

Public Document Pack

Mid Devon District Council

Managing the Environment Policy Development Group

Tuesday, 22 September 2015 at 2.00 pm
Phoenix House, Phoenix Lane, Tiverton EX16 6PP

Next ordinary meeting
Tuesday, 24 November 2015 at 2.00 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr D R Coren
Cllr Mrs C P Daw
Cllr R Evans
Cllr R F Radford
Cllr Mrs E J Slade
Cllr J D Squire
Cllr Mrs N Woollatt
Cllr R Wright
Cllr Mrs A R Berry

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **Apologies and substitute Members**
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2 **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
Note: A maximum of 30 minutes is allowed for this item.
- 3 **Minutes of the Previous Meeting** (*Pages 5 - 8*)
To approve as a correct record the minutes of the last meeting.
- 4 **Chairman's Announcements**
To receive any announcements that the Chairman may wish to make.
- 5 **Waste Education and Enforcement Policy** (*Pages 9 - 24*)
To receive a report from the Head of Finance regarding the Waste and Recycling Enforcement Policy for the start of the new Collection Scheme

commencing in October 2015.

- 6 **Play Areas - re consultation and closure** (*Pages 25 - 30*)
To receive a report from the Head of Housing and Property Services informing Members of the latest consultation with parishes, town council's and the public on-line consultation on the future provision of play areas.
- 7 **Cycling in the Park**
The Open Spaces Manager will provide the Group with information regarding cycling in People's Park, Tiverton.
- 8 **Wild Flower Seeds**
The Open Spaces Manager will brief Members on the use of wild flower seeds in public spaces.
- 9 **Grass Cutting Consultation** (*Pages 31 - 32*)
The Property Services Manager will update Members regarding a consultation taking place regarding grass cutting.
- 10 **Update on the changes to the Waste and Recycling Scheme** (*Pages 33 - 36*)
To receive an update on the roll out of the new recycling scheme and its performance during the first two months of operation.
- 11 **Identification of Items for the Next Meeting**
Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

Fixed Penalty Notices Update
Performance and Risk
Draft Budget
Financial Monitoring

Kevin Finan
Chief Executive
Monday, 14 September 2015

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film

proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Julia Stuckley on:

Tel: 01884 234209

E-Mail: jstuckey@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

This page is intentionally left blank

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP held on 4 August 2015 at 2.00 pm

Present

Councillors

R F Radford (Chairman)
Mrs A R Berry, D R Coren, Mrs C P Daw,
R Evans, Mrs E J Slade, J D Squire,
Mrs N Woollatt and R Wright

Also Present

Councillor(s)

N V Davey

Also Present

Officer(s):

Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Stuart Noyce (Waste and Transport Manager), Roderick Hewson (Principal Accountant), Richard Keith Hill (Environmental Protection Officer) and Julia Stuckey (Member Services Officer)

14 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

15 PUBLIC QUESTION TIME

There were no members of the public in attendance.

16 MINUTES OF THE PREVIOUS MEETING

The Minutes of the last meeting of the Group were approved as a true record and signed by the Chairman.

17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

18 PERFORMANCE AND RISK

The Group had before it and **NOTED** a report * of the Head of Communities and Governance providing Members with an update on performance against the corporate plan and local service targets for 2015-16 as well as providing an update on the key business risks.

The Waste and Transport Manager informed the Group that the data showing waste to landfill per head had been updated since the report had been issued and now showed 108.00 rather than 90.12. This indicator was performing above target.

Discussion took place regarding:

- Fixed Penalty Notices issued;
- The reduction in residual waste being collected;
- Anticipated reductions in waste to landfill when figures were collated for quarter 2, following the additional collection of plastic and cardboard for recycling;
- The roll out of the delivery of green boxes to households in the District.

The Head of Communities and Governance explained the process for risk reporting. She highlighted that waste collection was a high risk operation for the Council but that there was a Health and Safety Officer in post, a Health and Safety Committee which met quarterly to identify risks and a training plan for staff. The Health and Safety Officer had been working closely with the Learning and Development Team to ensure that a comprehensive training programme was in place.

Note:- Report previously circulated and attached to minutes.

19 FINANCIAL MONITORING

The Group had before it and **NOTED** a report * of the Head of Finance presenting a financial update in respect of the income and expenditure so far in the year.

The Accountant highlighted variances to the general fund:

- A £60k overspend for elections was not a true overspend as funds were in place to cover this;
- A £25k overspend for Grounds Maintenance was due to funding cuts from Devon County Council (DCC). DCC had reduced the payment they made to the authority for grass cutting and were now only paying for works that impacted on health and safety, such as visibility splays. This authority had agreed to continue maintaining verges in the towns and parishes for this year to allow time to undertake consultation.
- A £30k underspend for the IT Service due to sharing of services with North Devon;
- A £363k profit forecast for Market Walk due to income from rent exceeding running costs, although this was subject to interest charges and property charges. The surplus was earmarked for economic development;
- There was a deficit for planning and regeneration, the reasons for which were detailed within the report.
- The predicted overspend for the general fund was currently £78k.

Discussion took place regarding

- Recruitment costs for planning and regeneration;
- Trade Waste income;
- Leisure fees and charges;
- A reduction in income for William Street pay and display car park during recent town centre road works.

Note:- Report previously circulated and attached to minutes.

20 CAR PARKING WORKING GROUP

The Chairman proposed that the agenda item referring to the report of the Car Parking Working Group be deferred until the next meeting of the Committee. He explained that at a Members Away Day the previous week there had been a number of ideas suggested by Members that the Working Group may wish to investigate. He also suggested that as the Working Group included some new Members that had only attended one meeting and that it would be useful to spend some more time on the subject.

RESOLVED that agenda item 7, a report from the Car Parking Working Group, be deferred until the next meeting to allow the Group time to make further investigations and that all Members be asked to submit their ideas.

(Proposed by the Chairman)

Note:- Report previously circulated and attached to minutes.

21 CREDITON AIR QUALITY MONITORING

The Group had before them and **NOTED** a report * informing it of changes to air quality in Exeter Road, Crediton (within the Crediton Air Quality Management Area) since the opening of the Lords Meadow Link Road.

The Environmental Protection Officer outlined the report, highlighting that monitoring had shown that over 4500 vehicles were using the road in a five day period and that an average of 122 HGV's were using the road per day.

