

**NORTHAMPTON BOROUGH COUNCIL**  
**STREET SCENE TASK AND FINISH GROUP**

**18 JANUARY 2007**

**Present:**

Councillor Richard Church	Chair
Councillor Trini Crake	
Councillor Jane Duncan	
Councillor Michael Hill	
Ms E Percival	Co-Optee
Mr K Ingleson	Co-Optee
Carl Grimmer	Corporate Manager
Nicci Marzec	Corporate Manager
Tony Spiezick	Street Scene and Environment Manager
Jim Inch	Housing Litigation Team Leader
Ashok Kapoor	Neighbourhood Warden
Tracy Tiff	Scrutiny Officer

**Witnesses**

Ms C Whittemore	Queens Park Residents Association
Mr B Burnett	Queens Park Residents Association

**1 Apologies**

Apologies for absence were received from Peter Hackett, Waste Services Manager.

The Chair welcomed the representatives of Queens Park Residents Association to the meeting.

**2 Minutes**

The minutes of the meeting held on 18 December 2006 were agreed.

**3 Witness Evidence**

**3(a) Queens Park Residents' Association**

Ms Whittemore and Mr Burnett, Queens Park Residents' Association, addressed the Task and Finish Group. The area of the Residents' Association is bordered by the Harborough Road and Balmoral Road to the Cock Hotel. There are around 850 dwellings, mostly terraced, privately owned housing. The Residents' Association evolved from the Clarence Avenue Neighbourhood Watch and was set up approximately five years ago.

Experiences of members of the Queen's Park Residents' Association were given:

- Difficulties had been encountered in contacting/communicating with the correct body that deals with abandoned vehicles
- Flytipping tends to occur more in the private roads. It is difficult to acquire an agreement to gate such roads as a consensus of all residents in the locality is required

- One of the main problems of flytipping is from multi occupancy, rented houses that have an absent landlord. The occupants are often unaware of refuse collection dates and put rubbish out continually
- Since the introduction of the Neighbourhood Warden to this area there has been a vast improvement. An example was given whereby the Neighbourhood Warden resolved a problem of burnt out rubbish and a water leak in an alleyway within twenty-four hours of it being reported to him. The Neighbourhood Warden was commended.
- Vehicles are often abandoned in the service roads, to the rear of properties. Some have been stolen and have been set on fire.
- There has been greater police presence in the area which has also been helpful

The Task and Finish Group asked questions and made comment: -

- Abandoned vehicles should be reported through ELVIS (End of Life Vehicle Impound Scheme)
- Contact numbers for issues such as flytipping, abandoned vehicles, and trees are published in 'Northampton Now'.
- Although the Clean Neighbourhoods and Environment Act 2005 gives greater powers in respect of gating roads, however, this additional power would not apply to private roads. The gating of roads is a highways function and is the responsibility of Northamptonshire County Council

Ms Whittemore and Mr Burnett were thanked for their address.

### **3(b) Magistrates' Court**

### **5(b) Prosecution criteria/evidence**

### **5(c) Fixed Penalty Notices – Issued, Paid and Unpaid**

Consideration of items 3(b) and 5(b) and 5 (c) was taken together.

The Chair referred to the Magistrates' Court's response to his letter which detailed that 'prosecutions for flytipping and sidewaste are commenced by summons. This will normally be completed within three days of receipt of the information. These cases are listed in a special court for prosecutions by Northampton Borough Council held on a Wednesday afternoon on a four weekly cycle. If there is a special or urgent case then separate arrangements can be made. The penalties imposed are in accordance with guidance from the Sentencing Guidelines Council and the Court of Appeal decisions. Fixed penalties have a standard enforcement process.' The Clerk to the Justices had no comment to make on the Clean Neighbourhood and Environment Act 2005.

The Task and Finish Group asked questions and heard: -

- One case was taken to Court, which resulted in a £50.00 and £50.00 costs. The evidence for this case was very good. A male was seen by two Community Support Officers throwing an empty can onto the pavement.
- 171 fixed penalty notices were served for littering in 2004/05, 35 were paid
- 16 were served in 2005/06, one was paid
- So far in 2006/07, 15 fixed penalty notices for littering have been served, 4 paid
- During 2005/05 the Council had dedicated enforcement officers.
- Dependent on the outcome of the budget discussions, the role of Neighbourhood Wardens could be re-defined so that they issue Fixed Penalty Notices. Should this be the case, the Council will issue a press release.
- It is very expensive to run prosecutions and would require a lot of resources from the legal department. Good evidence is required to take a case to prosecution. Fixed

Penalty Notices are issued by recorded delivery, if there is non-payment; the case is referred to legal services that will then begin legal proceedings.

