

# NEIGHBOURHOOD SERVICES COMMITTEE

## AGENDA



**Tuesday 1 December 2020**

**at 10.00 am**

**in the Council Chamber,  
Civic Centre, Hartlepool**

**PLEASE NOTE: this will be a 'remote meeting', a web-link to the public stream will be available on the Hartlepool Borough Council website at least 24 hours before the meeting.**

MEMBERS: NEIGHBOURHOOD SERVICES COMMITTEE

Councillors S Akers-Belcher, Cassidy, Howson, James, Little, Prince and Tennant.

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To receive the Minutes and Decision Record of the meeting held on 16 October 2020 (*previously circulated and published – attached for information*).

**4. BUDGET AND POLICY FRAMEWORK**

No items.

**5. KEY DECISIONS**

- 5.1 Public Spaces Protection Orders (PSPO's) – *Assistant Director (Regulatory Services*



**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Vehicle and Equipment Approvals 2021/2022 to 2023/24 – *Assistant Director (Place Management)*
- 6.2 Fly Tipping Update - *Assistant Director (Regulatory Services)*

**7. ITEMS FOR INFORMATION**

- 7.1 Mainstream Secondary Home to School Transport and Passenger Assistants – *Assistant Director (Place Management)*
- 7.2 Civil Enforcement Update – *Assistant Director (Regulatory Services)*

**8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

FOR INFORMATION

Date of next meeting – to be confirmed



# **NEIGHBOURHOOD SERVICES COMMITTEE**

## **MINUTES AND DECISION RECORD**

16 October 2020

The meeting commenced at 10.00 am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

### **Present:**

Councillor: John Tennant (In the Chair)

Councillors: Tom Cassidy, Helen Howson, Marjorie James, Sue Little and Amy Prince

### **Also Present:**

In accordance with Council Procedure Rule 4.2 Councillor Tony Richardson was in attendance as substitute for Councillor Stephen Akers-Belcher

Councillors Carl Richardson and Mike Young

Officers: Tony Hanson, Director of Neighbourhoods and Regulatory Services  
Kieran Bostock, Assistant Director (Place Management)  
Sylvia Pinkney, Assistant Director (Regulatory Services)  
Neil Wilson, Assistant Chief Solicitor  
Gemma Ptak, Assistant Director, Preventative and Community Based Services  
Sarah Scarr, Heritage and Countryside Manager  
Denise Wimpenny, Principal Democratic Services Officer

## **6. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor Stephen Akers-Belcher.

## **7. Minutes of the meeting held on 31 July 2020**

Received.

### Minute 5 – Allotments Service Review and Dispute Resolution Process – Risks and Legal Implications

A Member raised concerns that the minutes of the Allotment Focus Group meetings which fed into the decisions taken by this Committee on changes to allotment rules had not been agreed by allotment holders. Reference was also made to the continuing queries/concerns in the community that the changes to the allotment rules and regulations were unfair and required further review. In relation to comments raised around the Focus Group minutes, the Director agreed to explore this issue following the meeting.

Clarification was provided in relation to the consultation and decision making process by the Neighbourhood Services Committee and Council and assurances were provided that the proposed changes had been presented at a meeting of the Focus Group in December 2019 with the majority of the Group in support of the proposals. A Member indicated that this was not his recollection of the meeting and questioned how the changes could be agreed given that the majority of the Focus Group had disagreed with the proposals.

In concluding the debate, whilst noting the concerns raised, the Chair advised that the matters raised were around the background to the decision and were not an issue in terms of accuracy of the minutes of the last meeting.

## 8. Budget and Policy Framework

A Member raised concerns as to why this agenda did not include any budget and policy framework items and referred to the requirements set out in the constitution. A discussion followed in relation to the decision making process during which a number of views were expressed including the benefits of sharing Neighbourhoods related budget information to future meetings of this Committee. Clarification was sought from the Assistant Chief Solicitor regarding the constitutional arrangements in terms of the budget reporting process.

In accordance with Council Procedure Rule 12 (x) it was moved by Councillor Cassidy and seconded by Councillor Little:-

“That the meeting proceed to the next item of business”

A Member requested that a recorded vote be taken in accordance with Rule 8 of the Council’s Procedure Rules relating to the Holding of Remote Meetings:-

Those in favour:-

Councillors Cassidy, Little and Tennant

Those against:-

Councillors T Richardson, Howson, James and Prince

It was announced that the vote was lost.

In relation to earlier clarification sought, the Assistant Chief Solicitor advised that this was the Council's 49<sup>th</sup> remote meeting which was more than other neighbouring authorities and highlighted that there was an opportunity for all Elected Members to raise matters with the Chair in relation to suggested agenda items. The Director of Neighbourhoods and Regulatory Services added that budget reports would normally be presented to Policy Committees in October, however, given the current pandemic the majority of reporting had been considered by Finance and Policy Committee. Assurances were provided that any budget related issues in relation to this Committee would be reported in due course.

### **Decision**

That the concerns raised in relation to the Committee's contribution to the budget proposals be noted and any Neighbourhoods financial/budget related information be reported to a future meeting of this Committee.

