



To review poor performance indicators on the collection of abandoned cars, and to review the new legislation “Clean Neighbourhood and Environment Act 2005” - to dealing with problems of side waste and litter left following refuse collection and whether appropriate resources are available

## Index

Chair's Foreword	2
Executive Summary	3
Final Report including recommendations	7

## APPENDICES

Appendix A	Scope of the Review
Appendix B	Photographs of examples of abandoned vehicles
Appendix C	BVPI 218A and BVPI 218B
Appendix D	Minutes of the meeting held on 20 February 2007
Appendix E	BVPI – Fly-tipping
Appendix F	Photographs of examples of fly-tipping and littering

## Foreword

The quality of our local environment is important to all Northampton residents, and a key part of that is the condition of our streets. People rightly expect safe, clean streets without litter, fly tipping or abandoned cars. The Overview and Scrutiny Task and Finish Group, comprising Councillors Church, Crake, Duncan and Hill and two co-opted members, Mr K Ingleson and Ms E Percival representing the local community, was set up to look at some key issues on the quality of the Northampton street scene. In a few months, we cannot cover all the issues around street scene, so we have used our time to focus on some key problems: abandoned cars, side waste and issues arising from the Clean Neighbourhoods and Environment Act 2005.

The review was linked to the Council's corporate priorities and examined a range of information. We interviewed the Portfolio Holders for Community Engagement & Democratic Services and Local Environment and senior staff from Northampton Borough Council, and evidence was heard from a local Residents' Association, a local ward councillor and neighbourhood wardens. Baseline information was received and desktop research carried out using the Internet.

This review was carried out between November 2006 and March 2007.



*Richard Church*

**Councillor Richard Church**  
**Chair of the Street Scene Task and Finish Group**

## **EXECUTIVE SUMMARY**

This Task and Finish Group was set up to review poor performance indicators on the collection of abandoned cars and to review the new legislation, Clean Neighbourhoods and Environment 2005 - to dealing with problems of side waste and litter left following refuse collection and whether appropriate resources are available.

A significant amount of evidence was heard, details of which are contained in the report. After gathering evidence the Task and Finish Group established that:-

### **Abandoned Vehicles**

The Task and Finish Group notes the success of the ELVIS partnership in reducing the number of abandoned vehicles. It also notes that there has been a significant improvement in the BVPI for inspecting an abandoned vehicle within 24-hours. In comparison with other Local Authorities, where information was provided, Northampton Borough Council is doing very well.

There is however, still a problem with vehicles for sale on the highway. The Task and Finish Group welcomes the operation to remove vehicles for sale on the Wellingborough Road. However, the Council needs to use its powers within legislation to be proactive in ensuring that problems of extensive use of vehicles put up for sale on the highway, are dealt with before they become a major nuisance.

There continues to be hotspots for abandoned vehicles and burnt out vehicles that require particular attention.

### **Clean Neighbourhood and Environment Act 2005**

The Task and Finish Group notes that the gating of alleyways is easier to implement under the Clean Neighbourhood and Environment Act 2005.

The Task and Finish Group notes that the Clean Neighbourhood and Environment Act 2005 permits Councils to fine retailers that allow littering within 100 yards of its premises.

### **Fly-tipping and Littering**

It would be helpful for the Borough's Legal Team to liaise with Westminster's Legal Team regarding prosecutions for littering and fly-tipping. 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.

The Task and Finish Group welcomes the planned anti-litter campaign commencing on 2<sup>nd</sup> April.

The Group requests that the impact of the campaign is monitored within six months.

The Task and Finish Group welcomes the proposals to charge supermarkets for the return of discarded trolleys and feels there is a need for supermarkets to introduce a deposit system for the use of supermarket trolleys.

Leaflets regarding recycling and refuse collections have one sentence stating that they can be obtained in other languages. The Task and Finish Group feels it would be beneficial for the Council to distribute the full leaflets to particular appropriate language groups where it knows there are people in the household who use that language. Leaflets in ethnic minority languages should also be made available through community organisations.

The availability of nets to put over recycling boxes does not appear to be widely publicised. Nets are currently charged at a cost of 99pence per net.

The receptacles presently used for plastics and paper collection lead to the littering of the highway in high winds. The Task and Finish Groups feels that in the proposed evaluation of the recycling system currently used that the Council considers the use of a different type of receptacle that can be closed at the top.

The Task and Finish Group is aware that the Council has been unable to take forward enforcement of littering and fly-tipping fines. Therefore, there, is a need for additional Enforcement Officers. The employment of additional enforcement officers may achieve more income to the Council through the successful collection of more fixed penalty notices. In accordance with APSE's research, to cover the employment of one Enforcement Officer (total package including on-costs estimated at £28,000) and assuming a 75% payment rate, a Local Authority would need to issue 467 litter Fixed Penalty Notices.

The Task and Finish Group welcomes the improvement in the satisfaction rate in the Council's Street Scene Survey.

The Task and Finish Group is concerned regarding the low level of prosecutions for fly-tipping, with only 73 fixed penalty notices for fly tipping issued and only one case taken to Court. Where there has been non-payment, in too many cases the Council has been unable to take further action.

The Task and Finish Group is concerned that the Magistrates Court does not seem to take issues of fly-tipping and littering that are presented to them seriously.

The Task and Finish Group supports the use of education as the first step to resolving the problems of fly-tipping and sidewaste.

The Task and Finish Group notes that particular problems of sidewaste are associated with rented properties and properties of multi occupation and that there is often a rapid turnover of occupancy.

The Task and Finish Group recognises the good work undertaken by Neighbourhood Wardens in the wards where they have been introduced.

The above overall findings have formed the basis for the following recommendations:-

## **RECOMMENDATIONS**

The Task and Finish Group recommends to Cabinet: -

### **Abandoned Vehicles**

- 5.1 That the Council uses its powers, within legislation, to reduce the problems of extensive use of vehicles put up for sale on the highway are dealt with before they become a major nuisance.**
- 5.2 That the Council ensures that resources are directed to the hotspots for abandoned cars: Blackthorn, Ecton Brook, Eastfield Park and side streets around the Kettering and Wellingborough roads.**
- 5.3 That action is taken, where it continues to be a problem to prevent vehicles being driven onto public parks and burnt out, in particular Hunsbury Park.**

### **Clean Neighbourhood and Environment Act 2005**

- 5.4 That, in accordance with the Clean Neighbourhood and Environment Act 2005, retailers who allow litter within 100 yards of their premises be fined.**
- 5.5 That Cabinet supports the gating of alleyways as a measure to reduce fly-tipping.**

### **Fly-tipping and Littering**

- 5.6 That the Council's legal department seeks an agreement with the Magistrates Court on the evidence required for the Council to achieve successful prosecution against fly-tipping and littering.**
- 5.7 That Cabinet considers adopting the Westminster model of prosecuting for fly-tipping and littering and that a presentation be given to Northamptonshire Magistrates on the Council's intentions to adopt a similar process.**
- 5.8 That Cabinet monitors the impact of the anti-littering campaign after six months.**
- 5.9 That it be recommended to supermarkets that they all introduce a deposit system for the removal of supermarket trolleys from their premises.**

- 5.10 That leaflets in appropriate languages regarding recycling and refuse collection be distributed to households where the Council knows that there are people in the household who use that language. Leaflets in ethnic minority languages should be available through community organisations and made available to landlords.**
- 5.11 That the availability of nets to put on recycling boxes be widely publicised and consideration be given to providing them free of charge when new boxes are issued.**
- 5.12 That, in the proposed evaluation of the recycling system currently used, Cabinet considers the use of a different type of receptacle that can be closed at the top.**
- 5.13 That a high priority is given to the employment of additional Enforcement Officers when finances permit.**
- 5.14 That landlords be encouraged to inform their tenants on the proper disposal of rubbish and that landlords be requested to provide proper places for tenants to store rubbish prior to collection by the Council, in particular, landlords should take responsibility for informing new tenants of the collection date. The Council seeks to lead by example, as a landlord, by the way that it informs its tenants on the proper disposal of rubbish.**
- 5.15 That planning permission for new developments and conversions of properties for multi-occupation include a condition concerning the provision of facilities for tenants to store rubbish before collection.**
- 5.16 That the Council works with the Landlords Forum to ensure that recommendation 5.14 above is promoted.**
- 5.17 That the implementation of the recommendations be monitored six months after the report has been presented to Cabinet.**

# Northampton Borough Council

## Overview and Scrutiny

### Report of the Street Scene Task and Finish Group

#### 1 Purpose

- 1.1 The purpose of the Task and Finish Group was to review poor performance indicators on the collection of abandoned cars and to review the new legislation, Clean Neighbourhoods and Environment 2005 - to dealing with problems of side waste and litter left following refuse collection and whether appropriate resources are available. A copy of the Scope of the Review is attached at Appendix A.

#### 2. Context and Background

- 2.1 A Councillor Task and Finish Group was set up and two co-optees joined the Group, Mr K Ingleson and Ms Percival, local residents from Semilong and Parklands.

