

## Agenda Item 9

# Reports to the Area Committee Regarding Environmental Crime, Problem Buildings & Environmental Blight

At the February meeting of the Barrowford and Western Parishes Area Committee meeting three reports were noted dealing with problem areas and enforcements taken these included the opportunity for the Councillors through the Area Committee to add problem sites within their wards to the list.

**The first report by Operational Services Manager covered enforcements within Barrowford for the period October to December 2008 and it was reported that:**

### **PURPOSE OF REPORT**

To inform Members of the Environmental Crime action for 1<sup>st</sup> October to 31<sup>st</sup> December 2008 in the Barrowford and Western Parishes area and to ask for feedback on any problems with substations in the committee area.

### **Section 215 Notices:**

Section 215 of the Town and Country Planning Act 1990 allows a local authority to serve a notice on the owners and occupiers of land, requiring the site to be tidied up if the condition of any land is in such a state as to adversely affect the amenity of the neighbourhood.

### **Section 215's Pending:**

There were no Section 215s started during October - December 2008.

### **Section 215's – Completed:**

- There were no completed Section 215s during October - December 2008

### **Section 46 Notices:**

Section 46 of Environmental Protection Act (EPA) 1990 allows a waste collection authority to specify how waste is presented for collection, i.e. require an occupier to place waste for collection in receptacles of a kind and number specified. This is used to enforce separation of waste for recycling, and also for containers left out.

There were no Section 46 Notices served during October - December 2008.

### **Section 79 Notices:**

Section 79 of the Public Health Act 1936 allows a local authority to serve a notice where the owner of the land/property has accumulated noxious matter

## **Agenda Item 9**

i.e. food waste, and this notice gives the owner 24 hours to remove the waste. Failing to do so, the local authority can then remove the waste and recover the expenses of any action taken.

There were no Section 79 notices served by Operational Services during October - December 2008.

### **Fixed Penalty Notices:**

The Council has various powers to issue Fixed Penalty Notices (FPNs) for offences such as littering, dog fouling, graffiti and fly tipping.

There were no FPNs served in the period October - December 2008.

Operational Services plan to carry out a litter patrol in March 2009 in the Nelson and Colne College area.

There were no other notices served by Operational Services staff.

### **Provision of Litter/Dog Bins:**

Members approved an allocation of £1,200 at the committee meeting on 8<sup>th</sup> May 2008. There were no new litter/dog bins provided in the period October – December 2008 and therefore the total amount spent so far remains at £620.64 as reported at November's meeting.

### **Substation Sites:**

Following the Scrutiny Review of Litter and Detritus carried out in 2008, all area committees are being asked if there are any substations within their area that may need tidying up. Members are therefore asked to provide location details of any substations that are causing a problem with litter and/or flytipping.

**The second report prepared by the Planning Department dealing with problem buildings and reported that:**

### **PURPOSE OF REPORT**

To initiate a new Problem Buildings report for this (and every) Area Committee and to advise Committee of progress on existing cases.

### **Background**

1. The report of the Engineering and Special Projects Manager included elsewhere on this Agenda sets out the background to this new way of updating this (and the other) Area Committees of progress on Problem Buildings along with cases of Environmental Crime and Environmental Blight.

## **Agenda Item 9**

2. The Colne and West Craven Committees already have a monthly Problem Sites report on their Agendas. This Committee has not received a Problem Sites report in the past. The emphasis in this new report will be to provide a progress report, setting out the current situation and identifying potential actions. Further information on any particular case will be made available on request to the Contact Officer.
3. Members will note that it is intended that this report will only include cases which the Committee feels requires specific monitoring. These will be the more prominent and difficult to resolve cases or those which are having the greatest adverse impact on the local community. If every potential Problem Building and Environmental Blight site was reported to Area Committees, then the system would become too cumbersome and difficult to manage effectively.
4. It is proposed that the existing arrangement at Colne and District Committee be adopted by all Area Committees. That is, if councillors suggest a site for possible inclusion on this Problem Buildings Report, Officers will prepare a short report on the nature and extent of the problem for the following Committee. It is then for the Committee to determine whether or not to include it within the Problem Buildings Report. At this stage Members are asked to identify sites which they consider suitable for inclusion on this report. Officers will prepare progress reports on each site, for consideration by this Committee.
5. It is proposed to present this Report to Committee bi-monthly.

### **The third report compiled by the Engineering & special Projects Manager reported that:**

#### **PURPOSE OF REPORT**

To advise councillors of new definitions and reporting arrangements concerning problem sites and grot spots.