Discussion took place regarding some areas of concern in the High Street and the movement of traffic to other parts of the road network. A recent traffic count had been undertaken and the results from this would be compared to date from 2010 to provide an indication of changes around the town and in particular to the Air Quality Management Area.

It was **AGREED** that a further report be provided in March 2016 when a more complete analysis of air quality impact of the Crediton Link Road would be available.

Note:- Report previously circulated and attached to minutes.

22 MOTION 522 (COUNCILLOR MRS N WOOLLATT 25 MAY 2015)

The Group had before it the following Motion which had been referred by the Council.

Motion 522 (Councillor Mrs N Woollatt 25 May 2015)

That this council explores what options may be available to it to introduce a local policy in Mid Devon requiring supermarkets, food manufacturers and producers over a certain size to donate discarded food fit for human consumption to charities and other food waste to other methods of recycling such as animal feed, composting or waste to energy.

Councillor Woollatt explained that she had asked the Council to have a look and explore what options there might be to bring an improvement regarding the disposal of food waste in the Mid Devon District. She gave examples of other countries such as France where the Government had passed a law making supermarkets pass left over food to charities. She stated that 91% of food wasted was from industry. She informed the Group that some supermarkets were already working with charities but that a lot of the waste came from agriculture and industry. She highlighted the letter * from the Department for Environment and Rural Affairs (DEFRA) in which it referred to work taking place but also indicated that it was not planning to introduce legislation.

The Waste and Transport Manager outlined Trade Waste regulations and the service provided within Mid Devon.

Discussion took place regarding:

- Initiatives that were already occurring;
- Farm waste and supermarkets not accepting produce;
- Personal experience of working with charities that used donated food waste;
- Community shops that could sell food items that didn't meet industry standards to those on low incomes.

RECOMMENDED to Council that:

This council explores what options may be available to it to introduce a local policy in Mid Devon requiring supermarkets, food manufacturers and producers over a certain size to donate discarded food fit for human consumption to charities and other food waste to other methods of recycling such as animal feed, composting or waste to energy.

and that subject to Council approval:

A Working Group be put in place to explore this subject. The working Group to comprise of Councillors Mrs R Berry, D R Coren, Mrs C Daw, R Evans, B Wright and Mrs N Woollatt.

(Proposed by the Chairman and seconded by Cllr R Evans)

Note:- * Letter previously circulated and attached to minutes.

23 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Report from the Car Parking Working Group
Update on the new waste scheme

(The meeting ended at 3.30 pm)

CHAIRMAN

**MANAGING THE ENVIRONMENT PDG
22 SEPTEMBER 2015**

AGENDA ITEM:

Waste and Recycling Enforcement Policy

Cabinet Member Cllr Neal Davey
Responsible Officer Waste & Transport Manager

Reason for Report: To consider and agree the recommendations for Cabinet on the Waste and Recycling Enforcement Policy for the start of the new Collection Scheme commencing in October 2015.

RECOMMENDATION(S): That the PDG recommends to the Cabinet the following:

1. That the Waste and Recycling Enforcement Policy is adopted
2. That the level of Fixed Penalty Notice for not recycling is set at £75 with a reduction to £50, if paid within 14 days and where fixed penalty notices are not paid prosecution will be pursued
3. That power to serve s46 Environmental Protection Act notices be delegated to the relevant Head of Service or other appropriate Senior Manager.

Relationship to Corporate Plan: Maintaining front line services in the face of the ongoing funding cuts requires the redesign of services to enable them to continue to be affordable.

Financial Implications: The increase in recycling should provide savings but the levels of savings are unknown. Each tonne of waste which is recycled saves the taxpayer over £110 in landfill costs plus any income received from the sale of the material.

It is expected that some level of income will be achieved from the issue of fixed penalty fines. It is not possible at this time to identify what the level of income this will be, but this will be monitored and assumptions built into future years budgets. The level of income from FPNs is not expected to significant.

Funding of the new Enforcement Officer comes from within existing budgets already approved by Cabinet.

Legal Implications: The legislation/policy implications are set out in the body of the report.

Risk Assessment: Members of the PDG have agreed that, without considering and implementing changes to service delivery, the Council will face the risk that it runs a service that is not affordable or will require deeper cuts to other services to support it. Without the introduction of this policy garden waste could be presented for collection in black sacks by householders once charges are introduced and therefore undermine the affordability of the new scheme.

1.0 Introduction

- 1.1 At the Managing the Environment PDG meetings on 18 November 2014 and 9 June 2015, a list of recommendations were made to the Cabinet regarding the future waste collection scheme which were adopted.
- 1.2 This report is a proposal regarding how enforcement activity in waste and recycling will be introduced and managed including a definitive process for the enforcement of s46 of the Environmental Protection Act 1990 (EPA).
- 1.3 Section 46 of the Environmental Protection Act gives Waste Collection Authorities the power to enforce against householders who present waste material for collection in incorrect receptacles or at a date, time or frequency contrary to that prescribed. The introduction of s46 powers is seen as an important tool in satisfying Council and Residents' aspirations by trying to achieve cleaner greener and safer neighbourhoods as well as being instrumental in enabling the Council to increase its recycling rate.

2.0 Policy

- 2.1 The detailed policy can be seen at Appendix 1.
- 2.2 The policy will allow the Council to monitor waste put out for collection by residents following the introduction of its new scheme. The aim of the policy will be to help educate the public on the new scheme so that as much material can be recycled as possible.
- 2.3 The Council intends to use its powers under s46 of the Environmental Protection Act to assist in achieving high levels of recycling. Although the Act gives the Council power to impose penalties against non-compliance it is the intention of the Council to do this only as a last resort against persistent offenders. The Council will ensure that residents receive relevant information and education before issuing Fixed Penalty Notices or taking prosecutions against residents. The procedure for progressing should it become necessary is laid out in the policy.
- 2.4 The details of the receptacles provided, other acceptable receptacles and collection frequency are set out in a leaflet which will be delivered to all households when the new scheme is rolled out. The details of the types of materials that are accepted in each type of receptacle will also be set out.
- 2.5 In accordance with the requirement of the legislation a notice of intent to adopt the powers under s46 EPA must be communicated to each individual household in the District. This will be done by means of an informal letter. This letter will explain that, with effect from a specific date, it will be compulsory for all households to separate their waste for recycling and present it for collection in the appropriate receptacle on the scheduled date and at the appropriate time. (see Appendix 2) and a process flow chart (see Appendix 3).
- 2.6 **First Offence:** Should it be identified that waste has been presented in the incorrect receptacle, the waste will not be collected at this time and a label attached explaining why. The resident will be contacted (in person or by

posting relevant information to the householder) by a Council Enforcement Officer and offered advice as to how the waste should be correctly presented for. A stage 1 letter will be issued to the resident (see Appendix 4), which is a formalised letter describing in detail how waste should be presented for collection in future. A further copy of the original notice and accompaniments will also be supplied. The resident shall be informed that this will be logged as a first offence and that any further offences, of a similar nature could result in the issuing of a fixed penalty notice. This visit shall be logged by the officer and recorded as a first visit/warning. The Council shall on this occasion remove the waste from the collection point.