## **9. Public Space Protection Orders (PSPO's)** *(Assistant Director, Regulatory Services)*

### **Type of decision**

Key Decision test (ii) – Forward Plan Ref No RN8/20

### **Purpose of report**

To inform the Committee of the results of the consultation exercise carried out in relation to the renewal of the Public Spaces Protection Orders (PSPO's) already in place in Hartlepool.

To seek the Committee's approval for the renewal/extension of the PSPO's already in place in Hartlepool.

### **Issue(s) for consideration**

Members were referred to the background to the changes in legislation regarding Public Space Protection Orders (PSPO's) and the decision taken at the Committee's July meeting to commence consultation in relation to the renewal of PSPO's in place in Hartlepool. Details of existing PSPO's were provided which included some dog controls that were introduced last year and although they were not due to expire in October 2020, it was proposed that they be renewed with the others to enable all PSPO's to run to the same timetable.

The consultation process began on 2 August and continued until 10 October 2020. No responses to the consultation had been received and it was therefore recommended that existing orders be renewed with immediate effect. In addition to the PSPO's already in place, work had commenced on what further PSPO's may be appropriate in Hartlepool and a further report would be brought back to Committee in December.

The Assistant Director, Regulatory Services, responded to queries raised arising from the report. Clarification was provided in relation to alley gate protection arrangements for residents and the rules and regulations for professional dog walkers. Examples of professional dog walkers not adhering to the rules were shared with the Committee and it was suggested that additional publicity material be provided in relation to PSPO requirements. In response to queries raised regarding the lack of response to the consultation, it was agreed that clarification would be provided following the meeting outlining details of the consultation process. Whilst Members noted existing alley gate signage was already in place, examples of areas where this was not the case were provided. It was suggested that town wide signage be explored and that reminders be provided to residents to lock their gates.

The following recommendations were agreed with no dissent.

### **Decision**

- (i) The Committee approved the renewal of the Public Space Protection Orders currently in place in Hartlepool.
- (ii) That the comments/views of Members, as outlined above, be noted and actioned as appropriate.
- (iii) That information be provided following the meeting in relation to the consultation process together with details of responses.
- (iv) That current alley gate signage be reviewed and reported back to Members following the meeting.

## **10. Pot Hole and Challenge Fund Schemes** *(Assistant Director, Place Management)*

### **Type of decision**

Key decision tests (i) and (ii) apply – General Exception applies

### **Purpose of report**

To seek approval for an accelerated programme of highway resurfacing schemes following the receipt of additional pothole funding totalling £925,000.

### **Issue(s) for consideration**

The Assistant Director, Place Management reported that in addition to the 5 Year Highway Maintenance Programme which had been approved by this Committee on 13 March 2020, the Council had been awarded further funding under the Government's Pothole and Challenge Fund. Year 1 of the existing resurfacing programme was currently underway and additional works were proposed on schemes from year 2 of that programme, along with other roads which had deteriorated at a faster rate than anticipated as well as footpaths, details of which were provided.

The Committee's approval was sought for the proposed programme of work, as set out in Appendix 1 with works totalling £925,000. The additional funding had allowed schemes on the existing programme to be accelerated and this would be reflected when the refreshed five year programme would be brought before Committee in 2021.

The following recommendations were agreed with no dissent.

### **Decision**

- (i) That the proposed highway resurfacing schemes appended to the report be approved.
- (ii) That any changes to the proposed programme be delegated to the Director of Neighbourhoods and Regulatory Services, in consultation with the Chair of Neighbourhood Services Committee.

## **11. Trading Standards Service Plan 2020/21** *(Assistant Director, Regulatory Services)*

### **Type of decision**

Non-key

### **Purpose of report**

To approve the Trading Standards Service Plan for 2020/21.

### **Issue(s) for consideration**

The Assistant Director, Regulatory Services reported on the background to the publication of an Annual Service Plan. The Plan for 2020/21, attached at Appendix 1 had been updated to reflect last year's performance and reflect changes in service demand.

Resources would continue to be allocated according to identified priorities. In 2020/21 these priorities would be:-

High Priority – Rogue Traders, Scams and Cons and Product Safety.

Medium Priority – Tackling Under Age Sales, Counterfeiting and Illicit Tobacco, and False Descriptions (of goods and services).

Low Priority – Loan Sharks, Weights and Measures and Misleading Pricing.

Trading Standards were also responding to the changing retail environment and would have a continuing oversight of illegal goods being sold on the internet, increasingly through social media. The department's work in protecting the vulnerable through No Cold Call Zones was provided including the work with banks around vulnerable people drawing large amounts of cash which could be linked to rogue traders. The impact on service delivery as a result of the department's involvement in Covid 19 compliance was also outlined.

In the discussion that followed the Assistant Director responded to queries raised arising from the report. Clarification was provided in relation to measures in place to protect the vulnerable from telephone scams. In response to some concern that issues around loan sharks were a low priority, Members were advised of the reasons behind this being identified as low priority given there was a national Illegal Money Lending Team who dealt with the majority of loan shark issues. It was suggested that future reports provide clarity in relation to this issue. Information around the number of loan shark prosecutions was also requested.