#### **Background**

1. An Officer Problem Sites Working Group was established as a result of concerns that were expressed at a Leadership Group “away day” meeting. The Leadership Group was concerned that there seemed to be a lack of coordination in dealing with problem buildings and areas of land and that there were different approaches to these issues across the five Area Committees.
2. The Working Group consisted of members from the following Service Areas:
  - Operational Services
  - Planning and Building Control
  - Engineering and Special Projects
  - Environmental Health
  - Housing Regeneration
  - Parks and Recreation Services
  - Democratic and Legal Services
  - Finance

## Agenda Item 9

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The cross-cutting nature of this issue can be seen.

3. It was established that there were as many as 13 different definitions of “problem sites” and “grot spots” and 11 ways in which these might get reported to committees. This needed to be made much simpler and easier to understand, coordinate and manage.
4. The Working Group considered what the optimum approach would be to cover all of the issues, and three definitions emerged:
  - environmental crime;
  - problem buildings; and
  - environmental blight.
5. The Group concluded that although these three defined areas of work cut across several Service Areas (particularly the second two), it was imperative that one Service Area should take the lead for each. This would simplify contact and made coordination easier.
6. The Working Group reported to Management Team and then to Leadership Group, where it was agreed that these new reporting arrangements be trialled at Area Committees.

### **Environmental Crime**

7. What is proposed is a slightly fuller version of an existing report which Carole Taylor (Operational Services) presents to Area Committees. It includes:
  - All Town and Country Planning Act 1990 Section 215 Notices (land affecting the amenity of an area);
  - Environmental Protection Act 1990 Notices (waste collection enforcement);
  - Public Health Act 1936 Section 79 Notices (accumulation of noxious matter); and
  - various Fixed Penalty Notices (littering, dog fouling, graffiti, fly tipping).
8. The Working Group observed that the S215 Notices in the “Planning Section” of Area Committees’ Agendas (compiled jointly by Planning and Legal) were sometimes duplicated by the Environmental Crime report (and on occasions gave inconsistent information). In future, the Planning/Legal untidy land S215 Notices report will be subsumed into the Operational Services one. Prosecutions for non-compliance will, however, be reported in the Legal Teams report, which will continue to be presented at Committee.

### **Problem Buildings**

9. At present, Colne and District and West Craven Committees have a monthly Problem Sites report on their Agendas compiled by the Area Committee Coordinators. This looks at major problems for significant sites. In reality, this concentrates on buildings that are of major concern and which require significant intervention.
10. A Problem Sites report has been submitted intermittently in the past to Nelson Committee (the last one in May 2006).
11. Such reports are not submitted at present to the Brierfield and Reedley Committee or Barrowford and Western Parishes Committee (although

## Agenda Item 9

the Capital Programme reports to Brierfield and Reedley Committee have a "HMR Grot Spots" Appendix).

12. A Vacant Properties report is submitted by Housing Regeneration (Paul Lloyd) to Area Committees every six months (the next one in March 2009). This will continue as the Problem Buildings report will only deal with the more "major" buildings.
13. The regular reports submitted by Housing Regeneration (Julie Palmer) to the Housing Market Restructuring Committee include Improvements for Sale information.  
The Working Group recommended that this should continue.
14. An analysis of both the existing Colne and District Committee and the West Craven Committee Problem Sites reports revealed that the sites were essentially Problem Buildings (although some would fall into the Environmental Blight category).
15. The last Nelson Problem Sites report consisted of a mix of problem buildings, environmental blight sites plus one or two more "strategic" sites, eg Riverside Mill.
16. The Group concluded that the problem buildings and environmental blight element of the existing Problem Sites reports should be separated.
17. The Working Group also concluded that the Building Act 1984 S79 Notices should continue to be reported in the "Planning Section" of the Area Committee Agendas.
18. The Group recognised that in some extreme cases a building may be of strategic significance and best handled via the Executive Committee.

### **Environmental Blight**

19. This is an issue which probably most troubled the Working Group. There is no Environmental Blight report as such at present. Some sites are "picked up" in Problem Sites reports to Area Committees, individual reports to Area Committees, Area Committee Capital Programmes, HMR Committee and occasionally the Executive.  
Typically, there could be four types:
  - (a) Untidy/derelict piece of Council land. For some reason or another, not any maintenance schedule.  
Solution: Put on a schedule or sell off if there is an interested party.
  - (b) As above but private registered land. Carry out Land Registry search.  
Solution: Write to owner and get them to sort out. (If no response, then perhaps get Environmental Action Group to sort out and try to recharge.)
  - (c) As above but unregistered land. Get Environmental Action Group to sort out and add to a maintenance schedule, eg Parks (with supplementary bid for funding via Executive?).
  - (d) A derelict piece of land (Council or private) that had a former use, eg a former garage colony.  
Solution: Wide-ranging consultation with members and residents. Reports to Housing Market Renewal Committee and Area Committee to get funding. Finally, get all stakeholders to sign up to an outline scheme. Then pass to Engineering and Special Projects to take it from there.