- 2.2 The Task and Finish Group agreed that the following needed to be investigated and linked to the realisation of the Council's corporate priorities:

- Key objectives of the ELVIS partnership
- Briefing on the new legislation, Clean Neighbourhoods and Environment Act 2005
- Baseline data for abandoned vehicles, including: -
  - Hotspots
  - Seasonal trends
  - Best practice external to Northampton
- Councillors, Residents Associations and Parish Councils' reports
- Briefing on Housing Landlord obligations regarding side waste on perceived problem areas of abandoned cars within their wards
- MORI Survey
- Comparison of local street scene surveys undertaken in October 2005 and October 2006

- 2.3 This review links to the Council's corporate priorities as it demonstrates making Northampton a cleaner, safer and greener place to live (Corporate Priority 4 refers)

#### 3. Evidence Collection

In scoping this review it was decided that evidence would be collected from a variety of sources:



## Abandoned Vehicles

### 3.1 End of Life Vehicle Inspection Scheme (ELVIS)

3.1.1 A representative of the ELVIS Partnership provided information. ELVIS comprises the six Northants district Councils, Northamptonshire County Council, Northants Fire, Northants Police, DVLA and the Arson Task Force. It was launched in June 2005 and is specifically designed to improve: -

- The identification of abandoned cars
- The speed of the removal/inspection of abandoned vehicles

3.1.2 A cost neutral exercise has been achieved. In 2004, the cost of removing an abandoned vehicle to the Local Authorities was in the region of £10 to £40 per vehicle. Coupled with de-pollution costs this equated to around £550,000 per year. The vehicle lifter pays ELVIS £4 administration costs for every vehicle it removes. Once the vehicle has been removed the registered owner (if applicable) is sent a letter informing them where it is and why it has been removed. They will then be charged with the recovery costs and will have to provide documentation, such as tax and insurance details, to get the vehicle back. Local Authorities do not incur a cost from this service.

3.1.3 A central unit receives all abandoned vehicle enquiries and a 'fast track' approach has been adopted. Permission must be obtained from the DVLA to remove a vehicle from the highway and must meet the DVLA's criteria: -

- The vehicle is untaxed and has been so for more than a month
- There has been no change of ownership for five years

3.1.4 When a report is put into the central unit at ELVIS, the first call of action is to check details on the Police National Computer. If a vehicle inspection is required an email is sent to the relevant Local Authority. To remove an untaxed vehicle, consent from the DVLA is required. If this is not granted, ELVIS cannot challenge the decision. The DVLA will not permit ELVIS to remove a vehicle if the tax is less than one month out of date. If a vehicle is registered to a disabled individual, a tax disc can be obtained free of charge, but often they have not been obtained. When the Partnership was initially set up ELVIS was receiving around 200 calls a day, the majority in relation to abandoned vehicles in Northampton.

3.1.5 If a vehicle has been reported to the DVLA as being destroyed but this is not the case, ELVIS can recover it and dispose of it. It is estimated that there are 33,000 untaxed vehicles in Northamptonshire. A burnout

vehicle is removed as a priority regardless of the time of day.  
Abandoned caravans can be removed.

- 3.1.6 Northampton Borough Council's Best Value Performance Indicator (BVPI) for inspecting an abandoned vehicle within 24 hours is exceptional (September 2006 = 93.2%). The BVPI for collection of abandoned vehicles is outside the Council's control. The Vehicle Recovery Operators must remove abandoned vehicles within 24 hours.
- 3.1.7 Vehicle Recovery Operators can get scrap value/recycling value for the vehicle collected. The approximate scrap value of an average family saloon is around £70. Scrap value is currently running high.
- 3.1.8 In June 2006, ELVIS ran a successful promotion exercise inviting the public to surrender vehicles that were untaxed and unroadworthy. The exercise may be repeated.

## **3.2 DVLA**

- 3.2.1 The DVLA was contacted to ascertain whether further information could be provided on the two criteria used by ELVIS for the removal of a vehicle from the highway.
- 3.2.2 A representative from the Policy Unit, DVLA, Swansea, confirmed that there is no further information to add to the criteria. He did however provide details of the Nuisance Vehicles Users' Guide, which allows Local Authority officers to make immediate decisions over abandoned vehicles in their area, the DVLA developed the Web Enabled Enquiry (WEE) system to provide 24-hour on-line access, 7 days a week, to their vehicle keeper database. The ELVIS Partnership has access to the WEE system.

## **3.3 Neighbourhood Warden (Thorplands)**

- 3.3.1 The Neighbourhood Warden for Thorplands provided information of abandoned vehicles within his ward. Should an abandoned vehicle be seen he immediately notifies ELVIS. He also has a problem of untaxed vehicles in his ward and again these are immediately reported.
- 3.3.2 The majority of the Council's Neighbourhood Wardens are ELVIS trained to remove abandoned vehicles.
- 3.3.3 Photographs of abandoned vehicles in the Thorplands ward are attached at Appendix B.

## **3.4 Street Scene Manager**

- 3.4.1 The Street Scene Manager provided details on the abandoned car 'hotspots' within the Borough that are visited on a regular basis:-

- Blackthorn
- Ecton Brook.
- Various side streets, between, Kettering Road-Wellingborough Road

The worst area for burnout vehicles is Hunsbury Park.

Very few vehicles are now abandoned and vandalised as they are removed before this can take place.

- 3.4.2 Information was provided for BVPI 218A and BVPI 218B for April to December 2006. Comprehensive details are attached at Appendix C. There had been around 110 new reports of abandoned vehicles during December, and 98 had been investigated with 24-hours.

### **3.5 Portfolio Holder for Community Engagement and Democratic Services**

- 3.5.1 The Portfolio Holder (Community Engagement and Democratic Services) attended the meeting on 20 February 2007 (Copy of the minutes of that meeting are attached at Appendix D).

- 3.5.2 The key points of evidence regarding the abandoned vehicles were:-

- The Abandoned Vehicle Officer checks all cars that are presented for sale on the highway. Should there be two vehicles within 500 yards, the Council has had them moved and parked in more appropriate locations.
- Discussions will be held with Northamptonshire County Council regarding authorisation for removing vehicles put up for sale on the highway.

### **3.6 Desktop Research**

- 3.6.1 Desktop research was carried out with a number of Local Authorities to determine their performance regarding:

- Best Value Performance Indicator BV218a – Percentage of new reports of abandoned vehicles investigated within 24 hours of notification.
- Best Value Performance Indicator Bv218b – Percentage of new reports of abandoned vehicles investigated within 24 hours of notification.

The following Councils were contacted: -

- East Northants District Council
- Wellingborough District Council
- South Northamptonshire District Council

- Daventry District Council
- Kettering District Council
- Corby District Council
- Liverpool City Council
- Swansea City Council
- Solihull Metropolitan Borough Council
- Birmingham City Council

The Key points were:-

### 3.6.2 East Northants District Council

**BVP1 218a end of first quarter for 2006/07** - 86 vehicles were inspected during the period 1 April to 30 June 2006, with 40 of these being inspected within 24 hours. The Authority has commented that this figure can be attributed to staff shortages within the Waste Management Team during April and May 2006, meaning it was not always possible to inspect vehicles within 24 hours of them being reported.

**BVP1 218a – end of second quarter for 2006/2007** – 104 vehicles were inspected during the period 1 July to 30 September 2006 with 77 of these being inspected within 24 hours. This is an improvement on previous performance and can be attributed to a new system being introduced within the Waste Management Team. All team members now inspect vehicles to ensure these are carried out as soon as possible after to report is received.

Year to date 63% investigated within 24hours notification.

**BVP1 218b** - end of first quarter for 2006/07 – A total of 29 vehicles were removed and abandoned during this period with 28 of these vehicles being removed within 24 hours from the point at which the Authority is legally entitled to remove the vehicle

**BVPI 218b – end of second quarter for 2006/2007** – A total of 36 vehicles were removed as abandoned during this period with 33 of these vehicles being removed within 24 hours from the point at which the Authority is legally entitled to remove the vehicle.

Year to date 92.94% removed when legal authority is given to remove.

Overall 85 abandoned vehicles have been removed since 1 April 2006, with 79 being removed with 24 hours.

Actual figures for 2005/6:

Bv218a	51.56%
Bv218b	83.08%

### 3.6.3 Liverpool City Council

Details of Liverpool City Council's Best Value Performance Indicators relating to the collection of abandoned vehicles for November 2006:

**BVPI 218a** – There were 68 reports of abandoned vehicles, 4 aborted prior to a visit within 24 hours, therefore there were 64 visits, 20 of which were outside 24 hours.

The target for BVPI 218a is just over 80% and the Authority usually achieves this.

BVPI 218a:      October 2006: **89.6%**              December 2006: **84.6%**

**BVPI 218b** – There were no delayed removals and 100% were investigated within 24 hours of notification. A no notice policy is operated, based on a risk management policy to reduce crime and disorder associated with nuisance vehicles and the target is set at 99%, but this is not regularly reached. There are usually one or two difficult abandoned vehicles, such as a vehicle with a trailer full of waste, which requires special measures.

BVPI 218b:      October 2006: **100.0%**              December 2006: **92.6%**

A contractor undertakes all of the visits to abandoned vehicles and their removal. The service is provided as part of a joint initiative, Abandoned Vehicles and Cube It Project, between Liverpool City Council, Merseyside Police and Merseyside Fire Service. The joint initiative provides closer working arrangements to facilitate the speedy removal of abandoned vehicles. The joint initiative uses the Easy Learning Vehicle Information System, a computerised incident logging and case management system that provides an electronic link between the Council, Police and the Contractor.

Current levels of abandoned vehicles at Liverpool have reduced since the beginning of 2006, from over 100 a month in March 2006 to just 25 in October. The Authority is now removing untaxed cars under devolved DVLA powers. A total of 64 vehicles were removed in November 2006, 24 abandoned and 40 untaxed. The number of untaxed cars being reported and removed is increasing steadily. The Project removed over 1,000 abandoned vehicles in 2005/2006, with over 1,000 uninsured and untaxed vehicles also removed.

### 3.6.4 Kettering Borough Council

A summary of the BVPIs for abandoned vehicles is detailed below:

BVPI 218a:      October 2006: **89.6%**      December 2006: **84.6%**      Annual  
67.20%

BVPI 218b: October 2006: **87.5%** December 2006: **100%** Annual 94.60%

As the BVPIs are relatively new, the Authority has some difficulties in confirming the accuracy of the data being provided to support the BVPI. Formal targets have not as yet been set.