In concluding the debate, the Chair suggested that signposting information of national bodies and other scam related departments be provided to Elected Members following the meeting to ensure issues of this type could be dealt with effectively.

The following recommendations were agreed with no dissent.

### **Decision**

- (i) That the Trading Standards Service Plan for 2019/20 be approved.
- (ii) That information be provided following the meeting in relation to the number of loan shark prosecutions as well as signposting information of national bodies and other scam related departments.



- (iii) That future reports provide clarity in terms of the role of the National Illegal Money Lending Team.

The meeting concluded at 10.55 am.

**H MARTIN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 23 OCTOBER 2020**

## NEIGHBOURHOOD SERVICES COMMITTEE

1<sup>st</sup> December 2020



**Report of:** Assistant Director (Regulatory Services)

**Subject:** PUBLIC SPACES PROTECTION ORDERS (PSPO's)

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### 1. TYPE OF DECISION/APPLICABLE CATEGORY

- 1.1 Key Decision Test (ii) – General Exception applies.

### 2. PURPOSE OF REPORT

- 2.1 To seek the views of the committee in relation to the potential adoption of additional Public Spaces Protection Orders (PSPO's) in Hartlepool.

### 3. BACKGROUND

- 3.1 Public Spaces Protection Orders (PSPO's) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and give local Councils additional optional powers to deal with anti-social behaviour.
- 3.2 Councils can use PSPO's to prohibit specified activities and/or require certain things to be done in defined locations in order to stop or prevent anti-social behaviour.
- 3.3 The breach of a PSPO is a criminal offence (maximum £1000 fine) but can be dealt with through the issue of a Fixed Penalty Notice (maximum £100).
- 3.4 Councils may only introduce PSPO's where there is, or there is likely to be, persistent anti-social behaviour in a particular location or area.
- 3.5 PSPO's have a maximum duration of three years but may be renewed for a further three years indefinitely.
- 3.6 PSPO's are not intended to be used to tackle specific individuals or properties (other powers exist for such purposes) but rather identified anti-social behaviour problems in known locations.

- 3.7 PSPO's criminalise certain activities in public spaces and limit, or prohibit, what the public may, or may not, do in specified public areas. Local authorities must therefore be careful to balance the rights of its citizens to enjoy open spaces against the need to protect them from antisocial behaviour.
- 3.8 In order to ensure that this balance is achieved, the Anti-social Behaviour, Crime and Policing Act 2014 lists certain conditions that must be met before a PSPO can be introduced.
- 3.9 The first condition is that -
- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
  - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- 3.10 The second condition is that the effect, or likely effect, of the activities—
- (a) is, or is likely to be, of a persistent or continuing nature,
  - (b) is, or is likely to be, such as to make the activities unreasonable, and
  - (b) justifies the restrictions imposed by the notice.
- 3.11 In order for a PSPO to be introduced, the local authority must be satisfied, and be able to demonstrate, that the above conditions have been met.
- 3.12 Before someone can be prosecuted or issued with a Fixed Penalty Notice for the breach of a PSPO they must first be warned and given the opportunity to correct their behaviour. PSPO's do not therefore create an automatic offence, punishable by Penalty Notice or prosecution, therefore it is the failure to comply with the request to stop the activity, or to do what is required by the Order, by an authorised officer, that leads to the offence being committed.
- 3.13 Existing PSPO's in Hartlepool
- 3.14 There are currently two PSPO's in force in Hartlepool. One covers dog control (such as the requirement to have dogs on leads, to 'pick up', etc.) and the other allows for the town's alleygates (which are public highway) to be closed in order to deter and prevent crime and antisocial behaviour.
- 3.15 The Need for Additional PSPO's
- 3.16 Bylaws
- 3.17 There are a number of antisocial, or otherwise unwanted activities, that are already prohibited in Hartlepool by means of local bylaws but as the breach of a bylaw is only enforceable through the Courts, by means of prosecution, they are not appropriate or realistic for many of the less serious forms of antisocial behaviour.