- 2.7 **Second Offence:** Should it be identified that waste has been presented in the incorrect receptacle, it will not be collected and a label attached explaining why. A Council Enforcement Officer will contact the resident. On this occasion the officer will visit the resident and repeat the first warning, indicate that this is the second such warning and shall also insist that the resident takes back the waste and represents it in the correct receptacles on the next collection date. A warning will be given that any future offence will result in the issue of a fixed penalty notice. The visit will be logged as a second and final warning and a formal notice under s46 Environmental Protection Act (see Appendix 5) shall be issued to the resident. This document shall be fully compliant with the requirements of the act and will enable the Council to take action to prosecute the resident should it be required.
- 2.8 **Third Offence:** Should it be identified that waste has again been presented in the incorrect receptacle the waste will not be collected and a label attached explaining why. A Council Enforcement Officer will visit the resident. On this occasion the officer will point out that this is the third such visit and on this occasion a fixed penalty notice shall be issued under s47(z)(a) EPA. Failure to pay the penalty within 14 days shall result in the resident being prosecuted by the Council. The resident will again be asked to take back the waste and re-present it correctly for collection on the next collection date. In addition the resident shall be warned that any further offences will result in further fixed penalty notices and/or prosecution via the Magistrates Court that could result upon conviction or a fine of up to £1000.00.
- 2.9 **Fixed Penalty Rate:** Should be initially, set at £75, reduced to £50 if paid within 14 days of issue. The discount period is to encourage settlement at an amount that is sufficient to act as a deterrent to future offences.
- 2.10 **Warning Period:** No warning will remain “live” for longer than six months. Where a resident has previously received a warning and a further warning is required outside of the six-month period, the offence will not be escalated but dealt with as a first offence.

3.0 Enforcement Safeguards

- 3.1 **Assisted Collections:** Residents that currently receive assisted refuse/recycling collections will continue to do so. In some circumstances residents receiving assisted collections do not personally handle their waste; this could be done by a carer. In these circumstances no enforcement action will be taken against an individual and every effort will be made to contact the carer

to convey the correct waste separation requirements. Regardless of the mix of the presented waste, to avoid distress for the resident, all receptacles will be collected.

- 3.2 **Learning Difficulties/non-English speakers:** In situations where the resident has not been able to understand the information that has been supplied regarding the implications of s46 EPA, information will be made available in alternative languages or explained verbally. No enforcement action will be taken against any individual until it is absolutely certain that they have received all the required information in a format that they understand.

4.0 Staffing

- 4.1 One vacant District Officer posts has been recruited to pursue this policy and to assist with the introduction of the new scheme. There are no direct staffing consequences as the result of this report, however, issuing fixed penalty notices for these environmental offences will be new to some staff and we will need to ensure appropriate training is provided before the enforcement activity commences. It will be made abundantly clear to staff that they must not endanger themselves whilst issuing a fixed penalty fine.
- 4.2 It is proposed that all District Officers be trained allowing the Council to direct resource to priority areas as and when required.

Contact for more Information: Stuart Noyce, Waste & Transport Services Manager (01884 244635 snoyce@middevon.gov.uk)

Circulation of the Report: Cllr Neal Davey, Management Team

**MID DEVON DISTRICT COUNCIL
WASTE & RECYCLING ENFORCMENT POLICY
SEPTEMBER 2015**

1. Introduction

Mid Devon District Council has taken the decision to introduce Compulsory Recycling.

Current recycling procedures are a **black** recycling box for paper, glass, tins, cans, household metals, textiles, batteries and for the recently introduced mixed plastics, and a **green** recycling box for cardboard and cartons.

Both of these boxes are collected fortnightly.

From Autumn 2015, there will be a weekly food waste kerbside collection using **blue** food caddies and an opt-in fortnightly chargeable garden waste collection service using a **brown** bin.

One of the purposes of introducing compulsory recycling is to increase our recycling performance and to reduce costs for the Council. This will have a positive effect by reducing the amount of waste, especially garden waste, that goes into landfill, by minimising the impact on the environment and at the same time promoting the waste hierarchy. A noticeable improvement in the cleanliness of the district has been proven in other districts that have also introduced this scheme.

The legislation is aimed at encouraging everybody to use the right containers for the right materials. It is not aimed at those who are already doing the right thing but at those who insist on not recycling.

2. The legislation and offences

Compulsory Recycling legislation falls under the Environmental Protection Act 1990 and in particular Section 46 of this Act.

It would mean that all households in the Mid Devon District Council area will be covered by this section and once the Council has provided householders with separate containers for waste and recycling, householders have a responsibility to ensure that the correct containers are used for the correct materials and are put out on the correct days and at the correct times.

Section 46 gives authorised officers of the Council the ability to investigate those who put out their waste and recycling in the wrong containers, or who leave their waste out on the wrong day, time or frequency contrary to that prescribed by the Council.

3. Penalties and Payments

The presentation of waste for collection in the incorrect containers, on an incorrect day or before or after the prescribed time is an offence, which could result in a fine in the form of a Fixed Penalty Notice for £75.

The fixed penalty notice would be issued under section 47(ZA) of the Environmental Protection Act 1990 and it applies where on any occasion an authorised officer of a waste collection authority has reason to believe that a person has committed an offence under section 46 (domestic) or 47 (business) in the area of that authority.

Prosecution will follow failure to pay a fixed penalty notice issued, by the Council, to the person seen to be responsible for the alleged offence.