Kettering Borough Council has an 'old performance indicator' target of three days from the report to the removal of the vehicle.

The problems with low achievement are mainly due to major staffing restructuring at Kettering Borough Council leading to a delay in inspecting the vehicles.

### 3.6.5 **Wellingborough District Council**

There were 554 vehicle traces and enquiries and 190 were reported but not found or actioned in 2006. 39, 24-hour notices were issued, 220 No notices were issued and 45 None-Immediate Removal Notices were issued during 2006. 256 vehicles were removed for disposal.

BVPI 218a: October 2006: **88.0%** December 2006: **64.0%** Annual 86.2%%

BVPI 218b: October 2006: **85.9%** December 2006: **100%** Annual 87.9%%

### 3.6.6 **Solihull Metropolitan Borough Council**

Solihull Metropolitan Borough Council 's performance indicators are:

BVPI218a - Percentage of new reports of abandoned vehicles investigated within 24 hours of notification:

2005/06	<b>90.4%</b>
2006/07	Target 92%

BVPI 218b - Percentage of abandoned vehicles removed within 24 hours from the point at which the Authority is legally entitled to remove the vehicle:

2005/06	<b>87%</b>
2006/07	Target 88%

Since October 2006 the Authority has reviewed how it deals with abandoned vehicles to enable it to remove and dispose of vehicles more quickly. It does not put notices onto vehicles, taking the vehicles from the street quicker. However the Authority now stores more vehicles.

It has a contractor that removes vehicles on its behalf, either to its storage site or to their disposal site.

### **3.6.7 Birmingham City Council**

Birmingham is an Authority that has suffered from large numbers of abandoned vehicles. A report from the RAC Foundation described it as “the dump capital of the UK with more than 10,000 cars dumped in the city area during 2001/2002 – a fourfold increase in three years”. In an effort to tackle the problem, Birmingham City Council included abandoned vehicles in its Crime and Disorder Protocol and set up an information sharing Protocol with other relevant Agencies. As part of its Strategy, the Police and Council have chosen to disregard some of the time constraints imposed on local authorities in dealing with abandoned vehicles in order to speed up the process.

The Police checks the vehicle details on the Police National Computer and, if it is of no interest to it, it passes on the details to the Council within 24 hours. If there is no current registered keeper the Council scraps the car immediately rather than waiting for the outcome of a seven-day notice. If the owner claims the vehicle, they are asked to provide proof of ownership, tax, MOT and insurance. Vehicles that have a registered keeper and are not a danger are left in situ and a 21-day notice is served by post. If no owner can be found in that time, the vehicle is disposed of. The Fire Service can also deem vehicles a fire risk in which case they are removed immediately. Birmingham has saved over £160,000 through the scheme and has received no claims.

### **3.6.8 Bristol City Council**

Bristol has experienced a dramatic increase in the number of abandoned vehicles on the streets. Bristol City Council estimated that the cost to the Council alone could be as high as £270 per vehicle for identification, possibly as many as three visits, for the appropriate checks to be conducted, for storage costs and for disposal of the vehicle.

Bristol Police has recently pioneered an ‘immediate response’ scheme in the South of the city whereby vehicles identified as being abandoned are immediately collected and disposed of. In the course of the 18 months in which the scheme has been in operation over 1,500 vehicles have been removed from the streets and the police are currently removing 130 vehicles a month at a cost of approximately £45 per vehicle. To date, they have not had a single claim and have experienced a reduction in crime, fear of crime, and arson. The Council has also experienced considerable savings on the costs of removing and disposing of abandoned vehicles.

## **Clean Neighbourhoods and Environment Act 2005**

### **3.7 Housing Litigation Team Leader**

3.7.1 The Housing Litigation Team Leader provided details on the salient points of the Clean Neighbourhoods and Environment Act 2005. The new Act builds upon existing legislation:-

- A Gating Order is not permitted on main roads. 100% support of residents is no longer required to gate an alleyway.
- If a vehicle has been abandoned, there is no need to serve a notice for its removal.
- Exposing vehicles for sale on the highway is a new part of the Act.
- Littering has been extended to any land in the open air and to water.
- Regarding Litter Clearing Notices, occupiers can be required to remove litter if it is detrimental to the area.
- The new Act gives Local Authorities the power to designate specific areas for printed matter. The exception is for the distribution of religious or political information.
- Penalties for fly-tipping have been increased.
- Fixed penalty notices have been introduced for various litter droppings.
- The Dog Control Order now includes fouling, dogs on leads, the number of dogs that an individual can own and a total ban of dogs in specified areas.

### **3.8 Portfolio Holder for Local Environment**

3.8.1 The Portfolio Holder (Local Environment) attended the meeting on 20 February 2007 (Copy of the minutes of that meeting are attached at Appendix D).

3.8.2 The key points of evidence regarding the Clean Neighbourhood and Environment Act 2005 were:-

- Northampton Borough Council will use the Act to strengthen the enforcement throughout Northampton. The Council has a partnership approach to delivering the Act in order that maximum efficiency is achieved.
- An anti-littering campaign is being planned, which will be run from 2 April 2007 and will take a zero tolerance approach to littering and side waste issues. The Street Cleansing Area Officers in conjunction with the Neighbourhood Wardens will carry out the enforcement.
- The Neighbourhood Wardens will go into schools and educate the young people on issues such as fly-tipping and littering. The Neighbourhood Wardens will shortly begin to patrol areas with Police Community Support Officers.



- ‘Street Litter Notices’ will be served which will require people such as MacDonald’s, Ramsden’s and Burger King in the Drapery to take some ownership and responsibility for clearing the litter and emptying the litter bins outside of core hours worked by cleansing staff. Litter is the fast food outlet’s responsibility if it is 100 yards within either side of the shop. Good practice guides are available. In response to a query regarding asking all shops to sweep their fronts, it was confirmed that this is being done through the Town Centre Partnership.
- Failure to do so can result in daily fines being imposed, which range from a daily fine of up to £100 per day to a maximum penalty of £2,500. The severity of the cost will increase after each offence or each day they have failed to comply.
- Northampton Borough Council will also introduce a shopping trolley system, whereby it will collect them and inform the stores, who will pay to have them returned. This is more of a problem in the eastern district than anywhere else in town.
- The Council is looking to sell organisations bins for their employees to dispose of cigarette stubs
- Most shops are willing to display posters regarding littering.

## **Flytipping and Littering**

### **3.9 Portfolio Holder for Local Environment**

3.9.1 The Portfolio Holder (Local Environment) attended the meeting on 20 February 2007 (Copy of the minutes of that meeting are attached at Appendix D).

3.9.2 The key points of evidence regarding the flytipping and littering were:-

- The Council is amending the strategic use of the Wardens to encompass the problems of side waste and litter left following refuse collection
- The Neighbourhood Wardens are all now fully trained to carry-out enforcement duties and the Wardens will be heading up the enforcement drive planned for April, along with Area Officers and Team Leaders from the Street Cleaning Service. There will be a poster and press campaign, using the both local radio stations and local papers.
- The Neighbourhood Warden Service will continue and it is anticipated that the Neighbourhood Wardens will become responsible for enforcement in the foreseeable future
- The Council sells nets to residents at a cost of 99 pence. This is advertised and nets can be collected from Westbridge depot.
- Through the course of the year, there will be an evaluation of the recycling system and receptacles provided to residents. The collection of glass will form part of the review. The current machinery does not allow glass to be sorted.

- Multi lingual letters explaining side waste issues will be issued to residents and are currently being translated by the unit at Northampton County Council and includes:-
  - Polish
  - Somalian
  - Hindu
  - Albanian
  - Croatian

### **3.10 Portfolio Holder for Community Engagement and Democratic Services**

3.10.1 The Portfolio Holder (Community Engagement and Democratic Services) attended the meeting on 20 February 2007 (Copy of the minutes of that meeting are attached at Appendix D).

3.10.2 The key points of evidence regarding the fly-tipping and littering were: -

- There are no plans due to the budget demands to employ full time Enforcement Officers but this will be reviewed on a quarterly basis, based on demand and funding. A bid for £60,000 was submitted for two full time enforcement officers but no bids were considered.
- The system currently employed by Corby and other Councils regarding the disposal of shopping trolleys is being investigated, whereby the Council will collect trolleys left on housing estates and deliver them back to the Supermarkets for a charge of up to £35 per trolley. A shopping trolley costs £180. If the supermarket did not want one of its trolleys returned, the Council would probably scrap it.

### **3.11 Street Scene Manager**

#### **BVPI - Fly-tipping**

3.11.1 The Street Scene Manager provided details on the Council's BVPIs for fly-tipping and graffiti - BVPI 199a – Proportion of land and highways assessed as having combined deposits of litter and detritus that fall below an acceptable level, BVPI 199b – Proportion of relevant land and highways from which unacceptable levels of graffiti are visible, BV199c – Proportion of land and highways from which unacceptable levels of fly-posting are visible

3.11.2 Comprehensive details are attached at Appendix E. The BVPI is excellent at 99.8%; the Council has one of the best BVPIs for fly-tipping in the country, but people often do not perceive side waste as fly tipping.

## **Street Scene Survey**

3.11.3 A recent street scene services survey had been undertaken, the result of which were excellent. From those surveyed it was deemed that the service had improved. Last year's survey had received a lot of poor comments, this year's comments were positive. 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.

Survey questionnaires had been circulated by the Neighbourhood Wardens to 850 residents over 18 wards.