- 3.18 As PSPO's can be enforced by means of a Fixed Penalty Notice, they can provide a more reasonable and practical enforcement option than a bylaw and can be introduced, or removed, more easily.
- 3.19 PSPO's can be used to prohibit activities already covered by bylaws and, in such circumstances, the PSPO takes precedence. In areas of the town not covered by a PSPO, the bylaw would continue to have effect.
- 3.20 A copy of the bylaws that apply to 'Pleasure grounds, public walks and open spaces' in Hartlepool is attached as **Appendix 1**.
- 3.21 Alcohol
- 3.22 PSPO's can be used to control the consumption of alcohol in public spaces. Whilst, in theory they could also be used to control the *possession* of alcohol in public spaces they would need to be carefully drafted so as not to criminalise reasonable behaviour – such as carrying alcohol away from a local shop, and the Council would need to demonstrate, with evidence, how the act of being in possession of alcohol was, or was likely to be, in itself, antisocial.
- 3.23 Interestingly, the Act specifically provides a lesser criminal penalty for consuming alcohol in breach of a PSPO (a Level 2 fine - £500) than it does for any other breach (a Level 3 fine - £1000). However, the option of a Fixed Penalty Notice of up to £100 remains the same.
- 3.24 Begging
- 3.25 The Committee will be familiar with the problems of people begging in the town centre – particularly in its car parks.
- 3.26 PSPO's can be used to prohibit begging, or similar activities, but as the only penalty for a breach is a financial one (i.e. a fine or a Fixed Penalty Notice), it is unlikely that they would act as a deterrent for beggars who would argue they have little or no disposable income.
- 3.27 The use of PSPO's in other local authority areas has had very mixed results.
- 3.28 Other options for tackling beggars have been previously considered by this committee and, prior to the outbreak of COVID-19, were having a significant positive impact.
- 3.29 The number of beggars had fallen from 32 to 11 and those 11 had all breached Community Protection Notices which would allow for the Council to go to Court and apply for non-financial remedies to be applied such as a legal requirement to engage in drug treatment or to be given a custodial sentence.
- 3.30 As many of the 11 are still begging in the town, work is recommencing on the gathering of evidence to allow for Court proceedings to be taken.

### 3.31 Timings and Seasonal Variations

- 3.32 As stated above, when considering the introduction of a PSPO the Council must balance the legal rights of the general public to undertake reasonable activities without interference against the need to deter and prevent antisocial behaviour. As such it would be appropriate to consider limiting the effect of a PSPO to only the times when it is most needed and relevant – rather than introduce ‘blanket bans’.

### 3.33 Enforcement

- 3.34 PSPO’s can be enforced by Police Officers and authorised council officers which, at present, would be the Council’s Civil Enforcement Officers (CEO’s).
- 3.35 Whilst Police Officers are available 24 hours per day, CEO’s operate between 0800 and 1800 hours (seven days a week) and therefore would not routinely be available to enforce PSPO’s before or after these times.
- 3.36 Any extension/variation to a CEO’s working day, in order to accommodate the enforcement of PSPO’s beyond 1800 hours, would impact on service delivery elsewhere.
- 3.37 As such, without additional investment in the CEO team, any PSPO that relates to antisocial behaviour after 1800 hours would generally fall to the Police to enforce.
- 3.38 Limited enforcement resources inevitably means limited enforcement. Therefore the selection of which, and how many, PSPO’s to introduce must include a consideration as to how they will be enforced. The adoption of too many, that cover too much, may lead to unreasonable public expectations which neither the Police nor Council would be able to satisfy.

### 3.39 Consultation and Consideration

- 3.40 It is a legal requirement that before a PSPO can be adopted, the Council must consult with the Police and the Police & Crime Commissioner. In addition it must consult with ‘whatever community representatives it thinks appropriate’ including any specific groups that may have a particular interest in a relevant activity or location.

### 3.41 Fixed Penalty Notices

- 3.42 As detailed above, the breach of a PSPO can lead to the issue of a Fixed Penalty Notice of *up to* £100.
- 3.43 The exact penalty amount can be determined by the local authority and can be set at any value up to, but not exceeding, £100.

- 3.44 Different PSPO's can carry different penalty amounts – e.g. the current Fixed Penalty for a breach of the dog control PSPO is £100 but a breach of the 'Parks PSPO' could be set at, for example, £50 and so on.

#### **4. PROPOSAL**

- 4.1 It is proposed that consultation be undertaken in relation to the adoption of PSPO's for the following matters: -

4.2 Parks

A 'Parks PSPO' that would apply to the town's parks and other identified public areas and would prohibit: -

- a) Riding skateboards, scooters and bicycles where it causes annoyance, nuisance or damage
- b) Camping and motorhomes
- c) Fishing (the prohibition would relate only to certain locations or certain times)
- d) Unauthorised use of motorised vehicles (except for mobility scooters) – this would be limited to certain locations

4.3 Alcohol

A 'Drinking Alcohol in Public' PSPO would prohibit the consumption of alcohol in public, at all times, in the following areas: -

- a) Seaton Carew promenade (including grassed areas)
- b) Identified parks and other open spaces

4.4 Begging

For reasons detailed above, it is not proposed to introduce PSPO's in relation to begging.

#### **5. RISK IMPLICATIONS**

- 5.1 There are no risks associated with the adoption of PSPO's that are supported by the appropriate evidence.

#### **6. FINANCIAL CONSIDERATIONS**

- 6.1 The adoption of new PSPO's will create additional enforcement pressures however it is proposed that these new burdens be incorporated into existing roles and responsibilities of the Civil Enforcement Team and therefore there will be no new additional financial burdens.

## **7. LEGAL CONSIDERATIONS**

- 7.1 PSPO's must be introduced in accordance with the principles laid down in the Anti-social Behaviour, Crime & Policing Act 2014 and its associated statutory guidance.