4. Procedure

The Council intends to use its powers under Section 46 of the Environmental Protection Act to assist in achieving higher levels of recycling. Although the Act gives the Council power to impose penalties against non-compliance, it is the intention of the Council to do this only as a last resort against persistent offenders.

The Council will ensure that residents receive relevant information and education before issuing Fixed Penalty Notices or taking prosecutions against residents. This will be a leaflet which explains what recycling goes in where similar to the one used at the start of the scheme and to be issued to new households.

Mid Devon District Council will have a 'four steps to rubbish and recycling enforcement' policy.

The four steps below will be followed before a fixed penalty notice is given. Ultimately, step 4 will be for non-recyclers who persistently put their waste or recycling out in the wrong container, put it out late or on the wrong day.

STEP 1 - Waste or recycling found in the wrong container, put out late or on the wrong day will not be collected and will be stickered – authorised officer identifies source of waste or recycling

- **NO?** – Supply all householders in area with information leaflets about recycling – record incident and waste is collected – NO FURTHER ACTION
- **YES?** – Unless a 'carer' is involved whereby Council will leave information leaflets with them, then move to:

STEP 2 - First occasion in six months – authorised officer calls at home. Ensures resident is fully informed about recycling and issues information leaflets – **First Warning issued and recorded** (letter to householder (SEE APPENDIX B) and an entry in the authorised officer's Pocket Notebook) – waste collected – NO FURTHER ACTION

STEP 3 – Second occasion in six months – authorised officer calls at home. Explains that this is the second recorded occasion. Re-issues information leaflets – **Formal Section 46 Notice Served**. (SEE APPENDIX C) **and incident recorded** in officer’s pocket notebook – waste NOT collected. Resident asked to put waste out in correct container, on the next collection day and time.

STEP 4 – Third and subsequent occasion in six months – Authorised officer calls at home. Explains that this is the third recorded occasion. Re-issues information leaflets – **Fixed penalty notice for £75 issued under Section 47(ZA) of Environmental Protection Act 1990** - waste not collected. Resident asked to put waste out in correct container on the next collection day, on time.

Fixed Penalty Notice paid within 28 days?

- **YES** – No Further Action
- **NO** – Refer for prosecution

5. Further Comments

The Fixed Penalty rate should be initially set at £75 and reduced to £50 if paid within 14 days of issue. The discount period is to encourage settlement at an amount that is sufficient to act as a deterrent to future offences.

Warning Period – No warning will remain ‘live’ for longer than six months. Where a resident has previously received a warning and a further warning is required outside of the six month period, the offence will not be escalated but dealt with as a first offence.

This page is intentionally left blank

Enclosure 2



Street Scene Services

Phoenix House
Phoenix Lane
TIVERTON
EX16 6PP

Tel: 01884 255255

www.middevon.gov.uk

Contact: Customer Services
Telephone: 01884 255255
Email: customerservices@middevon.gov.uk
Fax / DX: 01884 234935

Date:

Dear Resident

**Environmental Protection Act 1990 Section 46, Household Waste for Collection:
Waste and Recycling Enforcement Policy**

We are writing to residents to advise that Mid Devon District Council has taken the decision to introduce **Compulsory Recycling**.

To support recycling we have introduced a Waste and Recycling Enforcement Policy, which is aimed at encouraging everybody to use the right containers for the right materials. Compulsory recycling is important because it contributes towards making the district a safer, cleaner and greener community.

Compulsory recycling will help us to increase our recycling performance and to reduce costs of sending waste to landfill. This will also have a positive effect by reducing the amount of waste, especially garden waste, that goes into landfill and minimising the impact of landfill waste on the environment.

Our current recycling procedures are set out below and we have attached a handy recycling leaflet which you can keep for future reference

:

Black recycling box for paper, glass, tins, cans, household metals, textiles, batteries and most plastics excluding film and cellophane.

Green recycling box for cardboard and cartons. Both of these boxes are collected fortnightly.

From October 2015, all households received a new blue food waste caddy which is collected weekly. Garden waste collections are an opt-in fortnightly chargeable garden waste collection service using a brown bin or sack.

Requests for alternative formats will be considered on an individual basis.

Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

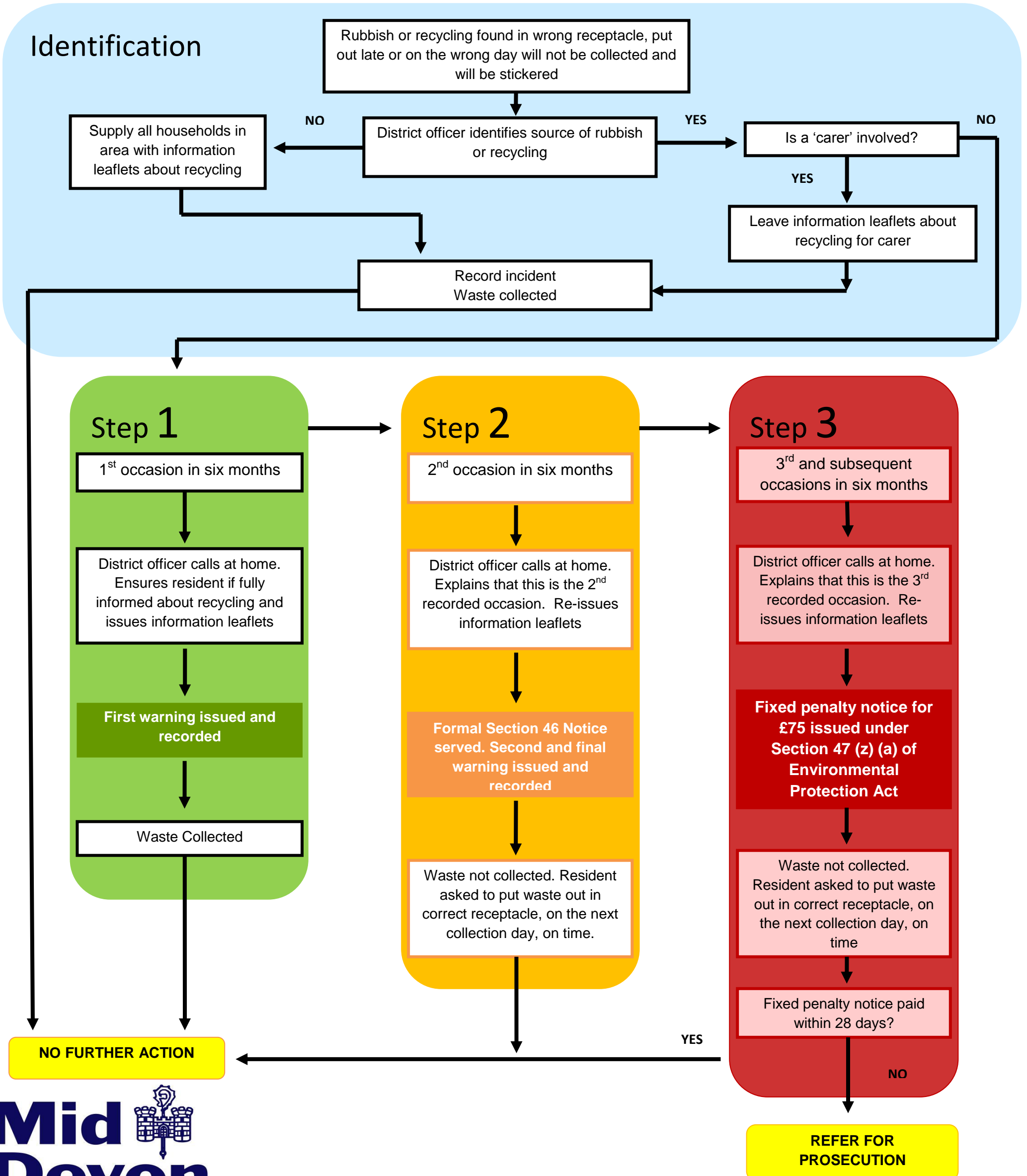
For more information on the new scheme, compulsory recycling and our new Waste and Recycling Enforcement Policy please visit our web pages: [link to web page](#), or contact our Customer First team on 01884 255255.

