

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

6th March 2008

**PRESENT:-**

**Conservative Group**

Councillor Bladen (Chairman), Councillor Ford (Vice-Chairman) and Councillors Bale, Mrs. Hood, Lemmon, Mrs. Patten and Watson.

**Labour Group**

Councillors Mrs. Lane, Rhind, Southerd, Taylor and Tilley.

**In attendance**

Councillor Jones (Conservative Group) and Councillor Richards (Labour Group).

**APOLOGY**

An apology for absence from the Meeting was received from Councillor Timms (Conservative Group).

EDS/42. **MINUTES**

The Minutes of the Meetings held on 8th January and 31st January 2008 were taken as read, approved as true records and signed by the Chairman.

EDS/43. **MEMBERS' QUESTIONS**

The Chairman introduced an urgent item – Private Hire Knowledge Test. He advised the Committee that it had been brought before them with his agreement, due to the grounds for urgency as noted in the report, and it would be considered at Item 9a.

**MATTERS DELEGATED TO COMMITTEE**

EDS/44. **SAFER NEIGHBOURHOOD REVIEW CONSISTING OF FIXED PENALTY NOTICE POLICY AND SETTING FINES**

A report was submitted to inform Members of the current progress within the Safer Neighbourhood Warden service and the proposed areas for improvement. In addition, the amended Environmental Health Enforcement Policy, which specifically covered Fixed Penalty Notices (FPN's) was also submitted. Members were advised of the need to set further charges in relation to powers to serve FPN's, following changes made by the Clean Neighbourhoods and Environment Act 2005, and to propose charges where there was an ability to set them at a local level.

The Safer Neighbourhood Wardens (SNW's) had been in service at full strength for approximately 18 months. Included within the report was a list of duties, which had formed the majority of the role to date. Progress on the service of FPN's was reported. Approximately 60 had been served in 2007/08, and further work with various departments and agencies should lead to improvements in respect of litter and fouling. It was reported that BVPI evidence relating to the cleanliness of public spaces showed an

improvement on the previous year and significantly, public satisfaction with cleanliness was up 5% to 68%.

The report provided information on the enforcement of FPN's. It was confirmed that the Environmental Health Department had an Enforcement Policy in place, which ensured that enforcement actions undertaken were fair and effective. To ensure consistency, all decisions relating to enforcement would take into consideration the revised Environmental Health Enforcement Policy, a copy of which was attached to the report. A new appendix to the Enforcement Policy had been developed in line with guidance from DEFRA, which related solely to the use of FPN's.

It was confirmed that a number of offences, for which there was now the potential to serve an FPN, had yet to have fine amounts assigned to them. A copy of the table was included within the report, giving a description of events, the legislative power, amounts by law, minimum fine allowed following discount, and finally the proposed charge following discount for early payment. The table identified those FPN's that the Council could set the charge at its own discretion, and it showed the recommended levels of charge and the recommended levels of discount, for Member consideration.

In response to a question, the Environmental Protection Manager confirmed that less than 10 notices had been issued for dog fouling offences. In order to pursue such cases further, witnesses would be required. Councillor Southerd responded that DNA data on dogs would make this process easier. He added that if evidence was received, the District Council should always issue an FPN, and pursue this to court action if the payment was not made. Councillor Richards gave an example of a disabled resident receiving an FPN after someone had kicked over a refuse sack. The Environmental Protection Manager responded that individual circumstances were taken into account.

Members also discussed the inappropriate positioning of cars for sale and the decriminalisation of parking enforcement. It was confirmed that the District Council was still in negotiation with Derbyshire County Council about this function and a presentation would be given to Members on this subject.

**RESOLVED:-**

- (1) That the newly developed policy on the service of Fixed Penalty Notices be approved.***
- (2) That the proposed charges for Fixed Penalty Notices for the remaining offences, introduced by the Clean Neighbourhoods and Environment Act 2005 be approved.***

EDS/45. **AFFORDABLE HOUSING PROVISION IN SOUTH DERBYSHIRE - A GUIDE TO DELIVERY**

Members were requested to consider the submitted draft document – 'Affordable Housing in South Derbyshire – A Guide to Delivery'.

The Housing and Community Services Committee had considered and approved the publication of this guide on 7th February 2008. This document did not introduce new policy, but provided clarity to prospective applicants on the policies the Council had in regard to seeking contributions towards

affordable housing, as well as setting out procedural issues, until the Local Development Framework was in place.

