

**EXECUTIVE MEMBER FOR NEIGHBOURHOOD SERVICES AND  
ADVISORY PANEL**

**WEDNESDAY, 18 OCTOBER 2006**

**DECISIONS**

Set out below is a summary of the decisions taken at the meeting of the Neighbourhood Services EMAP held on Wednesday, 18 October 2006. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact Jill Pickering.

**4. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 -  
FIXED PENALTY NOTICES**

Members considered a report which asked them whether they wished to implement the standard default level for Fixed Penalty Notices (FPNs), whether to implement the standard default level and offer a reduction for early payment (within 10 days), (in line with local authorities in the North Yorkshire region); or to specify the amount of the FPN's from within the ranges set out in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 (regulation 2). The ranges were from £50 to £80 for those offences with a default amount of £75, and from £75 to £110 for offences with a default amount of £100. Members were also asked to approve a proposed communication and awareness strategy, and the commencement date of the 20<sup>th</sup> November 2006 for implementation of FPN enforcement.

The FPN levels recommended by North Yorkshire Chief Officers Group are as follows:

Description of Offence	Amount if paid within 10 days (£)	Default Amount (£)
Depositing Litter	50	75
Failure to comply with a street litter control notice	60	100
Failure to comply with a litter clearing notice	60	100
Failure to produce waste documents	180	300
Failure to produce authority to transport waste	180	300
Unauthorised distribution of free printed material	50	75
Failure to comply with a waste receptacles notice	60	100
Graffiti and fly-posting	50	75

The report presented three options:

- (a) To set the level for FPN's at the standard default level, in line with surrounding authorities in the North Yorkshire area, including the application of a discount for prompt payment at the minimum level below which the discounted penalties cannot fall, within 10 days of the offence, as detailed in the table in paragraph 9 of the report and the table above;
- (b) To set the level for the FPN's at the standard default level as detailed in Annex A of the report and not to offer a discount for prompt payment;
- (c) To specify the amount of the FPN's from within the ranges set out in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 (regulation 2). These ranges are from £50 to £80 for those offences with a default amount of £75 and from £75 to £110 for offences with a default amount of £100. Annex A provides the details of these ranges for each listed offence. Associated with this is that the amount of the discount should also be specified, should Members so wish.

The report also detailed the steps required to satisfy Defra statutory guidance regarding a well publicised lead in period to raise awareness of the proposed changes to the enforcement action:

- i) Enforcement information will be available on the CYC web
- ii) Press releases – The first of which was issued with this report. From this it is hoped that the Press and other media such as local radio stations will feature information on enforcement action within the street environment.
- iii) Information will be placed in council produced external and internal publications, such as YourWard (subject to Ward member approval), and YourCity, at the next possible opportunity.
- iv) Posters will be produced and displayed at sites such as libraries, bus stops and council receptions.
- v) For offences in relation to waste receptacles and the presentation of waste, leaflets detailing the new enforcement powers will be sent to all addresses on streets where previous enforcement action has been

necessary, to ensure that occupiers are aware that FPN's will be issued where sufficient evidence is gained of an offence.

#### Advice of the Advisory Panel

- (i) That the Executive Member be advised to approve option (a) as detailed above;
- (ii) That the Executive Member be advised to approve the communication and awareness strategy, as detailed above, along with the commencement date of issuing FPN's of 20<sup>th</sup> November 2006.

#### Decision of the Executive Member

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed

REASON: (i) This will enable uniformity of enforcement in the region whilst allowing in effect the lower rate to be paid.

(ii) In order to progress work in this area.

## **5. CONTAMINATED LAND INVESTIGATION FUNDING**

Members considered a report which detailed the background to the preliminary contaminated land investigations into three areas of land in the city. On 9 February 2005, in compliance with the City of York Council 'Contaminated Land Strategy', and the statutory requirements of the Environmental Protection Act 1990, the Executive Member approved a report which included a proposal for initial ("preliminary") investigation by Environmental Protection Unit (EPU) of three areas of land which historically had been used for domestic and / or commercial waste tipping ("landfilling"). Later that year, the council's EPU in accordance with the decision by the Executive Member, conducted preliminary contaminated land investigations of the following council-owned land; Nun Ings (off Butcher Terrace) in Micklegate ward, King George's Playing Field in Heworth ward, Tang Hall Primary School Playing Field (at the junction of Eighth Avenue and Fifth Avenue) in Heworth ward.

In March 2006 as a result of preliminary investigations an application was made to the Department for Environment, Food and Rural Affairs (Defra) for grant funding to support more detailed investigation of these areas. In July 2006 Defra replied to say they approved the requested funding (£33,150).

Members were asked for a decision regarding the acceptance of the

grant offered and whether to conduct the detailed investigations.

Members were updated that the investigation and monitoring of the sites would require additional staffing resources of 0.5 full-time Contaminated Land Assistant on a temporary basis until the investigation was complete. The cost of this resource would be funded from the grant.

#### Advice of the Advisory Panel

That the Executive Member be advised :

- (i) To accept the grant funding offered by Defra;
- (ii) To note that the Director of Neighbourhood Services exercises his delegated powers to appoint a part-time contaminated land assistant on a temporary basis as detailed above.

#### Decision of the Executive Member

RESOLVED: That the advice of the Advisory Panel be accepted and endorsed.

REASON: (i) To allow the council to investigate the three areas of land identified, in accordance with the obligations placed on the council by Part 11A of the Environmental Protection Act 1990;

(ii) To update the Executive Member.