Yours faithfully

Mid Devon Council

THREE STEPS TO RUBBISH AND RECYCLING ENFORCEMENT

The four steps below will be followed before a fixed penalty notice is given. Ultimately, step 4 will be for non-recyclers, who persistently put their rubbish or recycling out in the wrong receptacle (sack, box or wheeled bin), put it out later or on the wrong day.



Appendix 4



Street Scene Services

Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk

Date:

Contact: Customer services
Telephone: 01884 255255
Email: customerservices@middevon.gov.uk
Fax / DX:

Dear

ENVIRONMENTAL PROTECTION ACT 1990 Section 46 HOUSEHOLD WASTE FOR COLLECTION – FIRST WARNING LETTER

As you will be aware, Mid Devon District Council introduced compulsory recycling across the district on **DD/MM/YYYY**. Introducing this service has enabled us to achieve an increase in our levels of recycling. This is important because it contributes towards making the District a safer, cleaner and greener community and will help us to reach our statutory recycling target of 60%.

On the days we have monitored your road we have noticed that you have (**either put waste into the wrong receptacle or put rubbish out too early or late**).

By law, Section 46 of the Environmental Protection Act 1990, the Council requires that:

A. You must ONLY place the following items in the black recycling box supplied by the Council:

Paper, Glass, Tins/Cans/Household metals, Textiles, Batteries and Mixed plastics

B. You must ONLY place the following items in the green recycling box supplied by the Council:

Cardboard and drink and food cartons

C. You must ONLY place the following items in the blue food caddies:

Food waste

D. You must ONLY place the garden waste listed below in the opt-in fortnightly chargeable brown wheeled bin provided by the Council:

For example,

Grass Cuttings Shrubs

Plants Branches

Weeds Leaves

Cut Flowers House plants

Requests for alternative formats will be considered on an individual basis.
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

E. All other items of household waste (i.e. anything not listed under A, B, C or D) shall be placed within black sacks, either provided by the Council or your own black sack, and presented for collection. No waste shall be presented for collection outside the black sack.

(OR IF THE PROBLEM IS LATE/EARLY SACKS):

No bins/bagged or boxed waste shall be presented for collection before 6.00am on the morning of your appointed day of collection (see schedule attached). Before that time the waste must be retained within the curtilage of your property. When presented for collection it must be placed at an easily accessible position on the boundary at the front or rear of your property.

If you need further advice or you have any queries please contact the Council on 01884 255255.

We will continue to monitor your participation in the scheme, and if you do not take part, one of our District Officers will visit your property to make enquiries and answer any questions you may have.

Residents who deliberately fail to recycle will receive a statutory notice and may find themselves being prosecuted. We will only consider this as a very last resort and hope that in the future you will take part in the recycling scheme.

Yours faithfully

District Officer

ENVIRONMENTAL PROTECTION ACT 1990

**Section 46
Household waste for collection**

Notice served by Mid Devon District Council

To: (the Occupier(s)) of:

Mid Devon District Council as your waste collection authority (as defined in the Environmental Protection Act 1990) is under a duty to arrange for the collection of household waste from properties in its area.

1. NOTICE

THIS IS A FORMAL NOTICE served by Mid Devon District Council ('the Council') pursuant to section 46 of the Environmental Protection Act 1990 ('the Act') requiring you as occupier of premises known as ('the Premises') in the Council's area to place correctly any household waste for collection from those premises in the receptacles described in the Schedule hereto ('the Schedule') and further requires you as occupier of the Premises to comply with the conditions set out in the Schedule.

2. WHAT HAPPENS IF YOU FAIL TO COMPLY

If you fail without reasonable excuse to comply with any requirements specified in this Notice and this gives rise to nuisance or detriment to amenity you will:

(a) be issued with a Notice in accordance with the provisions of section 46A of the Act (as amended), specifying the breach and the nuisance or detriment caused **and:**

(b) If the breach is not rectified, you may be issued with a fixed penalty, following the issue of this notice, in the sum of £ (default is £75).

Your attention is also drawn to section 46 (11) of the Act which states that: 'A waste collection authority is not obliged to collect household waste that is placed for collection in contravention of a requirement under this section'. This means that if you do not comply with the requirements of this notice the Council shall be entitled to refuse to collect your waste.

THE SCHEDULE
(specifying receptacles and arrangements for collection of waste/recycling)

Dated:..... Signed:.....

Name

Designation:.....

