Melbourne Road and Sovereign Road where the bins still remain on the street;
 - That eleven days after the service of such notices, the Head of Environmental Services be directed to consider the issuing of fixed penalty notices in respect of on-going breaches.;

- The Legal Services Department of the City Council identify by whatever means appropriate (HM Land Registry/Office Copy Entry Searches) the owners of relevant properties in Melbourne Road and Sovereign Road and write to them duplicating the issues referred to in recommendations 1 – 3 above;
- Request a further report to be submitted to the Cabinet Member meeting scheduled for 24 September 2015. This report is to provide a short update in respect of the implementation of recommendations above and should incorporate advice from the Legal Services Department as to what action if any can be taken in respect of breaches in relation to signage.

2. Options considered and recommended proposal

- 2.1 Following the Cabinet Member meeting, NEOs have continued to educate and deliver leaflets and use enforcement powers where necessary in the Hearsall area.
- 2.2 Wheelie bin etiquette packs were distributed in accordance with Cabinet Member's wishes and NEOs have served a total of 117 Section 46 Notices to date. This seems to have had the desired effect, as there has been no need to issue Fixed Penalty Notices up to the writing of this report.
- 2.3 **Bins on street.** This initiative has led to a significant drop in fly-tipping. All the bins which were previously stored on the street are now being stored in rear gardens or within the curtilage of the particular property (unless the household had been issued with an exemption).
- 2.4 The NEOs will continue to challenge any residents who are not prepared to work with their neighbours to address this issue.
- 2.5 **Recommendations.**

Cabinet Member is recommended to:

- a. Request officers continue to work with the local residents' group and support them when and where required.

3 Results of consultation undertaken

- 3.1 Officers from the Council continue to work with and respond to requests from the local resident's group.

4 Comments from Executive Director, Resources

4.1 Financial implications

There are no financial implications arising from this report. All activities are financed from within existing budgets.

Legal implications

Since officers last reported, section 58 of the Deregulation Act 2015 removed the criminal sanction of not complying with a section 46 Environmental Protection Act 1990 Notice. (This came into force on 15 June 2015). This is the key piece of legislation used in dealing with wheelie bins left on the pavement between the weekly of refuse collection. The differences between the old and amended legislation can be seen in Appendix 1.

Council officers have adapted their procedures accordingly and will seek to ensure that the net effect of their actions delivers comparable results.

5 Other implications

None

5.1 How will this contribute to the Council Plan? (www.coventry.gov.uk/councilplan/)

5.2 There are clear research findings that show that the local environmental quality in a person's living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased "fear of crime". This particular tool will contribute to the Council's key objectives to 'create an attractive, cleaner and greener city' and 'make communities safer together with the police, to reduce crime and anti-social behaviour.

5.3 How is risk being managed?

5.4 Officers will continue to patrol the area for the duration of the initiative. Thereafter, Officers will respond to individual service requests from this area on a case by case basis.

5.5 What is the impact on the organisation?

None

5.6 Equalities / EIA

N/A

5.7 Implications for (or impact on) the environment

See paragraph 5.2.