**RESOLVED:-**

***That the draft document 'Affordable Housing in South Derbyshire – A Guide to Delivery' be approved.***

EDS/46. **IMPLEMENTATION OF DESIGNATED PUBLIC PLACE ORDERS**

A report was submitted to advise Members of problems in a particular area, relating to the consumption of alcohol by adults. A number of crimes and incidents that had taken place in the vicinity were also detailed in an appendix to the report. It was confirmed that although Police Officers and Police Community Support Officers regularly patrolled this area, they currently had limited powers to confiscate alcohol from adults and to prevent street drinking. The introduction of a Designated Public Place Order (DPPO) would give Police the power to confiscate any alcohol or alcohol containers from individuals in this area. Penalties for failing to comply with an officer's request without reasonable excuse, could incur a penalty notice for disorder of £50, or arrest and prosecution leading to a level two fine. It was confirmed that before a DPPO could be introduced, the local authority had to consult with the Police, any parish or community council in the designated area, each premises licence holder in that area and owners or occupiers of any land that would be identified in the order. For the initial consultation, there would be an estimated cost of £500 to place an advert in the local press. The Safer South Derbyshire Partnership would meet this cost.

Following a number of questions from Councillor Southerd, the Antisocial Behaviour Officer responded that this particular DPPO was a pilot for South Derbyshire, which would be reviewed and then possibly rolled out to other areas within the District. The Officer added that any area that was already a licensed outdoor drinking area could not be included within the DPPO. With regard to the problems of alcohol abuse within the park area, police already had the power to seize alcohol, as it was mainly underage drinkers. The DPPO was tailored to be effective against over 18's. It was hoped that this DPPO would be in place by summer 2008. It was clarified that alcohol-free zones were not enforceable. In the future, DPPO's would be replacing alcohol-free zones, as they were enforceable. It was hoped that the Police and PCSO's who were already in this area dealing with incidents, would support this initiative.

Councillor Southerd commented that Gresley Park was visited by youths from throughout the District, and there were problems with anti-social behaviour. He did not accept that allowing them to remain in the Park was an effective way for the Police to deal with this behaviour. The Director of Community Services confirmed that the Police were trying to deal with youths effectively and were in discussion with the District Council with a view to introducing a range of measures, to deal with this issue.

Councillor Richards asked what effect the order would have if it was extended to include the residential care home adjacent to the DPPO, as currently proposed. The Antisocial Behaviour Officer responded that the police had felt the problem would not disperse towards the residential care home, although the DPPO would be amended if it became a problem area.

**RESOLVED:-**

***That approval be given to carry out the necessary consultation, to assess whether a Designated Public Place Order (DPPO) is appropriate in the Linton Road area of Castle Gresley, which covers Bass's Crescent, Cedar Road and part of Arthur Street, leading back to Linton Road. In addition, this area covered the front of the shops on Linton Road, the park/play area, plus the area to the rear of the flats on Linton Road.***

EDS/47. **PRIVATE HIRE KNOWLEDGE TEST**

It was reported that during the year, the District Council had received a surge in applications for Private Hire Driver Licences, to unprecedented numbers. Many of these applications were from people who did not know the locality. To respond to this in sufficient time, to bring in corrective measures that would protect public safety and to establish quality standards to commence at the start of the next financial year, this matter had been submitted as an 'Urgent' report.

The report recommended the introduction of a Knowledge Test for all new drivers from 1st April 2008. Existing drivers would not be requested to undertake this test, unless substantiated complaints were received from the public. In addition, drivers who failed the "Mystery Passenger" exercise would be requested to undertake the test. The Knowledge Test would be in addition to the existing application system, which included the completion of an application form, a medical form signed by a doctor and a Criminal Records Bureau check. It was believed that customer care would be improved, as officers would be able to ascertain that applicants had a full knowledge of the geographical area of operation.

The introduction of the Knowledge Test would be self-financing via an additional fee, that would be charged to take the test. Should the applicant fail the Knowledge Test on three occasions, their application would be rejected for a 12-month period. There would be a right of appeal to the Licensing and Appeals Sub-Committee, for aggrieved persons.

**RESOLVED:-**

- (1) That the introduction of a knowledge test, as an element of the application for a Private Hire Driver's licence be approved.***
- (2) That existing drivers will be requested to take the test following substantiated public complaints or if the driver fails to complete successfully the Mystery Passenger exercises.***
- (3) That a fee of £20.00 be levied for each knowledge test undertaken.***

J. BLADEN

CHAIRMAN

The Meeting terminated at 6.59pm [Page 4 of 4](#)