The Proper Officer appointed for this purpose.

Please address any communications to:

Mid Devon District Council
Street Scene Services
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk

Customer services
01884 255255
customerservices@middevon.gov.uk

NOTES

Appeals

The Environmental Protection Act 1990 provides that where a notice under section 46 requires an occupier to provide receptacles, that person may appeal to a magistrates' court against the notice, either on the ground that any requirement specified in the notice is unreasonable, or on the ground that the receptacle(s) in which household waste is already placed is or are adequate.

If an occupier wishes to appeal in this way, the appeal must be made within 21 days beginning either with the last date specified in the notice by which the receptacle(s) must be provided, or, where no period is specified, from the day on which the notice was served.

If such an appeal is made the court may either quash or modify any requirement in the notice or may dismiss the appeal.

Pending the determination of the appeal by the court the notice shall have no effect.

**MANAGING THE ENVIRONMENT PDG
22 SEPTEMBER 2015**

AGENDA ITEM:

Review of Mid Devon's play area provision

Cabinet Member Cllr Neal Davey
Responsible Officer Head of Housing and Property Services

Reason for Report: To inform Members of the latest consultation with parishes, town council's and the public on-line consultation on the future provision of play areas.

RECOMMENDATION: that Members note the responses to date and receive a further report on 24 November 2015 with recommendations for proposed closures.

Relationship to Corporate Plan: A review which identifies little-used play areas and identifies funding for future provision will ensure the continuation of the maximum number of play areas. Community well-being will be enhanced when residents have the confidence to use well maintained play areas.

Financial Implications: When a play area is closed there is often a cost to decommission the site. Any overall reduction in play area provision, or contribution from parish and town councils, will help to reduce our revenue budget to meet further government cuts in grant.

Legal Implications: The Council must have an inspection and maintenance regime for play areas it maintains as stated within the Health and Safety at Work Act 1974.

Risk Assessment: There is a potential cost of litigation should the Council be found negligent with regards to maintenance of its play areas.

1.0 Introduction

1.1 A report was brought to this group on 10 March 2015 to inform Members of the consultation with parish and town councils on the future provision of play areas and offering them the opportunity to take ownership.

1.2 As a result of that report, the PDG requested that officers should consult with town and parish councils regarding the future of 27 play areas listed in annex 5 of the report and to set up a questionnaire on survey monkey to allow the public to also comment on the future of the identified play areas.

2.0 Consultation with town and parish councils

2.1 There are 90 of Mid Devon's play areas located within the parishes of Tiverton, Cullompton, Crediton and Willand; which accounts for 84% of our total number. Taking this into account, arrangements to meet with each of these councils has been arranged. Consultation with the remaining parishes has been through letters and emails.

- 2.2 A spreadsheet has been prepared which gives the individual cost of maintaining each play area for year 2016/2017. The figures have been broken down into headings which include the costs of inspection, insurance, maintenance of equipment and grounds maintenance. A copy of these costs has been made available to Tiverton, Cullompton, Crediton and Willand councils.
- 2.3 Officers have met twice with the Tiverton Town Council's Finance Committee, who appeared to be receptive to offering financial assistance. The Town Clerk put a proposal to the finance committee on 14 September that Tiverton Town Council make a contribution to Mid Devon of £18,000 for the maintenance of Tiverton play areas. There has been no formal feedback regarding proposed play area closures to date.
- 2.4 Officers have met with Cullompton Town Council on one occasion and have received the following points in a letter from the clerk.
- Cullompton Town Council has no objections to the closure of the play areas at Ash Drive and Conifer Close.
 - The Town Council's preference is that the play areas at Cross Parks and Swallow Way should remain open but it has no objections to the closure of any three of the following play areas: Spindlebury, Siskin Chase, Starlings Roost, Chaffinch Drive, Dove Close or Bullfinch Close.
 - That Tufty Park and Headweir Road are protected from closure and the Town Council will work with MDDC to upgrade these play areas using section 106 and public open space monies and grant funding, with the proviso that Mid Devon keeps the Town Council informed of what it intends to do.
- 2.5 Officers arranged meetings with Willand Parish Council and Crediton Town Council for 9 and 10 of September respectively. A verbal update shall be given on the result of these meeting at the PDG meeting.
- 2.6 There has been some feedback from the remaining parishes which remains on going, some of whom are awaiting costs before making a final decision. Consultation with town and parish councils is ongoing and therefore final recommendations at this stage are unable to be made.
- 3.0 **On Line Survey**
- 3.1 A survey headed "This Play Area may be closed" was posted onto Mid Devon's website on Monday 29 June for six weeks until Friday 7 August. Signs were placed at the entrance to each of the 27 play areas and a letter was sent to each school in the immediate vicinity of the play areas, making them aware of the survey and giving them the link.
- 3.2 The survey consisted of 10 questions; there have been a total of 490 responses, 289 of which opted to leave additional comments. Two sites received the majority of responses; these were Tufty Park with 106 and Headweir Road with 92. Pathfields and Worcester Crescent both received 29

responses, Beech Park 28 and Hawthorn Road 20. The remaining sites received below 20 responses each with the lowest receiving 3.

3.3 An analysis of the survey produced the following results, figures are a combined total of all sites, analysis for individual sites is also available; unsure responses are not included:

- Question 1: Select play area
Responses: There were 490 responses.
- Question 2: How often do you use the play area?
Responses: There were 310 people who stated that they use the play area daily or more than once a week, while 18 stated that they had never used the play area.
- Question 3: How would you rate this play area?
Responses: There were 438 people that rated the play area fair to good and 44 who rated it poor.
- Question 4: How important is this play area to you and your family?
Responses: There were 433 people who thought that the play area was important or very important whilst 16 thought the play area was unimportant or not very important.
- Question 5: Do you use other play areas within walking distance from your home?
Responses: There were 395 people who stated that they used another play area within walking distance and 54 who did not.
- Question 6: Are you aware of the other play areas that are near to this one?
Responses: 390 of the people who replied were aware of other play areas near to this site and 54 were not aware.
- Question 7: Do you agree that this play area should be closed which may allow us to improve other play facilities in your area?
Responses: 18 of the people who responded thought that the play area should be closed, 19 respondents neither agreed nor disagreed and 392 disagreed to closure.
- Question 8: Do you have any additional comments?
Responses: See 3.4 below which gives an analysis of comments received.
- Question 9: How many children are in your household?
Responses: The responses showed that there were 349 under 5's, 239 6 to 12 year-olds and 80 children over 13 years of age.