## **8. CONSULTATION**

- 8.1 If approved by the Committee, a comprehensive consultation exercise will be undertaken that meets statutory requirements, which will include the Police, the Police & Crime Commissioner and any other bodies considered relevant and appropriate.

## **9. STAFFING CONSIDERATIONS**

- 9.1 Responsibility for the enforcement of PSPO's lies with the Police and the Council's Civil Enforcement Team. The adoption of additional PSPO's will create additional pressures.
- 9.2 The Civil Enforcement Team is made up of a Team Leader, two supervisors and eight Civil Enforcement Officers (with two additional officers, funded temporarily by the Thirteen Group, recently appointed and hopefully operational by the end of the year).
- 9.3 The Civil Enforcement Officers undertake a wide range of duties including:
- Littering and littering from vehicles;
  - Fly tipping and duty of care;
  - Graffiti;
  - Dog fouling, dogs on lead, means to pick up, dog exclusion etc.;
  - Fly posting;
  - Abandoned, nuisance and untaxed vehicles;
  - Illegally tethered horses;
  - Car parking offences in relation to local traffic regulations;
  - Failure to pay and display;
  - Residents parking zones;
  - Illegal Traveller Encampments; and
  - Domestic and commercial waste offences.

## **10. ASSET MANAGEMENT CONSIDERATIONS**

- 10.1 There are no asset management considerations.

## 11. RECOMMENDATIONS

- 11.1 That committee approves the beginning of a consultation exercise in respect of the following, and that the matter be returned to this Committee when the consultation has been concluded: -
- 11.2 A 'Parks PSPO' that would apply to the town's parks and other identified public areas and would prohibit: -
- a) Riding skateboards, scooters and bicycles where it causes annoyance, nuisance or damage
  - b) Camping and motorhomes
  - c) Fishing (the prohibition would relate only to certain locations or certain times)
  - d) Unauthorised use of motorised vehicles (except for mobility scooters) – this would be limited to certain locations
- 11.3 A 'Drinking Alcohol in Public' PSPO would prohibit the consumption of alcohol in public, at all times, in the following areas: -
- a) Seaton Carew promenade (including grassed areas)
  - b) Identified parks and other open spaces

## 12. REASONS FOR RECOMMENDATIONS

- 12.1 Public Spaces Protection Orders can offer an additional and effective enforcement tool to tackle persistent antisocial behaviour.

## 13. BACKGROUND PAPERS

- 13.1 Public Spaces Protection Orders – Neighbourhood Services Committee 31<sup>st</sup> July 2020

Public Space Protection Orders – Neighbourhood Services Committee 21<sup>st</sup> January 2019

Public Space Protection Orders – Neighbourhood Services Committee 13<sup>th</sup> June 2018

## 14. CONTACT OFFICER

Sylvia Pinkney  
Assistant Director (Regulatory Services)  
Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY  
(01429) 523315  
[Sylvia.pinkney@hartlepool.gov.uk](mailto:Sylvia.pinkney@hartlepool.gov.uk)



# **HARTLEPOOL BOROUGH COUNCIL**

## **PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES**

### **BYELAWS**

**(Pursuant to Section 164 of the Public Health Act 1875  
and Sections 12 and 15 of the Open Spaces Act 1906)**

## **HARTLEPOOL BOROUGH COUNCIL**

### **PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES**

Byelaws made by the Hartlepool Borough Council under 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 with respect to pleasure grounds, public walks, and open spaces referred to in Schedule A to the byelaws.

#### **Interpretation**

1. In these byelaws:

"the Council" means HARTLEPOOL BOROUGH COUNCIL.

"the ground" means any of the grounds listed in Schedule A to the byelaws.

#### **Opening times**

2. (1) On any day on which the ground is open to the public, no person shall enter it before the time, or enter or remain in it after the time, indicated by a notice placed in a conspicuous position at the entrance to the ground.
- (2) This byelaw applies to any of the grounds listed in Schedule B to these byelaws.

#### **Vehicles**

3. (1)(i) No person shall, without reasonable excuse, bring or cause to be brought into the ground a motorcycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except in any part of the ground where there is a right of way for that class of vehicle.
- (1)(ii) No person shall, without reasonable excuse, ride a cycle, except in any part of the ground where there is a right of way for cycles, or along such routes as may be fixed by the Council and indicated by signs placed in conspicuous positions in the ground.
- (2) These byelaws shall not extend to invalid carriages.
- (3) In these byelaws:

"cycle" means a unicycle, bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle;

"invalid carriage" means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering

from some physical defect or disability and is used solely by such a person;

"motor cycle" means a mechanically propelled vehicle, whether or not intended or adapted for use on roads, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

"motor vehicle" means a mechanically propelled vehicle, whether or not intended or adapted for use on roads, not being an invalid carriage.

"trailer" means a vehicle drawn by a motor vehicle, and includes a caravan.

- (4) This byelaw applies to any of the grounds listed in Schedule B to these byelaws.