5.8 Implications for partner organisations?

None

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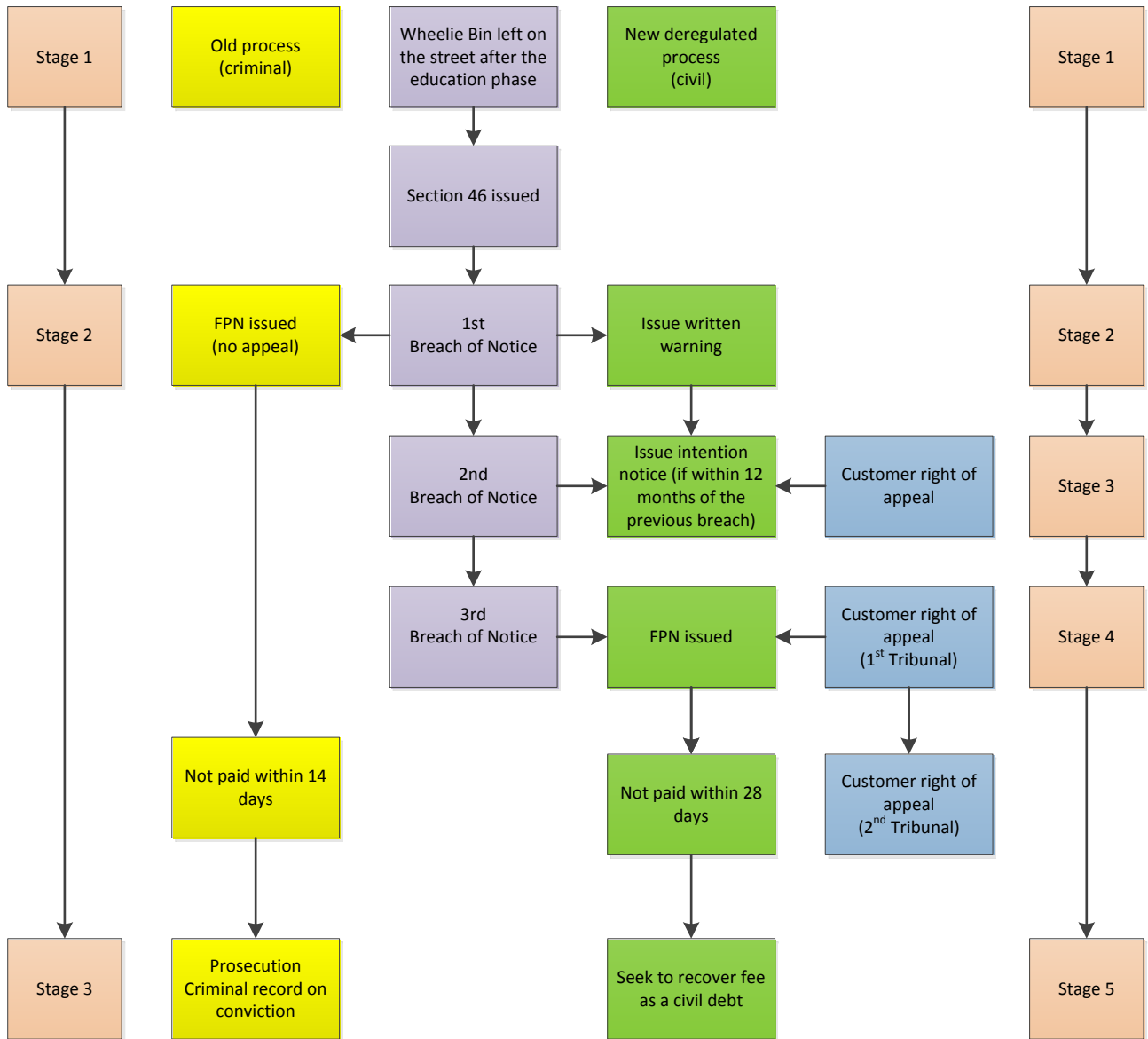
Enquiries should be directed to the above person.

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Members: Councillor Phillip Townshend	Deputy Leader	Policing & Equalities	15.09.15	

This report is published on the Council's website: www.coventry.gov.uk/councilmeeting

Appendix 1: A before and after comparison of powers available to the Council following decriminalisation of the s.46 Environmental protection Act 1990 offences.

Environmental Protection Act 1990 (prior to 15th June 2015)	Environmental Protection Act 1990 (as amended by the deregulation Act 2015)
Criminal Offence to breach a section 46 notice	It is no longer a Criminal Offence to breach a section 46 Notice
Offence is committed if the conditions of the notice are breached.	Offence is committed if the conditions of the notice are breached and cause a nuisance (or is likely to be a nuisance) or is detrimental to the amenities.
Opportunity to discharge criminal liability by a FPN of £60 which must be paid within 14 days.	Local Authority must issue a written warning if the person fails to comply with a section 46 notice.
No Appeal process in place. None payment would result in a court appearance and potential prosecution, with a resulting criminal record.	<p>If the failure to comply is continuous the council must specify a date on the written warning by which to comply. If the person fails to comply, a 'Notice of Intent' must be issued to allow the person 28 days to make representation to the council.</p> <p>If it is not continuous, only if the person commits another offence or similar within a year of the first offence can a 'Notice of Intention' be issued. Again the person has 28 days to make representation to the Council.</p>
	If representations are rejected, a FPN of £60 can be issued. This is payable within 28 days. The amount is reduced to £40 if paid within 14 days.
	Appeal is possible to a First-Tier Tribunal where the FPN is confirmed or rejected. A further 28 days is allowed after the ruling to pay the fixed penalty.
	Further appeals can be made to a Second-Tier Tribunal.
	If the FPN is not paid, the Council will need to recover the money as a civil debt.



Key

Column 1 & 6 = various stages

Column 2 = The old criminal process

Column 3 = Offences

Column 4 = New deregulated civil process

Column 5 = Appeal stage in the new deregulated civil process