3.4 An analysis of question 8 comments are as follows:

- Play areas are an important meeting place and are especially important when sited near to a school, they allow children to improve their mental and physical health and encourage independence from their parents.
- Many properties do not have gardens large enough for children to play in, whilst some parents do not have transport and are unable to travel to a suitable play area.
- Larger play areas are more popular because they offer a chance to kick a ball and run around and can promote a sense of a community.
- Small play areas are convenient because they are often close to home which is ideal for use by toddlers and younger children. Their position often reduces the need for children to cross roads; parents are concerned about their child's safety.
- Many respondents feel that a budget should be made available to stop any closures, whilst a few have offered to purchase a site if it were to close.

4.0 **Petitions to the Council**

4.1 Mid Devon has received three petitions regarding play area provision:

- From Leah "I would like to see the playground equipment replaced within the Rivermead Playground in Cullompton. It currently consists of 3 climbing frames. I would like to see swings, a raised walkway etc." there were 32 signatures.
- From Mrs Taylor "Objection to the proposed closure of Worcester Crescent and Chestnut Drive play areas in Willand" there were 27 signatures.
- From Miss Olivia Hubber objecting to the proposed closure of Beech Park play area Crediton, there were 61 signatures.

5.0 **Play Areas subject to review**

5.1 Set out below is a list of the 27 play areas to be considered for closure and the Town or Parish Council's current position.

Town/village	Play area	Town and Parish Council view to date
Bow	Godfrey Gardens	No comments received.
Bow	St Martin's Close	
Crediton	Beech Park	As the result of officers meeting with the Town Clerk, an item has been placed on the agenda of Town Council's meeting for the 22 September
Crediton	Fulda Crescent	
Crediton	Greenway	
Crediton	Spinning Path Gardens	
Cullompton	Ash Drive	Agreed to closure of both these play areas
Cullompton	Conifer Close	
Cullompton	Clover Drive	No comments received
Cullompton	Starlings Roost	No objections to closure of three of these play areas; TC did not specify which ones to remain open
Cullompton	Dove Close	
Cullompton	Spindlebury	
Cullompton	Chaffinch Drive	
Cullompton	Siskin Chase	
Cullompton	Spindlebury	
Cullompton	Tufty Park	The TC feel strongly that these two play areas should remain open and be upgraded; no offer to cover maintenance costs
Cullompton	Headweir Road	
Copplestone	Fernworthy Park	No comments received
Morchar Bishop	Greenaway	No comments received
Tiverton	Coles Mead	As the result of officers meeting with the Town Clerk, an agenda item has been placed onto the full Council's meeting for the 14 September.
Tiverton	Halsbury Road	
Tiverton	Hawthorn Road	
Tiverton	Priory Road	
Tiverton	Trickey Close	
Willand	Chestnut Drive	Officers are meeting the Parish Council on 10 September.
Willand	Mallow Court	
Willand	Worcester Crescent	
Uffculme	Pathfields	Interest has been shown to fund maintenance.

Contact for more Information: Adrian Cook (01884 234339)
 acook@middevon.gov.uk.

This page is intentionally left blank

Agenda Item 9



Name
Address Line 1
Address Line 2
TOWN
County
Post Code

Property Services
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk

Your Ref:
Our Ref:

Contact: Estates and Property Services
Telephone: 01884 255255
Email: propertyservices@middevon.gov.uk
Fax / DX:

Date

Dear «Title» «LastName»

Grass cutting consultation

The recent Tough Choices consultation carried out by Devon County Council (DCC) has resulted in the decision to reduce the specification on cutting grass verges on land owned by DCC across our District. The suggested specification will maintain visibility at road junctions and restrict the width of the grass that is cut on the roadside verges to approximately 1 meter.

Mid Devon District Council (MDDC) has provided this service for over 20 years and have received funding from DCC that has just met our expenditure to date for maintaining grass verges within your Parish to the standards you have experienced. The reduced funding from DCC was imposed on MDDC for the 2015/16 financial year.

Our Cabinet approved to meet the funding gap of £30k imposed by DCC from our own budget to ensure the current standards across the District are kept in order to enable MDDC time to consult with Town and Parish Councils. MDDC will not have the budget to fund this gap for 2016/17 and future financial years and depending on the results of this consultation exercise it may result in MDDC withdrawing from the current agreement with DCC as this is not land that MDDC are responsible for.

The cost for grass cutting verges within your Parish is £3.51 per 100 square meters and is cut four times a year.

We enclose a map that identifies the DCC land within your Parish that we currently cut on their behalf. We have taken this information from our central database, however please contact us if you believe this information to be incorrect and we will arrange a site visit.

Requests for alternative formats will be considered on an individual basis.
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

In order for us to evaluate our position we would be grateful if you could let us know the Town and Parish Councils opinion on the options listed below regarding the future of maintaining the grass cutting provision within your Parish.

1. Town and Parish Councils to provide funding to MDDC to continue maintaining grass verges on land owned by DCC to the current standards.
2. Town and Parish Council to maintain the land on behalf of DCC. TAP fund may be available for grass cutting equipment or towards a handyman to cut the grass in their area, which would meet the highways criteria. More information about the fund can be found at <https://new.middevon.gov.uk/grants-and-funding/> Health and Safety training to be made available by DCC.
3. Not to agree to any of the above options and therefore either except the reduced specification for cutting grass verges and understand that this may result in MDDC withdrawing from the agreement with DCC due to financial viability.

The Grounds Maintenance team will be happy to cut the grass verges shown on the attached map to the reduced specification in line with the DCC tough choices consultation on their next visit to enable you to visualise the changes.

Please confirm which option your Parish decides to proceed with by e-mailing propertyservices@middevon.gov.uk by ~~Monday 21st September 2015~~.

Yours sincerely

Andrew Busby
Estates Manager

**MANAGING THE ENVIRONMENT PDG
22 SEPTEMBER 2015**

AGENDA ITEM:

Update on New Collection Scheme for the Waste and Recycling Service

Cabinet Member Cllr Neal Davey
Responsible Officer Waste & Transport Manager

Reason for Report: To receive an update on the roll out of the new recycling scheme and its performance during the first two months of operation.