### **Overnight Parking**

4. (1) No person shall, without the consent of the Council, leave or cause or permit to be left any vehicle in the ground between the hours of 12 midnight and 6.00 a.m.
- (2) This byelaw applies to any of the grounds listed in Schedule C to these byelaws.

### **Horses**

- 5 (1)(a) No person shall, except in the exercise of any lawful right or privilege, ride a horse in the ground.
- (1)(b) In any part of the ground where by any lawful right or privilege horseriding is permitted, no person shall intentionally or negligently ride a horse to the danger of any other person using the ground.
- (2) This byelaw applies to any of the grounds listed in Schedule D to these byelaws.
6. (1)(a) Where any part of the ground has, by notices placed in conspicuous positions in the ground, been set apart by the Council as an area where horse-riding is permitted, no person shall, except in the exercise of any lawful right or privilege, ride a horse in any other part of the ground.
- (1)(b) In any part of the ground which has been set apart by the Council for horseriding or where there is a lawful right or privilege to ride a horse, no person shall intentionally or negligently ride a horse to the danger of any other person using the ground.
- (2) This byelaw applies to any of the grounds listed in Schedule E to these byelaws.

## **Climbing**

7. No person shall, without reasonable excuse, climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

## **Removal of structures**

8. No person shall, without reasonable excuse, remove from or displace in the ground any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the ground.

## **Erection of structures**

9. No person shall in the ground, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

## **Camping**

10. No person shall in the ground, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping except in any area which may be set apart and indicated by notice as a place where camping is permitted.

## **Fires**

11. (1) No person shall in the ground intentionally light a fire, or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.
- (2) Byelaw 11(1) shall not apply to any event held with the consent of the Council.
- (3) Byelaw 11(1) shall not prevent the lighting or use of a properly constructed camping stove or cooker or barbecue in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

## **Games**

12. (1) Where the Council has, by a notice placed in a conspicuous position in the ground, set apart an area in the ground for the playing of such games as may be specified in the notice, no person shall:
- (a) play in such an area any game other than the game for which it has been set apart;
- (b) use any such area so as to give reasonable grounds for any annoyance to any person already using that area for any purpose for which it has been set apart; or

- (c) play any game so specified in any other part of the ground in such a manner as to exclude any person not playing the game from the use of that part
  - (d) when the area is already occupied by other players begin to play thereon without their permission;
  - (e) where the exclusive use of the area has been granted by the Council for the playing of a match, play on that area later than a quarter of an hour before the time fixed for the beginning of the match unless taking part therein; or
  - (f) except where the exclusive use of the area has been granted by the Council for the playing of a match in which he is taking part, use the area for a longer time than two hours continuously, if any other player or players make known to him a wish to use the area.
  - (2) This byelaw applies to any of the grounds listed in Schedule F to these byelaws.
13. (1) No person shall, in any area of the ground which may have been set apart by the Council for any game, play any game when the state of the ground or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the ground.
- (2) This byelaw applies to any of the grounds listed in Schedule F to the these byelaws.
- 14 (1) No person shall in the ground play any game:
- (a) so as to give reasonable grounds for annoyance to any other person in the ground; or
  - (b) which is likely to cause damage to any tree, shrub or plant in the ground.
- (2) Byelaw 14(1) shall not extend to any area set apart by the Council for the playing of any game.

## **Trading**

15. No person shall in the ground, without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article or provide or offer to provide any service for which a charge is made.

## **Grazing**

16. No person shall, without the consent of the Council, turn out or permit any animal to graze in the ground.

## **Protection of flower beds, trees, grass, etc**

17. No person who brings or causes to be brought into the ground a vehicle shall wheel or park it over or upon :
- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or
  - (b) any part of the ground where the Council, by a notice placed in a conspicuous position in the ground, prohibits its being wheeled or parked
18. No person shall in the ground enter upon:
- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or
  - (b) any part of the ground set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.

## **Removal of substances**

19. No person shall remove from or displace in the ground any stone, soil or turf, or the whole or any part of any plant, shrub or tree.

## **Archery**

20. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of archery.

## **Field Sports**

21. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of javelin or discus or hammer-throwing or shot-putting.

## **Golf**

22. No person shall in the ground drive, chip or pitch a hard golf ball except on land set aside by the Council for use as a golf course, golf driving range, golf practice area or putting course.

## **Cricket**

23. No person shall use any cricket ball, except in any part of the ground which, by a notice placed in a conspicuous position in the ground, has been set aside as an area where a cricket ball may be used.

## **Skateboarding and roller skating**

24. No person shall in the ground skate, slide or ride on rollers, skateboards, wheels, mechanical contrivances or other equipment, except on any part of the ground which has been set apart by the Council for that purpose and indicated by a notice conspicuously displayed.

## **Missiles**

25. No person shall in the ground, to the danger or annoyance of any other person in the ground, throw or discharge any missile.

## **Waterways**

26. No person shall:

### **Bathing**

- (a) without reasonable excuse, bathe or swim in any waterway or body of water comprised in the ground;

### **Pollution of waterways**

- (b) intentionally, carelessly or negligently foul or pollute any waterway or body of water comprised in the ground;

### **Watercourses**

- (c) knowingly cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus in the ground.