This year's survey contained the same questions to that carried out in 2005.

The MORI survey is currently taking place.

## **Prosecutions for fly-tipping**

3.11.4 Prosecutions for fly-tipping are low. Although letters addressed to residents found in side waste may be used to bring prosecutions for fly-tipping, hard evidence is required to bring a prosecution. The Council has issued 73 fixed penalty notices for fly-tipping and approximately 30 have been unpaid. The cost to prosecute is prohibitive.

## **3.12 Magistrates Court**

3.12.1 The Clerk to the Magistrates Court provided written evidence that detailed that 'prosecutions for fly-tipping 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.'

## **3.13 Housing Litigation Team Leader**

3.13.1 The Housing Litigation Team Leader provided details on prosecution evidence for fly-tipping and sidewaste, details of fixed penalty notices that have been issued by the Council and how many had been paid. The key points of evidence were:-

- One case was taken to Court, which resulted in a £50.00 fine and £50.00 costs. The evidence for this case was very good. A male was seen by two Police 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
- Up to January 2007, 15 fixed penalty notices for littering have been served, 4 paid
- During 2005/05 the Council had dedicated enforcement officers.
- 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 may 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.
- 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.
- 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.
- Fly-tipping 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 disposed of it is used as evidence. Outside London firmer evidence is required.

### **3.14 City of London (Westminster) Enforcement Policy**

3.14.1 The Authority does not have a written Enforcement Policy but it adheres to the following guidelines:-

- The Council aims to educate people and inform individuals and businesses of its obligations.
- If they litter or fly-tip, a warning is given in the first instance.
- If they continue to litter or fly-tip following the initial warning, they are issued with a Fixed Penalty Notice.
- If after the Fixed Penalty Notice has been issued, and they continue to litter or fly-tip, prosecution is taken through the Magistrates Court.

- This guidance is in accordance with the Government's Concordat.

3.14.2 The following statistics were provided for 2006:-

- 2,500 Fixed Penalty Notices were issued to businesses for littering, 60% of which were paid
- 4 successful prosecutions for littering in accordance with S34 (Commercial Waste, duty of Care) of the Environment Protection Act
- Further prosecutions are ongoing

### **3.14.3 Prosecution criteria**

3.14.3.1 A letter, detailing a name and address, found in an illegally discarded black bag of rubbish, can and has been, used as evidence for a fly tipping prosecution by the City of Westminster. Depending on how the letter is written the Authority may send a Fixed Penalty Notice (FPN) but there has to be enough information in the letter to identify an individual or limited company. The letter must be addressed to an individual or a plc. The Authority cannot issue a Fixed Penalty Notice to, for example, Three Horse Shoes Hotel. In cases where letters have been addressed in such a way, the Enforcement Officer will make further enquiries to find out who has the duty of care for the rubbish. If the individual does not pay the FPN and the case is referred to the Magistrates Court, evidence is needed to show that the FPN was correctly issued. If an individual is seen disposing of rubbish illegally, this is used as evidence and a FPN issued. The Authority tries not to use third party evidence unless the third party is willing to act as a witness. The Authority has also used video evidence in the past, for example filming an individual disposing of rubbish illegally.

### **3.15 Corporate Manager (Development, Building Control and Environmental Health)**

3.15.1 The Corporate Manager for Development, Building Control and Environmental Health and the Interim Development Control Manager attended the meeting on 20 February 2007 and provided information on the Planning Policies (Policies H21, H22, H23, H24, H25 and H26) in the Northampton Local Plan (adopted in 1997) and that they did not specifically require the provision of waste disposal for flats development.

The Development Control Team acknowledges that it is important to seek such provision within layouts and planning conditions are to be imposed requiring the provision of waste disposal facilities.

Planning conditions are enforceable, and if they are not adhered to a breach of condition notice is issued. Planning Services will work with Street Scene Officers to obtain their expertise when applications for multi occupancy premises are submitted. The Enforcement Officers

have a list of the all Multi Occupancy premises in the Borough which they are investigating.

### **3.16 Neighbourhood Warden (Thorplands)**

3.16.1 The Neighbourhood Warden for Thorplands provided information on fly-tipping and littering within the Thorplands ward. Key issues were:-

- Since the introduction of fortnightly waste collections there have been side waste issues
- The Neighbourhood Warden works with the Inspector and Fixed Penalty Notices have been issued which in turn have reduced the amount of side waste
- The Neighbourhood Warden 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 is sometimes kept inside a property. In the majority of cases speaking to the individual and involving other relevant Agencies helps such situations. The Neighbourhood Warden prefers to educate residents first rather than issue Fixed Penalty Notices
- If an item such as a mattress has been disposed in the Thorplands ward and the offender has been seen leaving it, the Neighbourhood Warden can request relevant details from the Police National Computer, a warning letter is then sent through the post. 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 fly-tipping and littering in Thorplands are attached at Appendix F.

### **3.17 Queens' Park Residents' Association**

3.17.1 Representatives of Queens' Park Residents' Association attended the meeting on 18 January 2007 and provided details of fly-tipping and littering within the area. Key points of evidence were:-

- Fly-tipping 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 fly-tipping 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

### **3.18 Ward Councillors**

3.18.1 The Task and Finish Group invited Ward Councillors to provide details of fly-tipping within their wards. A response was received from the Ward Councillor for Lumbertubs who makes almost daily reports to the call centre about fly-tipping in her ward. Examples of the types of the reports that she makes were provided. All of the reports had been dealt with. All items recorded on the daily fly-tipping schedule were removed within 48-hours.

### **3.19 Desktop Research**

3.19.1 Desktop research was carried out with a number of Local Authorities regarding fly-tipping and side waste.

3.19.2 The following Local Authorities were contacted: -

- East Northants District Council
- Wellingborough District Council
- South Northamptonshire District Council
- Daventry District Council
- Kettering District Council
- Corby District Council
- London Borough of Islington
- London Borough of Sutton
- Fenland District Council

A range of information was also obtained from the Councils', the Audit Commission's website and from APSE.

3.19.3 The key points were:-

#### **3.19.3.1 East Northants District Council**

- The Council has one part time Enforcement Officer for waste issues, however as the Council has a black sack collection service it does not have a problem with side waste.
- Refuse is collected weekly. The main problem after refuse collection is spillage left by the refuse crews, they are supposed to clear it up but often don't. The refuse crew is sent back to clear and reported spillage.
- East Northants District Council has problems with recyclables blown from the boxes on very windy days causing litter. The crews clear as much as they can, but if it is very bad, often a separate cleansing team is sent out to the area to clear it. There are particularly bad estates which seem to be "wind tunnels" and suffer the worse.
- Best Value Performance Indicator EN9a – Average time to remove fly tips has a target for 2006/07 of 3 days. At the end of the first quarter

for 2006/07 this was 2.72 days and as at the end of the second quarter 2.63days.

- Best Value Performance Indicator EN9b – Number of incidences of illegal fly tipping has a target for 2006/07 of 635 (this increase to 730 in 2007/08). At the end of the first quarter for 2006/07 this was 85 and as at the end of the second quarter 193. There has been a reduction on the number compared to the same period last year (quarter 1), but overall tonnage is up recognizing that the fly tips that the Council has have been larger in size. There has been an increase in the number for quarter 2 but this is still well within the target.

#### **3.19.4 Kettering Borough Council**

- With regards to fly tipping or last internal performance clinic report, an internal performance indicator result of 1.25 days to remove fly tipping is documented.
- Kettering Borough Council has a number of teams involved in waste issues, the Waste Education Team (comprising three staff) looks after the recycling scheme, which includes education roles regarding the recycling scheme, wheelie bin usage and side waste. In addition, the generic Warden team (comprising five staff) is now beginning to look at enforcement issues for side waste, bins left on the street etc.
- Refuse collections are undertaken on an alternative weekly basis, one week recycling waste and the second week, household waste for disposal.

#### **3.19.5 Daventry District Council**

- The Authority has a local performance indicator for clearance rates regarding fly tipping. Its target is for fly-tipped waste to be collected within 24 hours of the initial report. At present the Authority has a 98% achieving target.
- At present the Council does not have enforcement for environmental crimes. It only employs staff within the Environmental Health Team who undertakes enforcement. Recruitment will shortly commence for an Environmental Crime Enforcement Officer who will deal with everything from fly tipping, littering, graffiti, and additional waste.
- Refuse collections are undertaken weekly – black bins are emptied one week and the brown bins are emptied the next week.
- In cases of additional side waste the Council sends warnings to the offender to stop them committing these crimes. It will advise them if required how to minimise waste and to recycle more. However these issues are all dealt with by the Strategy Team which includes enforcement. Litter left after refuse collections is collected by the litter pickers where applicable.

#### **3.19.6 Wellingborough District Council**

- The Authority reports that it collects fly-tipping within 1.02 days of it being reported, the target is 1 day.



- At the present time Wellingborough District Council does not employ enforcement wardens. However, it hopes to from April 2007 and it is anticipated that they will deal with enforcement issues.
- Refuse collections are fortnightly. The Council has significant problems with fly-tipping and sidwaste. At present they are dealt with on an ad-hock basis but it is hoped that the Council can be more pro-active when the new wardens are introduced.

### 3.19.7 APSE

3.19.7.1 The Principle Policy Officer, APSE, provided information that he has gathered regarding fly tipping and side waste.