- A case study was given whereby a Fixed Penalty Notice had been issued by recorded delivery, no payment had been received and the case referred to legal services that commenced legal proceedings. Shortly after the commencement of legal proceedings, the recorded delivery letter was returned to the Council undelivered. The prosecution could not go ahead as the individual had not had the opportunity to pay the fine.
- Local Authorities outside London have more problems with prosecutions. In London, Fixed Penalty Notices are paid before the individual is summoned to Court.
- It might be helpful for the Borough's Legal Team to liaise with Westminster's Legal Team regarding prosecutions for littering and flytipping. The City of London (Westminster) has had good enforcement for around ten years. A presentation could then be given to Northamptonshire Magistrates on the Council's intentions to adopt a similar process
- In London, Magistrates are professional District Judges; outside London they are Lay Magistrates, advised by the Clerk.
- The Council does not have dedicated enforcement officers; much of this work is undertaken by the Neighbourhood Wardens. There were vacancies on the establishment for such posts but the Corporate Manager is unable to recruit at present.
- Neighbourhood Wardens can issue Fixed Penalty Notices and carry out education initiatives in schools. Often warnings are given which has appeared to alleviate the problem of littering in the town centre.
- An initiative with the Neighbourhood Wardens will take place shortly whereby offenders of flytipping/littering will be given 'dummy' Fixed Penalty Notices. They will then be informed that the Council will be introducing zero tolerance for such offences. All wards will be visited.
- It was suggested that if zero tolerance is to be expected that the Westminster model could be adopted.
- Flytipping is more difficult than littering to get a prosecution. In London, if a name and address is found in a bag of rubbish that has been 'dumped' it is used as evidence. Outside London firmer evidence is required.
- The Clean Neighbourhood and Environment Act 2005 state that offenders of flytipping should be prosecuted.

**AGREED:** That a potential recommendation of the final report could be that the Cabinet considers adopting the Westminster model of prosecuting for flytipping and littering and that a presentation be given to the Northamptonshire Magistrates on the Council's intentions to adopt a similar process

### **3(C) Neighbourhood Warden**

Ashok Kapoor, Neighbourhood Warden for Thorpeland, addressed the Task and Finish Group.

He advised that: -

- Since the introduction of fortnightly waste collections there have been side waste issues
- He works with the Inspector and Fixed Penalty Notices have been issued which in turn have reduced the amount of side waste.

- He used to receive a lot of complaints about fly tipping and side waste problems but recently this has not been the case
- A lot of rubbish can often be kept inside a property. In the majority of cases speaking to the individual and involving other relevant Agencies helps such situations.
- He prefers to educate residents first rather than issue Fixed Penalty Notices
- If an item such as a mattress has been 'dumped' in the Thorpelds ward and the offender has been seen leaving it, A Kapoor can request relevant details from the Police National Computer, a warning letter is then sent through the post. A Kapoor gave an example of such a case whereby an individual was seen by a neighbour throwing rubbish onto the pavement
- After approximately two years the Neighbourhood Wardens change wards
- 80% of the Neighbourhood Warden's time is spent on the ward, 20% is dedicated to administration
- 15 wards in the borough have Neighbourhood Wardens

Photographs detailing flytipping and littering in Thorpelds were circulated.

A Kapoor was thanked for his address.

#### **4 Define Questions for Witness Evidence (Portfolio Holder)**

**AGREED:** that in the light of the current budget discussion that defining the questions to be put to the Portfolio Holder be delegated to the Chair. After Full Council has agreed its budget he would circulate draft questions to the Task and Finish Group for comment. A copy of the questions would then be forwarded to the Portfolio Holder prior to the next meeting on 20 February 2007.

#### **5 Officer's Report – Baseline Data**

##### **(a) BVPI Information – May to December 2006**

T Spiezick, Street Scene and Environment Manager, circulated data for BVPI 218A and BVPI 218B for April to December 2006. He emphasised that there had been around 110 new reports of abandoned vehicles during December, and 98 had been investigated with 24 hours.

##### **5 (b) Prosecution criteria/evidence and 5 (c) Fixed Penalty Notices – Issues, paid and unpaid**

Consideration of agenda items 5(b) and 5(c) were dealt with under agenda bite 3(b)

##### **Customer Satisfaction Surveys 2005 and 2006**

The Chair referred to the Customer Satisfaction Surveys carried out in 2005 and 2006 and noted that identical questionnaires had been used for both years. The survey for 2006 showed an increase in customer satisfaction levels. A larger sample was used in 2005 and just over 1,000 returns were received. 200 responses were received for 2006 but it was emphasised that this sample was more representative. 50 questionnaires had been issued to each ward and 50 to tenant groups and residents' associations. The Neighbourhood Wardens had delivered the survey questionnaires.

#### **6 Schedule of Meetings**

The schedule of meetings was noted: -

Tuesday 20 February commencing at 6pm in the Holding Room, agenda to include: -

Witness Evidence – Portfolio Holder

Corporate Manager (Planning, Environmental Health and Building Control)

Ward Councillors Evidence

DVLA

Desktop Research Best Practice – Collection of Abandoned Vehicles

Best Practice - Flytipping and side waste issues

City of London (Westminster) – Model of Prosecution for littering and

Flytipping

Thursday 15 March commencing at 6.30pm in the Holding Room, agenda to include finalising the Chair's report

The meeting concluded at 7.07 pm