## Agenda Item 9

20. The fourth type can involve a large amount of work to get resolved: these sites come with a lot of “baggage”.
21. Recent examples of type (d) schemes include:
  - Macleod Street, Nelson: demolition of dangerous fired building;
  - Beresford Street garage site, Nelson: demolition and landscaping of run-down garage site including car parking for residents;
  - Earl Street gable end, Colne: removal of weeds and hard landscaping to prevent re-growth;
  - Burns Street, Nelson: formerly untidy soft landscaped site converted to hard landscaping;
  - Earby Beck, Earby: the site was overgrown and children were causing a nuisance playing near to the beck. Volunteers cleared the site and ESP providing fencing to make safe;
  - Back Every Street, Nelson: parking areas provided on the back street verge;
  - Thorn Grove, Colne: remaining garages were demolished and a new car parking area created; and
  - frontage to Railway Hotel, Barnoldswick.
22. Where funding is required to solve a blight problem site, this has come from various sources: HMR Grot Spots, Area Committee Capital Programmes, previously NRF funding, and supplementary estimates via the Executive.
23. Neighbourhood Management has had a big input into some sites but of course they do not cover all areas of the Borough.  
A Grot Spots (Elevate-funded) annual programme is agreed by the Housing Regeneration Committee.  
The Working Group considered that this should continue.
24. The Group considered that untidy, unadopted streets was a separate issue (which is being tackled via the Lancashire Local – Pendle Committee, the Residual Highways Agreement Scrutiny Review recommendations and possibly the HMR Grot Spots programme).

### Points of Contact

25. The Working Group recommended that these should be:
  - Environmental Crime: Carole Taylor, Waste Services Policy Manager (Operational Services);
  - Problem Buildings: Kieran Howarth, Development Control Manager (Planning and Building Control); and
  - Environmental Blight: Tricia Wilson, Project Coordinator (Engineering and Special Projects).

### Frequency of Reporting to Area Committees

26. The Working Group recommended that these should be:
  - Environmental Crime: quarterly (as at present);
  - Problem Buildings: bimonthly (perhaps with any significant “movements” reported by exception at the intervening meetings); and
  - Environmental Blight: quarterly.

### Assessing the Need to Report to Area Committees

27. The Working Group was concerned that if every potential Problem Building and Environmental Blight site was reported to Area Committees, then the system would become too cumbersome and fail.

## **Agenda Item 9**

28. If problems can be resolved reasonably quickly at officer level (via the point of contact above), then these need not go on Area Committees' Agendas.
29. The Group commended the existing arrangement at Colne and District Committee where councillors suggest a site for possible inclusion on the Problem Sites List and then resolve whether or not to include it following a short report on the nature and extent of the problem.

### **How will these reports affect or help Barrowford?**

- i. The first report shows how little enforcement activity has occurred in Barrowford on a range of problems over the last three months of 2008. This in essence means that either there are no problems within Barrowford or most likely that there are not enough complaints regarding these topics to cause enforcements to be taken.
- ii. The second report shows that currently the Barrowford & western Parishes Area Committee is one of the few that does not already have a monthly/bimonthly report on grot spots added to their agenda and that this report proposes that the Colne Area model is used for all Area Committee's (no. 4 second report)
- iii. The third reports tries to asses the current situation and suggest a more uniform structured approach to the way area committee's deal with grot spots but does acknowledge that if every potential sight was included the proposed system would grind to a halt. This report again suggests that the Colne model be used.
- iv. With the exception of the quarterly enforcement reports prepared by Operational Services, the adoption of the Colne model scheme will be a great improvement to the current mish-mash of ad hock reports that infrequently come to the Barrowford Committee.
- v. These proposed changes at least offer both the Borough Councillors and Parish Councils through their representative the opportunity of raising long term problem sites and having an initial assessment carried out which although may not lead to the site being included in the final list of grot spots may lead to progress at resolving the problems through avenues that come to light during the initial assessment.
- vi. The Parish Council could highlight through both its web site and newsletters how to report littering, dog fouling, fly tipping and other forms of environmental blight that affect small areas within Barrowford