The key issues are:-

- Local Authorities in England reported that they had dealt with over one million incidents of fly tipping.
- An average 89,173 incidents of fly tipping was reported each month equating to an average of 1.8 incidents per thousand population in England.
- London tends to report the highest number of fly tipping incidents and the South West reported the fewest.
- 86% of fly tipping takes place predominantly in urban Authorities where 63% of people in England live.
- More than half of fly tipping occurs in the 88 Local Authorities identified as Neighbourhood Renewal areas.
- Over 48% of reported incidents were on highways and 22.5% were on Council land.
- 51% of fly-tips dealt with by Local Authorities are household waste.
- The most common size of fly-tips occurs within the car boot or less and single item categories. A large number of these incidents are single black bin bags left outside the relevant collection times.
- Local Authorities are continuing to develop their capacity to take enforcement action against fly tippers with nearly 1,500 prosecutions against fly-tippers between April 2005 and March 2006
- DEFRA comments that almost five times as much is being spent by Local Authorities on clean up rather than prevention and enforcement.

3.19.7.2 APSE produced a briefing note (07.01) entitled *Use of Fixed Penalty Notices since the introduction of the Clean Neighbourhoods and Environment Act.*

3.19.7.3 Within the briefing note, key issues were reported: -

- The number of Fixed Penalty Notices being issued according to DEFRA statistics rose by 31% in 2006. The number issued from April 2005 to March 2006 was 38,062. 29,086 were issued in 2005.
- Approximately 80% of Fixed Penalty Notices were for littering with a further 10% for dog fouling.
- Payment rates have increased to 57% with the major reason given for non-payment being through offenders giving incorrect personal details.
- The majority of Fixed Penalty Notices are for littering and the fine is set locally (between £50 and £80). APSE' s briefing note reports that to cover the employment of one Enforcement Officer (total package including on-costs estimated at £28,000) and assuming a 75% payment rate, a Local Authority would need to issue 467 litter Fixed Penalty Notices. During 2005/06 each issuing Local Authority gave out an average 193 Fixed Penalty Notices.
- Indications are that over 70% of Local Authorities have expanded or are planning to increase their enforcement teams. The majority of funding for this has in most cases come from the Authority's own resources with some further allowance made for extra income from enforcement.
- A survey carried out by the Local Government Association showed that from April to end of August 2006 that Local Authorities have issued approximately 17,019 Fixed Penalty Notices under the Clean Neighbourhoods and Environment Act.
- A further Local Government Association survey commented that 50% of Local Authorities have expanded their Enforcement Teams in preparation for the Clean Neighbourhoods and Environment Act and an additional 21% intended to do so. The majority of funding has come from the Local Authority's own resources with some further allowance made for extra income from enforcement. To assist with budget constraints, some Local Authorities are asking Police Community Support Officers to issued Fixed Penalty Notices for environmental crimes.

## **4. Conclusions**

After all of the evidence was collated the following conclusions were drawn: -.

### **Abandoned Vehicles**

- 4.1 The Task and Finish Group notes the success of the ELVIS partnership in reducing the number of abandoned vehicles. It also notes that there has been a significant improvement in the BVPI for inspecting an abandoned vehicle within 24-hours. In comparison with other Local Authorities, where information was provided, Northampton Borough Council is doing very well.
- 4.2 There is however, still a problem with vehicles for sale on the highway. The Task and Finish Group welcomes the operation to remove vehicles for sale on the Wellingborough Road. However, the Council needs to use its powers within legislation to be proactive in ensuring that problems of extensive use of vehicles put up for sale on the highway, are dealt with before they become a major nuisance.
- 4.3 There continues to be hotspots for abandoned vehicles and burnt out vehicles that require particular attention.

### **Clean Neighbourhood and Environment Act 2005**

- 4.4 The Task and Finish Group notes that the gating of alleyways was easier to implement under the Clean Neighbourhood and Environment Act 2005.
- 4.5 The Task and Finish Group notes that the Clean Neighbourhood and Environment Act 2005 permits Councils to fine retailers that allow littering within 100 yards of its premises.

### **Fly-tipping and Littering**

- 4.6 It would be helpful for the Borough's Legal Team to liaise with Westminster's Legal Team regarding prosecutions for littering and fly-tipping. 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.
- 4.7 The Task and Finish Group welcomes the planned anti-litter campaign commencing on 2<sup>nd</sup> April.
- 4.8 The Group requests that the impact of the campaign is monitored within six months

- 4.9 The Task and Finish Group welcomes the proposals to charge supermarkets for the return of discarded trolleys and feels there is a need for supermarkets to introduce a deposit system for the use of supermarket trolleys.
- 4.10 Leaflets regarding recycling and refuse collections have one sentence stating that they can be obtained in other languages. The Task and Finish Group feels it would be beneficial for the Council to distribute the full leaflets to particular appropriate language groups where it knows there are people in the household who use that language. Leaflets in ethnic minority languages should also be made available through community organisations.
- 4.11 The availability of nets to put over recycling boxes does not appear to be widely publicised. Nets are currently charged at a cost of 99pence per net.
- 4.12 The receptacles presently used for plastics and paper collection lead to the littering of the highway in high winds. The Task and Finish Groups feels that in the proposed evaluation of the recycling system currently used that the Council considers the use of a different type of receptacle that can be closed at the top.
- 4.13 The Task and Finish Group is aware that the Council has been unable to take forward enforcement of littering and fly-tipping fines. Therefore, there, is a need for additional Enforcement Officers. The employment of additional Enforcement Officers may achieve more income to the Council through the successful collection of more fixed penalty notices. In accordance with APSE's research, to cover the employment of one Enforcement Officer (total package including on-costs estimated at £28,000) and assuming a 75% payment rate, a Local Authority would need to issue 467 litter Fixed Penalty Notices.
- 4.14 The Task and Finish Group welcomes the improvement in the satisfaction rate in the Council's Street Scene Survey.
- 4.15 The Task and Finish Group is concerned regarding the low level of prosecutions for fly-tipping, with only 73 fixed penalty notices for fly tipping issued and only one case taken to Court. Where there has been non-payment, in too many cases the Council has been unable to take further action.
- 4.16 The Task and Finish Group is concerned that the Magistrates Court does not seem to take issues of fly-tipping and littering presented to them seriously.
- 4.17 The Task and Finish Group supports the use of education as the first step to resolving the problems of fly-tipping and sidewaste.

- 4.18 The Task and Finish Group notes that particular problems of sidewaste are associated with rented properties and properties of multi occupation and that there is often a rapid turnover of occupancy.
- 4.19 The Task and Finish Group recognises the good work undertaken by Neighbourhood Wardens in the wards where they have been introduced.

## **5 Recommendations**

The Task and Finish Group recommends to Cabinet: -

### **Abandoned Vehicles**

- 5.1 That the Council uses its powers, within legislation, to reduce the problems of extensive use of vehicles put up for sale on the highway are dealt with before they become a major nuisance.
- 5.2 That the Council ensures that resources are directed to the hotspots for abandoned cars: Blackthorn, Ecton Brook, Eastfield Park and side streets around the Kettering and Wellingborough roads.
- 5.3 That action is taken, where it continues to be a problem to prevent vehicles being driven onto public parks and burnt out, in particular Hunsbury Park.

### **Clean Neighbourhood and Environment Act 2005**

- 5.4 That, in accordance with the Clean Neighbourhood and Environment Act 2005, retailers who allow litter within 100 yards of their premises be fined.
- 5.5 That Cabinet supports the gating of alleyways as a measure to reduce fly-tipping.

### **Fly-tipping and Littering**

- 5.6 That the Council's legal department seeks an agreement with the Magistrates Court on the evidence required for the Council to achieve successful prosecution against fly-tipping and littering.
- 5.7 That Cabinet considers adopting the Westminster model of prosecuting for fly-tipping and littering and that a presentation be given to Northamptonshire Magistrates on the Council's intentions to adopt a similar process.
- 5.8 That Cabinet monitors the impact of the anti-littering campaign after six months.

- 5.9 That it be recommended to supermarkets that they all introduce a deposit system for the removal of supermarket trolleys from their premises.
- 5.10 That leaflets in appropriate languages regarding recycling and refuse collection be distributed to households where the Council knows that there are people in the household who use that language. Leaflets in ethnic minority languages should be available through community organisations and made available to landlords.
- 5.11 That the availability of nets to put on recycling boxes be widely publicised and consideration be given to providing them free of charge when new boxes are issued.
- 5.12 That, in the proposed evaluation of the recycling system currently used, Cabinet considers the use of a different type of receptacle that can be closed at the top.
- 5.13 That a high priority is given to the employment of additional Enforcement Officers when finances permit.
- 5.14 That landlords be encouraged to inform their tenants on the proper disposal of rubbish and that landlords be requested to provide proper places for tenants to store rubbish prior to collection by the Council, in particular, Landlords should take responsibility for informing new tenants of the collection date. The Council seeks to lead by example, as a landlord, by the way that it informs its tenants on the proper disposal of rubbish.
- 5.15 That planning permission for new developments and conversions of properties for multi-occupation include a condition concerning the provision of facilities for tenants to store rubbish before collection.
- 5.16 That the Council works with the Landlords Forum to ensure that recommendation 5.14 above is promoted.
- 5.17 That the implementation of the recommendations be monitored six months after the report has been presented to Cabinet.

## **Appendices**

**NORTHAMPTON BOROUGH COUNCIL**

**OVERVIEW AND SCRUTINY**

**STREET SCENE  
TASK AND FINISH GROUP**

**1. Purpose/Objectives of the Review**

- To review poor performance on the collection of abandoned cars.
- To review the new legislation, Clean Neighbourhoods and Environment -to dealing with problems of side waste and litter left following refuse collection and whether appropriate resources are available.

**2. Outcomes Required**

- To recommend the introduction of methods to improve the poor performance on the collection of abandoned cars.
- To report how the Clean Neighbourhoods and Environment Act 2005 will impact on this Council.
- To recommend the introduction of methods to deal with problems with side waste and litter left following refuse collection.