## **Ice Skating**

27. No person shall in the ground go or remain upon any ice or frozen body of water.

## **Boats**

28. No person shall, without the consent of the Council, operate or sail on any waterway or body of water comprised in the ground any boat, except in an area where a notice exhibited by the Council permits the use of such boats.

### **Interference with life-saving equipment**

29. No person, shall except in case of emergency, remove from or displace in the ground or otherwise tamper with any life-saving appliance provided by the Council.

### **Kites**

30. No person shall in the ground fly or cause or permit to be flown any kite in such a manner as to cause a danger, nuisance or annoyance to any other person in the ground.

### **Metal detectors**

31. No person shall on the land without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

### **Fishing and protection of wildlife**

32. (1) No person shall in the ground intentionally kill, injure, take or disturb any animal, fish or amphibian or engage in hunting, shooting or fishing, or the setting of traps or nets or the laying of snares.
- (2) This byelaw shall not prohibit any fishing which may be authorised by the Council.

### **Noise**

- 33(1). No person shall in the ground, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:
- (a) by shouting or singing;
- (b) by playing on a musical instrument; or
- (c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument;
- cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground.
- (2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

### **Public Shows and Performance**

34. No person shall in the ground, without the consent of the Council, hold or take part in any public show or performance.



## **Exhibitions and structures**

35. No person shall in the ground, without the consent of the Council, place or take part in any exhibition, or set up any swing, roundabout or other like thing.

## **Obstruction**

36. No person shall in the ground:
- (a) intentionally obstruct any officer of the Council in the proper execution of his duties;
  - (b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - (c) intentionally obstruct any other person in the proper use of the ground, or behave so as to give reasonable grounds for annoyance to other persons in the ground.

## **Savings**

37. (1) An act necessary to the proper execution of his duty in the ground by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.
- (2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the ground or any part thereof.

## **Removal of offenders**

38. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

## **Penalty**

39. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## **Revocation**

40. Byelaws 3 to 10A inclusive and byelaws 12 to 19 inclusive and byelaw 22 made by the County Borough of West Hartlepool on 9th May 1966 and confirmed by the Secretary of State for the Home Department on 1st August 1966 relating to the ground are hereby revoked.

### **SCHEDULE A**

Burbank Street Playground  
Burn Valley Gardens  
Central Park Recreation Ground  
Clavering Playground (also known as Rafton Drive Playground)  
Dodds Field Recreation Ground  
Eldon Grove Leisure Centre Outdoor Grounds  
Foggy Furze Recreation Ground (also known as Staby House Recreation Ground)  
Grayfields Recreation Ground  
Greatham Playground  
Hart to Haswell Walkway  
Jutland Road Playground  
King George Recreation Ground  
King Oswy Drive Playground  
Mill House Leisure Centre Outdoor Grounds  
Oxford Road Playground  
Rift House Recreation Ground  
Rossmere Park  
Rossmere Way Recreation Ground  
Seaton Common  
Seaton Dunes  
Seaton Park  
Summerhill  
Victory Square  
Ward Jackson Park

### **SCHEDULE B**

Burn Valley Gardens  
Foggy Furze Recreation Ground (also known as Staby House Recreation Ground)  
Grayfields Recreation Ground  
Rossmere Park  
Seaton Park  
Summerhill  
Ward Jackson Park

### **SCHEDULE C**

Burbank Street Playground  
Burn Valley Gardens  
Central Park Recreation Ground  
Clavering Playground  
Dodds Field Recreation Ground  
Foggy Furze Recreation Ground (also know as Staby House Recreation Ground)  
Grayfields Recreation Ground  
Greatham Playground  
Hart to Haswell Walkway

Jutland Road Playground  
King George Recreation Ground  
King Oswy Drive Playground  
Oxford Road Playground  
Rift House Recreation Ground  
Rossmere Park  
Rossmere Way Recreation Ground  
Seaton Park  
Summerhill  
Ward Jackson Park

#### **SCHEDULE D**

Burbank Street Playground  
Burn Valley Gardens  
Central Park Recreation Ground  
Clavering Playground  
Dodds Field Recreation Ground  
Foggy Furze Recreation Ground (also know as Staby House Recreation Ground)  
Grayfields Recreation Ground  
Greatham Playground  
Hart to Haswell Walkway  
Jutland Road Playground  
King George Recreation Ground  
King Oswy Drive Playground  
Oxford Road Playground  
Rift House Recreation Ground  
Rossmere Park  
Rossmere Way Recreation Ground  
Seaton Park  
Ward Jackson Park