RECOMMENDATION(S): The PDG note the report detailing the performance of the household recycling service following the changes in collection arrangements.

Relationship to Corporate Plan: Maintaining front line services in the face of the ongoing funding cuts requires the redesign of services to enable them to continue to be affordable.

Financial Implications: None as this is an information report on performance and all costings have been presented in earlier reports.

Legal Implications: This report is for information only.

Risk Assessment: This report is for information only.

1.0 Introduction

- 1.1 At the Managing the Environment PDG meetings on 18 November 2014 and 9 June 2015, a list of recommendations were made to the Cabinet regarding the future waste collection scheme which were adopted.
- 1.2 The new scheme adopted included two phases to the roll out. The first phase included the delivery of a 55 litre green box to all households for the collection of mixed cardboard and cartons and the inclusion of mixed plastic (excluding film) from the existing black box.
- 1.3 All households now have the kerbside collection of these materials on a fortnightly basis.
- 1.4 This report is an update on the performance of the new box scheme during its first two months of operation since the phased roll out to all households during the months of June and July.
- 1.5 This report also sets out the performance for the same two months the previous year for comparison.

2.0 Delivery of Containers

- 2.1 Each household in the district was delivered one new green 55 litre box over a seven week period. The deliveries were completed mirroring existing recycling rounds. All urban rounds were completed in the first four weeks and then the rural rounds over the last three weeks.
- 2.2 Each household received a post card regarding the new scheme one week before the green box and a detailed leaflet were delivered by an in-house team. Approximately 34,000 green boxes were delivered in total.
- 2.3 The customer contact centre recorded less than 600 calls regarding the new scheme during the roll out. This hopefully shows, with the high participation in the scheme, that the literature was successful in communicating the scheme to residents.

3.0 Collection Rounds

- 3.1 To allow for the additional recycling materials to be collected on the box scheme (cardboard and mixed plastic) an extra box collection crew was included in the budget and introduced in June.
- 3.2 As is common with new schemes the initial participation was very high and did result in some latter finishes for crews but the routes and scheme have now bedded in and finish times are returning to normal. No routes were uncompleted during the roll out.

4.0 Performance

- 4.1 The figures shown have yet to be verified by Devon County Council and Waste Data Flow.
- 4.2 All figures contained within this report relate to the volume of materials gathered via kerbside recycling collections only. The figures gathered for the scheme have been compared to those gathered for corresponding months in the previous years.
- 4.3 As can be seen from the tables below the scheme has seen increases in the tonnage of all material collected since the introduction of the extra materials.

Table 1 - Cardboard and Mixed Plastic (shows tonnage sold rather than collected in that month)

Month	Cardboard	Mixed Plastic
June 2015	No tonnage	14.3
July 2015	61.2	14.1

- 4.3.1 The additional tonnage generates additional income from the sale of the mixed recyclate and increased payments from Devon County Council in the form of recycling credit payments.

Table 2 – Tonnage Figures 2014/15

Month	Total H/H Waste	Total H/H Waste Recycled	Dry Recycling	Total Dry Recycling Rate
June 2014	2,670	1,453	517	19.4%
July 2014	2,620	1,380	363	13.9%
Total	5,290	2,833	881	16.7%

Table 3 – Tonnage Figures 2015/16

Month	Total H/H Waste	Total H/H Waste Recycled	Dry Recycling	Total Dry Recycling Rate
June 2015	2,786	1,554	711	25.5%
July 2015	2,810	1,559	629	22.4%
Total	5,596	3,113	1,340	23.9%

4.3.3 The tables show a good increase in recycling. Figures should be monitored over a longer period to give a true picture. However initial tonnages show a increase in recycling.

4.4 Landfill

Table 4 – Landfill Tonnage

Month	2014/15	2015/16
June	1,183	1,151
July	1,214	1,154
Total	2,397	2,305

Note: the landfill tonnages shown above also include tonnages from trade waste, energy from waste and street sweepings.

4.4.1 The reductions in landfill in the first two months of nearly 4% were a positive outcome and was certainly impacted by the new schemes introduced.

5.0 Waste Project Group update

5.1 **Phase 2 Roll Out:** Planning is complete for the second roll out phase of weekly food waste collections and a chargeable garden waste scheme. This will be rolled out over a 10 week period from 5 October. All containers have been ordered.

5.2 **Depot Alterations:** The depot alterations to allow for the extra materials to be stored were complete for the start of the new scheme.

5.3 **Communication:** A communication plan was written which includes staff and member briefings, roadshows, parish talks, leaflets, primary school competition and press releases.

5.4 **IT System:** A system designed in-house to deal with the chargeable waste collection scheme which will be used by customer services is near completion. This will allow for payments and correspondence to customers.

5.5 **Mixed Plastics Separation:** Officers did look at the feasibility of changing the current bailing system at the depot to allow for the picking out of the higher values HDPE material from the mixed plastic and then selling it separately. This showed that such changes were not cost effective especially when the current depot is not seen as a long term home. Therefore plastics are being bailed and sold mixed as originally budgeted.

6.0 **Indications from Devon County Council**

6.1 It is estimated that the Disposal Authority (Devon County Council) could save over £300,000 per year. The Waste & Transport Manager has met with Devon County Council several times to discuss the scheme and estimated savings. The savings cannot be known before the scheme is introduced as it will be dependent on diversion rates which will be unknown. A proposed detailed savings sharing mechanism has been drafted but yet to be agreed. The mechanism will be used, if agreed, by all authorities in Devon who propose changes which could provide savings for the disposal authority as a result. As these figures have not currently been agreed these savings have not been added to the budget at this point.

7.0 **Conclusion**

7.1 Although this report shows only the first two months (not full months due to phased roll out) of the new scheme it shows a positive uptake in the recycling the new materials by households but also an increase in all dry recycling.

7.2 As one of the highest profile services to the public that the Council delivers we will provide further updates to the PDG in order to inform how these new changes are bedding in. Monitoring the performance of all collection schemes will continue and will be reported to ensure the schemes are continuing to perform as expected.

Contact for more Information: Stuart Noyce, Waste & Transport Services Manager (01884 244635 snoyce@middevon.gov.uk)

Circulation of the Report: Cllr Neal Davey, Management Team