**3. Information Required**

- Key objectives of the ELVIS partnership
- Briefing on the new legislation, Clean Neighbourhoods and Environment Act 2005
- Baseline data for abandoned vehicles, including: -
  - Hotspots
  - Seasonal trends
  - Best practice external to Northampton
- Councillors, Residents Associations and Parish Councils' reports
- Briefing on Housing Landlord obligations regarding side waste on perceived problem areas of abandoned cars within their wards
- MORI Survey
- Comparison of local street scene surveys undertaken in October 2005 and October 2006

**4. Format of Information**

- Officer reports/presentations
- Baseline data
- Best practice external to Northampton
- Published reviews on street scene and abandoned vehicles
- Existing surveys
- Witness interviews/evidence



## **5 Methods Used to Gather Information**

- Minutes of the meetings
- Desktop research
- Examples of best practice
- Witness Interviews/evidence:-
  - Portfolio Holders
  - ELVIS partnership representative
  - Councillors
  - Parish Councillors
  - Residents' Associations
  - Neighbourhood wardens/PCSOs
- Benchmarking against other Local Authorities, including the other six Councils in the county.
- Press release

## **6. Co-Options to the Review**

Mr K Ingleson  
Ms E Percival

## **7. Evidence gathering Timetable**

November 2006 to March 2007

28 November 2006	- Scoping meeting
18 December	- Evidence gathering
23 January 2007	- Evidence gathering
20 February	- Evidence gathering
15 March	- Finalise Chair's report

## **8 Responsible Officers**

Lead Officer	Carl Grimmer
Co-ordinator	Tracy Tiff

## **9 Resources and Budgets**

T Spiezick, Street Care and Environment Manager Manager, and P Hackett, Waste Services Manager, to provide support and advice.

## **10 Final report resented by:**

Completed by 15 March 2007. Presented by the Chair of the Task and Finish Group to the Overview and Scrutiny Committee at its meeting on 27 March 2007 and then to Cabinet.

## **11 Monitoring procedure:**

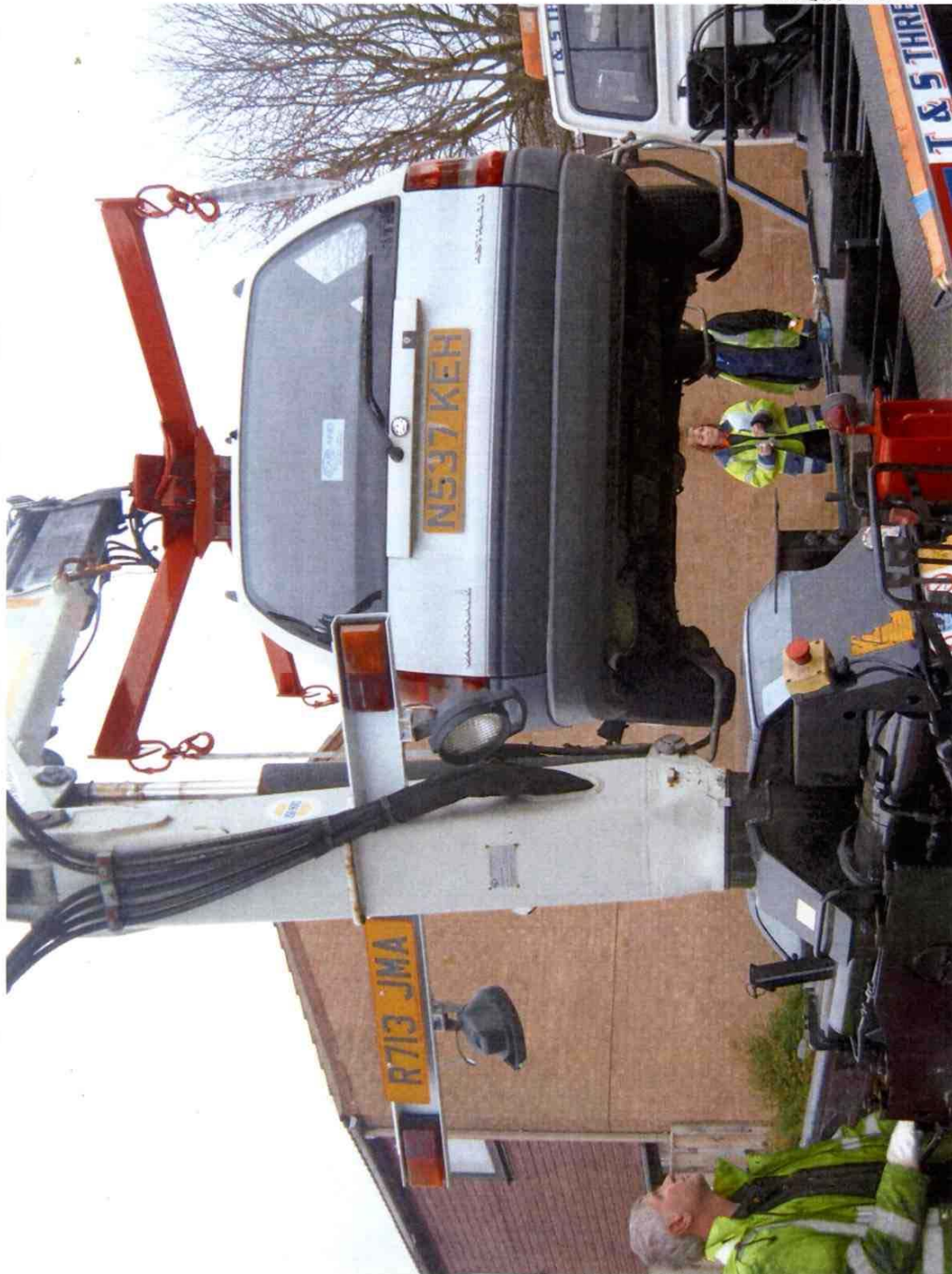
Appendix B

VANDALISED 1/2 BEFORE, <sup>INFORMED POLICE REF</sup> PHONED POLICE TO LET OWNER KNOW.

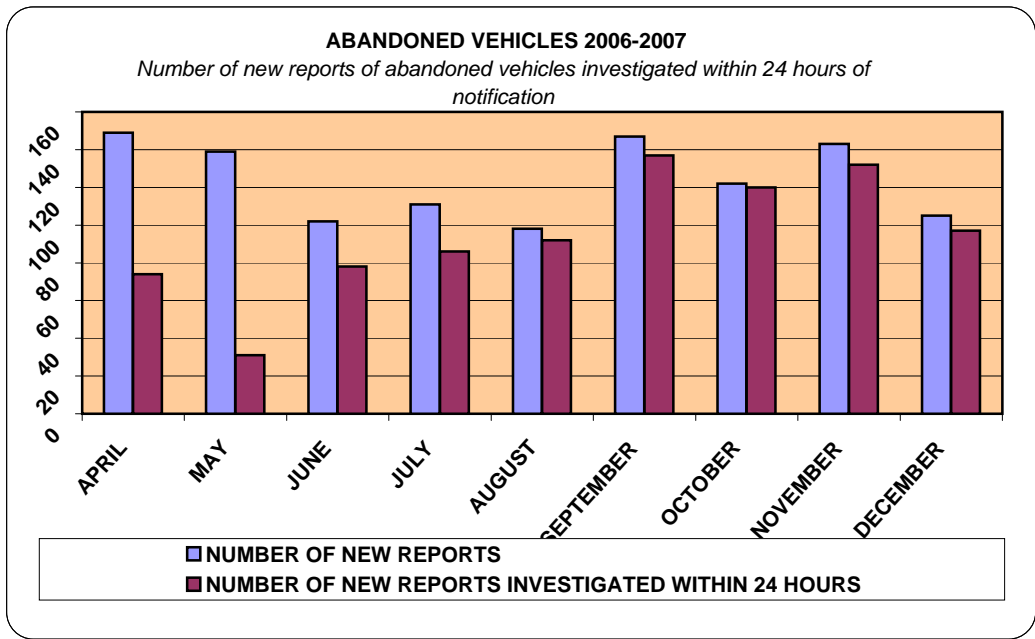


CARS UNTAXED LIFTED 3 IN DAY. 6/12/06

BEING USED  
REGULARLY



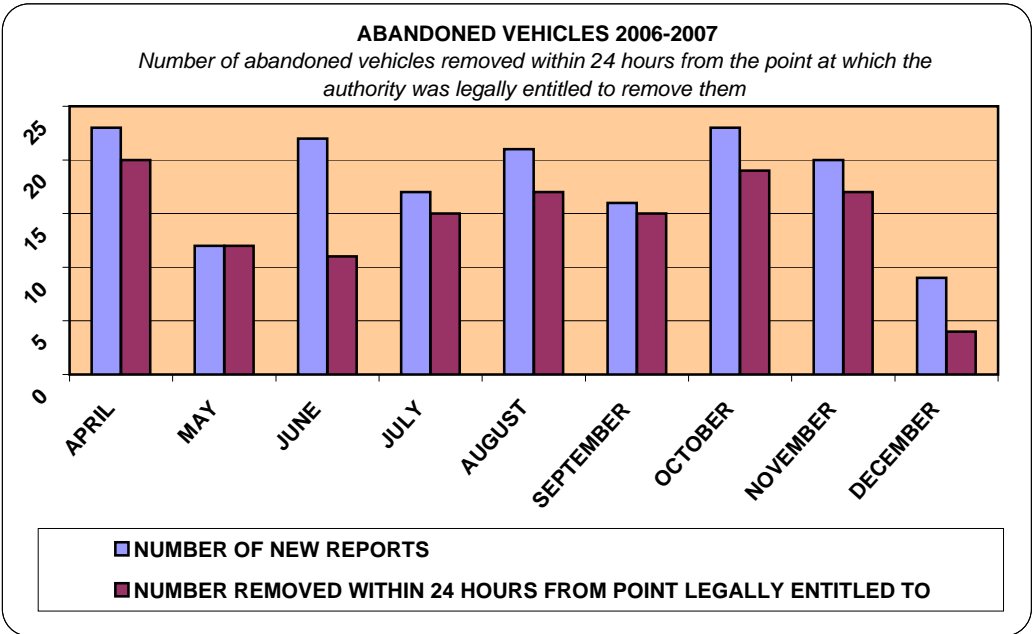
	<b>NUMBER OF NEW REPORTS</b>	<b>NUMBER OF NEW REPORTS INVESTIGATED WITHIN 24 HOURS</b>
<b>APRIL</b>	149	74
<b>MAY</b>	139	31
<b>JUNE</b>	102	78
<b>JULY</b>	111	86
<b>AUGUST</b>	98	92
<b>SEPTEMBER</b>	147	137
<b>OCTOBER</b>	122	120
<b>NOVEMBER</b>	143	132
<b>DECEMBER</b>	105	97



**ABANDONED VEHICLES 2006-2007 BVPI 218B**

Appendix C

	<b>NUMBER OF NEW REPORTS</b>	<b>NUMBER REMOVED WITHIN 24 HOURS FROM POINT LEGALLY ENTITLED TO</b>
<b>APRIL</b>	<b>23</b>	<b>20</b>
<b>MAY</b>	<b>12</b>	<b>12</b>
<b>JUNE</b>	<b>22</b>	<b>11</b>
<b>JULY</b>	<b>17</b>	<b>15</b>
<b>AUGUST</b>	<b>21</b>	<b>17</b>
<b>SEPTEMBER</b>	<b>16</b>	<b>15</b>
<b>OCTOBER</b>	<b>23</b>	<b>19</b>
<b>NOVEMBER</b>	<b>20</b>	<b>17</b>
<b>DECEMBER</b>	<b>9</b>	<b>4</b>



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

**Tuesday, 20 February 2007**

**PRESENT:**

Councillor C Church	Chair
Councillor T Crake	
Councillor J Duncan	
Councillor M Hill	
Mr K Ingleson	Co-Optee
Ms E Percival	Co-Optee
Carl Grimmer	Corporate Manager
Nicci Marzec	Corporate Manager
Tony Spiezick	Street Scene Manager
Tracy Tiff	Scrutiny Officer

**Witnesses**

Councillor P Flavell	Portfolio Holder
Councillor P Larratt	Portfolio Holder
C Stevenson	Corporate Manager
M Seddon	Interim Development Control Manager

**1 APOLOGIES**

There were none.

The Chair welcomed everyone to the meeting and invited attendees to introduce themselves.

**2 MINUTES OF THE MEETING HELD ON 18 JANUARY 2007**

The minutes of the meeting held on 18 January 2007 were agreed as a true record.

**3 WITNESS EVIDENCE**

**(A) PORTFOLIO HOLDER**

Councillor P Larratt, Portfolio Holder for Community Engagement and Democratic Services, and Councillor P Flavell, Portfolio Holder for Local Environment, were in attendance for this item.

The Task and Finish Group put the following questions to Councillor Larratt:

### **1 Are there plans to employ full time Enforcement Officers?**

Presently there are no plans due to the budget demands but this will be reviewed on a quarterly basis, based on demand and funding.

A bid for £60,000 was submitted for two full time enforcement officers but no bids were considered. The Street Scene Team had two vacant Community Liaison Officers and these posted were not recruited and were used to supplement the budget shortfall.

### **2 Does the Administration intend to put in place Protocols for the collection of shopping trolleys left in localities in the Borough?**

The system currently employed by Corby and other Councils is being investigated, whereby NBC would collect trolleys left on housing estates and deliver them back to the Supermarkets for a charge of up to £35 per trolley.

A shopping trolley costs £180. If the supermarket did not want one of its trolleys returned, the Council would probably scrap it.

### **3 Can anything be done regarding cars with for sale notices parked on the highway?**

The Abandoned Vehicle Officer checks all cars that are presented for sale on the highway. Should there be two vehicles within 500 yards, the Council has had them moved and parked in more appropriate locations.

### **4 Could an agreement be implemented through the ELVIS Partnership regarding the removal of such vehicles?**

Discussions will be taken with Northamptonshire County Council regarding authorisation for removing vehicles put up for sale on the highway.

Councillor Larratt was thanked for his address.

The Task and Finish Group put the following questions to Councillor Flavell:

### **1 What is the Council doing to prepare for the Clean Neighbourhoods and Environment Act 2005 in respect of Street Scene?**

Northampton Borough Council will use the Act to strengthen the enforcement throughout Northampton. The Council has a partnership approach to delivering the Act in order that maximum efficiency is achieved.

An anti-littering campaign is being planned, which will be run from 2 April 2007 and will take a zero tolerance approach to littering and side waste issues. The Street Cleansing Area Officers in conjunction with the Neighbourhood Wardens will carry

out the enforcement.

The Neighbourhood Wardens will go into schools and educate the young people on issues such as fly-tipping and littering. The Neighbourhood Wardens will shortly begin to patrol areas with Police Community Support Officer

'Street litter notices' will be served which will require people such as MacDonal d 's, Ramsden's and Burger King in the Drapery to take some ownership and responsibility for clearing the litter and emptying the litter bins outside of core hours worked by cleansing staff. Litter is the fast food's responsibility if it is 100 yards within either side of the shop. Good practice guides are available. In response to a query regarding asking all shops to sweep their fronts, it was confirmed that this is being done through the Town Centre Partnership.

Failure to do so can result in daily fines being imposed, which range from a daily fine of up to £100 per day to a maximum penalty of £2,500. The severity of the cost will increase after each offence or each day they have failed to comply.

Northampton Borough Council will also introduce a shopping trolley system, whereby we collect them and inform the stores, who will pay to have them returned. This is more of a problem in the eastern district than anywhere else in town.

The Council is looking to sell organisations bins for their employees to dispose of cigarette stubs

Most shops are willing to display posters regarding littering.

**T Spiezick, Street Scene Manager, undertook to circulate the Council's legal procedure on fly-tipping prosecutions.**

## **2 Are there appropriate resources available to deal with the problems of side waste and litter left following refuse collection?**

The Council is amending the strategic use of the Wardens to encompass this role.

The Neighbourhood Wardens are all now fully trained to carry-out enforcement duties and the Wardens will be heading up the enforcement drive planned for April, along with Area Officers and Team Leaders from the Street Cleaning Service. There will be a poster and press campaign, using the both local radio stations and local papers.

## **3 Is there anything that can be done regarding plastics and other material blowing from the recycling bins on windy collection days?**

The Council sells nets to residents at a cost of 99 pence. This is advertised and nets can be collected from Westbridge depot.

Through the course of the year, there will be an evaluation of the recycling system and receptacles provided to residents. The collection of glass will form part of the



review. The current machinery does not allow glass to be sorted.

**4 Are there any other plans for enforcement in respect of side waste and littering issues?**

A response to this questions was provided in the reply to question 1 above.

Mr Ingleson, co-optee, conveyed his concern regarding sidewaste issues from multi occupancy properties giving an example of one in his neighbourhood. In response to the reply that Fixed Penalty Notices can be issued, K Ingleson advised that often individuals are only at such properties for around three months and suggested that the flytipping and littering be the responsibility of the landlord. T Spiezick confirmed that the Act enables the Council to prosecute the producer of the waste and not the landlord.

It is a requirement for Multi Occupancy properties to be licensed.

**5 If the Neighbourhood Warden Service is to continue, will the Wardens become responsible for enforcement?**

Yes the service will continue and it is anticipated that the Neighbourhood Wardens will become responsible for enforcement in the foreseeable future.

**6 Are multi lingual letters, explaining side waste issues, issued to residents?**

Yes, they are currently being translated by the unit at Northampton County Council and include:-

- Polish
- Somalian
- Hindu
- Albanian
- Croatian

The Task and Finish Group suggested that Russian and European languages be included.

**7 If so, how frequently?**

The letters are produced on an as and when required basis. Initially the letter is issued to all households in English, with a section in the above languages at the back stating if the letter is needed in another language to contact the Street Scene Department.

Councillor Flavell was thanked for her address.

**(B) DVLA**

At an earlier meeting the Group heard that a central unit of the ELVIS partnership

receives all abandoned vehicle enquiries and a 'fast track' approach has been adopted. Permission must be obtained from the DVLA to remove a vehicle from the highway and must meet the DVLA's criteria:-

- The vehicle is untaxed and has been so for more than a month
- There has been no change of ownership for five years

The DVLA was contacted to ascertain whether further information could be provided on the above two criteria for the removal of a vehicle from the highway.

A representative from the Policy Unit, DVLA, Swansea, confirmed that there is no further information to add to the above criteria. He did however provide details of the Nuisance Vehicles Users' Guide, which allows Local Authority officers to make immediate decisions over abandoned vehicles in their area, the DVLA developed the Web Enabled Enquiry (WEE) system to provide 24-hour on-line access 7 days a week, to their vehicle keeper database. The ELVIS Partnership has access to the WEE system.

### **(C) CORPORATE MANAGER (PLANNING, ENVIRONMENTAL HEALTH AND BUILDING CONTROL)**

C Stevenson, Corporate Manager, and M Seddon, Interim Development Control Manager, advised the Task and Finish Group on the Planning Policies (Policies H21, H22, H23, H24, H25 and H26) in the Northampton Local Plan (adopted in 1997) and that they did not specifically require the provision of waste disposal for flats development.

The Development Control Team acknowledges that it is important to seek such provision within layouts and planning conditions to be imposed requiring the provision of waste disposal facilities.

It was emphasised that planning conditions are enforceable, and if they are not adhered to a breach of condition notice is issued. Planning Services will work with Street Scene Officers to obtain their expertise when applications for multi occupancy premises are submitted. The Enforcement officers have a list of the all Multi Occupancy premises in the Borough which they are investigating.

It was confirmed that the Planning Policy Department is currently looking at all planning and planning policy guidance notes to ensure that they are up to date.

The Chair confirmed that the Task and Finish Group's concern was regarding multi occupancy households.

### **(D) WARD COUNCILLORS**

The Task and Finish Group received a briefing note detailing that at the initial scoping meeting it was agreed that all Councillors be contacted and asked whether they had any problems with abandoned vehicles, side waste and fly tipping problems in their wards. The Chair wrote to all Councillors and a response was

received from Councillor Pritchard.

Councillor Pritchard commented that she makes almost daily reports to the call centre about fly-tipping in her ward and provided examples of the types of the reports that she makes. It was noted all of the reports had been dealt with. All items recorded on the daily fly-tipping schedule were removed within 48-hours

#### **4 OFFICER'S REPORT - BASELINE DATA**

##### **(A) DESKTOP RESEARCH**

The Task and Finish Group received a briefing note that detailed that at the initial scoping meeting it was agreed that neighbouring Local Authorities and those Local Authorities noted for best practice regarding the collection of abandoned vehicles and that details of the following best value performance indicators (BVPI) be obtained: -

- Best Value Performance Indicator BV218a – Percentage of new reports of abandoned vehicles investigated within 24 hours of notification.
- Best Value Performance Indicator Bv218b – Percentage of new reports of abandoned vehicles investigated within 24 hours of notification.

Information was provided from:-

- East Northants District Council
- Kettering District Council
- Liverpool City Council
- Solihull Metropolitan Borough Council
- Wellingborough District Council

Further information was given on other initiatives around the country:-

- Liverpool City Council
- Kettering Borough Council
- Solihull Metropolitan Borough Council
- Birmingham City Council
- Bristol City Council

Councillor Hill supported Bristol initiative whereby Bristol Police has recently pioneered an 'immediate response' scheme in the South of the city whereby vehicles identified as being abandoned are immediately collected and disposed of. In the course of the 18 months in which the scheme has been in operation over 1,500 vehicles have been removed from the streets and the police are currently removing 130 vehicles a month at a cost of approximately £45 per vehicle. To date, they have not had a single claim and have experienced a reduction in crime, fear of crime, and arson. The Council has also experienced considerable savings on the costs of removing and disposing of abandoned vehicles. The Group was informed that the ELVIS scheme cost each Council £3,500 per annum, the Bristol Initiative costs £45 per removal of each vehicle, NBC moves around 50 vehicles a week,

therefore, it would not be cost effective for the Council to adopt a similar scheme. Prior to the ELVIS scheme, the removal of abandoned vehicles was costing the Council around £70,000 per annum.

The Task and Finish Group received a briefing note that at the initial scoping meeting it was agreed that neighbouring Local Authorities and those noted for best practice regarding fly-tipping and side waste be contacted.

Information was provided from:-

- East Northants District Council
- Kettering Borough Council
- Daventry District Council
- Wellingborough District Council
- Fenland District Council

A range of information was also obtained from the Councils', the Audit Commission's website and from APSE.

APSE reported that the key issues regarding fly-tipping were:-

- Local Authorities in England reported that they had dealt with over one million incidents of fly-tipping.
- An average 89,173 incidents of fly-tipping was reported each month equating to an average of 1.8 incidents per thousand population in England.
- London tends to report the highest number of fly-tipping incidents and the South West reported the fewest.
- 86% of fly-tipping takes place predominantly in urban Authorities where 63% of people in England live.
- More than half of fly-tipping occurs in the 88 Local Authorities identified as Neighbourhood Renewal areas.
- Over 48% of reported incidents were on highways and 22.5% were on Council land.
- 51% of fly-tips dealt with by Local Authorities are household waste.
- The most common size of fly-tips occurs within the car boot or less and single item categories. A large number of these incidents are single black bin bags left outside the relevant collection times.
- Local Authorities are continuing to develop their capacity to take enforcement action against fly-tippers with nearly 1,500 prosecutions against fly-tippers between April 2005 and March 2006
- DEFRA comments that almost five times as much is being spent by Local Authorities on clean up rather than prevention and enforcement.

## **5 CITY OF LONDON (WESTMINSTER) - ENFORCEMENT PROCESS**

A briefing note was submitted that detailed that at the last meeting it was agreed that the City of Westminster and the London Borough of Merton be contacted and details of their models of prosecution for littering and fly-tipping be obtained.

The Enforcement Manager, City of Westminster, provided the following details. The Authority does not have a written Policy but it adheres to the following guidelines:-

The Council aims to educate people and inform individuals and businesses of its obligations. If they litter or fly-tip, a warning is given in the first instance.

If they continue to litter or fly-tip following the initial warning, they are issued with a Fixed Penalty Notice

If after the Fixed Penalty Notice has been issued, and they continue to litter or fly-tip, prosecution is taken through the Magistrates Court. This guidance is in accordance with the Government's Concordat.

The following statistics were provided for 2006:-

- 2,500 Fixed Penalty Notices were issued to businesses for littering, 60% of which were paid
- 4 successful prosecutions for littering in accordance with S34 (Commercial Waste, duty of Care) of the Environment Protection Act
- Further prosecutions are ongoing

A letter, detailing a name and address, found in an illegally discarded black bag of rubbish, can and has been, used as evidence for a fly tipping prosecution by the City of Westminster. Depending on how the letter is written the Authority may send a Fixed Penalty Notice (FPN) but there has to be enough information in the letter to identify an individual or limited company. The letter must be addressed to an individual or a plc. The Authority cannot issue a Fixed Penalty Notice to, for example, Three Horse Shoes Hotel. In cases where letters have been addressed in such a way, the Enforcement Officer will make further enquiries to find out who has the duty of care for the rubbish. If the individual does not pay the FPN and the case is referred to the Magistrates Court, evidence is needed to show that the FPN was correctly issued. If an individual is seen disposing of rubbish illegally, this is used as evidence and a FPN issued. The Authority tries not to use third party evidence unless the third party is willing to act as a witness. The Authority has also used video evidence in the past, e.g. filming an individual disposing of rubbish illegally.

A response was not received from the London Borough of Merton.

C Grimmer confirmed that prosecution procedures are being put together with legal services and will take note of best practice from other Councils. There will be the opportunity for the Council to take 'block bookings' to the Magistrates Court, for

example a whole morning. The Chair advised that the Council's legal services appeared to lack confidence that the Magistrates Court would prosecute for fly tipping and that Westminster City Council's procedure should be used as an example of good practice.

## **6 DATE OF NEXT MEETING**

The next meeting was noted as 15 March in the Holding Room. It was agreed to bring the meeting forward to the earlier start time of 6pm.

The meeting concluded at 7:15 pm

# PERFORMANCE REPORT : Quarterly - Q2

% calculated excluding no trend indicators

CURRENT STATUS						
	= 1 [ 33.3% ]		= 0 [ 0% ]		= 2 [ 66.6% ]	<b>NO STATUS</b> = 0
MONTH ON MONTH TREND						
	= 1 [ 33.3% ]		= 1 [ 33.3% ]		= 1 [ 33.3% ]	<b>NO TREND</b> = 0
YEAR ON YEAR TREND						
	= 0 [ % ]		= 0 [ % ]		= 3 [ 100.00% ]	<b>NO TREND</b> = 0

## KEY TO BOX STATUS COLOURING

<b>GREEN:</b>
Overall performance on or exceeding target
<b>AMBER:</b>
Overall performance within 10% of target
<b>RED:</b>
Overall performance greater than 10% below target

## KEY TO QUARTILE CODING

1	NEW INDICATOR [quartile data unavailable]
2	LOCAL INDICATOR [quartile data unavailable]
3	NO QUARTILE DATA [issued from ODPM]
4	NOT REPORTED for 04/05 [new 05/06]
*	INDICATOR RESERVED [NBC data - not robust]
[ ]	SOURCE CPA PROFILE DATA

ID	NAME	SERVICE AREA	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	OUT	OVERALL PERFORMANCE TO DATE	ANNUAL TARGET	CURRENT PROFILED TARGET [if any]	PERFORMANCE AGAINST LAST QUARTER	OVERALL PERFORMANCE AGAINST SAME TIME LAST YEAR	COMMENTS	NBC 04/05 OUTTURN & QUARTILE POSITION	04/05 TOP QUARTILE	04/05 MEDIUM QUARTILE	04/05 BOTTOM QUARTILE	NBC 05/06 OUTTURN & PROSPECTIVE QUARTILE POSITION	
<b>Streetscene and Property Maintenance [Carl Grimmer]</b> = 1  = 0  = 2																											
↓ BV199a	Proportion of land & highways assessed as having combined deposits of litter & detritus that fall below an acceptable level	Streetscene				5										5	5					12 Median (U)	10	15	21.5	3 TOP	
↓ BV199b	Proportion of relevant land & highways from which unacceptable levels of graffiti are visible	Streetscene				13										13	9%					4	4	4	4	4	
↓ BV199c	Proportion of land & highways from which unacceptable levels of flyposting are visible	Streetscene				2										2	2					4	4	4	4	4	



**Appendix F**