#### **SCHEDULE E**

Summerhill

#### **SCHEDULE F**

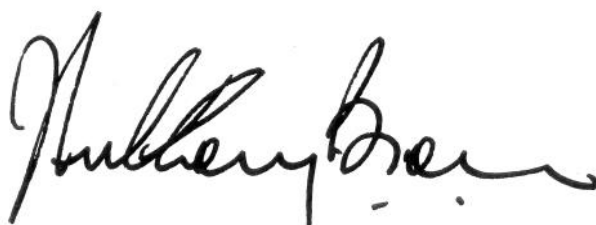
Burn Valley Gardens  
Central Park Recreation Ground  
Dodds Field Recreation Ground  
Eldon Grove Leisure Centre Outdoor Grounds  
Foggy Furze Recreation Ground (also known as Staby House Recreation Ground)  
Grayfields Recreation Ground  
Mill House Leisure Centre Outdoor Grounds  
Rift House Recreation Ground

Rossmere Park  
Seaton Park  
Summerhill  
Ward Jackson Park

GIVEN under the Common Seal of the Council the 5<sup>th</sup>  
Two thousand and three.

day of FEBRUARY  
4682

THE COMMON SEAL OF THE )  
COUNCIL OF THE BOROUGH OF )  
HARTLEPOOL was hereunto )  
affixed in the presence of: Ann. )



Chief Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State and  
shall come into operation on the 23rd day of December 2003

Signed by authority of the Secretary of State

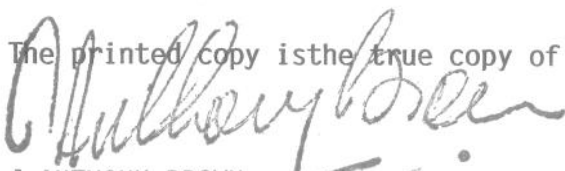


P Rowsell  
Senior civil servant  
in the Office of the Deputy Prime Minister

27 NOV 2003

LONDON, SW1E 5DU.

The printed copy is the true copy of the byelaws as confirmed



J ANTHONY BROWN, Chief Solicitor  
BL.L2415.LH/12

# NEIGHBOURHOOD SERVICES COMMITTEE

1<sup>st</sup> December 2020



**Report of:** Assistant Director (Place Management)

**Subject:** **VEHICLE AND EQUIPMENT APPROVALS 2021/2022  
to 2023/2024**

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-key Decision.

## 2. PURPOSE OF REPORT

2.1 The purpose of the report is to:

- i) Provide an update on vehicle purchases made in 2019/20.
- ii) Provide an update of the vehicle replacement budget for the current financial year, including vehicles purchases rephased from previous years.
- iii) Propose the vehicle and associated equipment replacement programme for the 3 year period covering 2021/22 to 2023/24.
- iv) To request that Finance and Policy Committee recommend that the approval for borrowing to fund the related capital expenditure is included in the 2021/22 Medium Term Financial Strategy (MTFS) approved by Council.

## 3. BACKGROUND

3.1 A combined vehicle asset appraisal and service review has been undertaken with Service Managers and Team Leaders across the Council. This has looked at each of the frontline services expected vehicle, heavy plant and equipment requirements for the next three years taking account of factors:

- i. **Vehicle life extension programme** – The Fleet Service's maintenance programme has been stretching vehicle operating life beyond planned replacement time frames to obtain temporary one-off borrowing savings.

While these steps have helped the Council in allowing services time to go through necessary efficiency transformations, the vehicles in the programme are in many cases coming to end of their serviceable life.

- ii. **Safety upgrades and parts** – Concerns about ongoing availability and vehicle retrofitting practicalities with older vehicles.
  - iii. **Reliability and service availability levels** – Difficulties in maintaining daily services.
- 3.2 An Options Appraisal of vehicle financing has previously demonstrated that borrowing is the most cost effective way of funding vehicle purchases, particularly as vehicles are now kept for their maximum usable economic life. Advantages of borrowing compared to leasing include:
- i) Enables maximum flexibility for extending vehicle life and deferring Replacement;
  - ii) Extending vehicle life is concurrent with maintenance being provided by the Council's in-house garage and resulting recharges contributing towards the recovery of fixed overheads;
  - iii) Avoids costly leasing return conditions; and
  - iv) The council can optimise the financing of any borrowing as part of its treasury management strategy, including benefitting from historically low interest rates.

#### 4. PROPOSALS

- 4.1 Further reviews of individual service vehicle and equipment needs have been undertaken in conjunction with respective service managers. This has sought to identify if any potential changes to requirements can be foreseen with regard to possible future plans for these services. Issues managers have been asked to consider have included possible efficiency/ innovation programmes and/ or income expectations, or growth of town pressures.
- 4.2 This work combined with concerns of rising running costs with aging vehicles has resulted in a revised replacement programme for 2021/2022 and 2022/2023, and a preliminary one for 2023/2024. These are considered in detail in the next section.
- 4.3 It is important to note that not every item on the list may be purchased however this approval approach allows the team to react should the need for one of these vehicles arise.

## 5. FINANCIAL CONSIDERATIONS

**This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that in.**

### 5.1 Vehicle Purchases in 2019/20.

Details of vehicles procurement activity in 2019/20 are shown at **Appendix A. This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that in.**

The overall expenditure in-year was more than the original estimated cost. This has been covered by the use of some of the contingency built in to the borrowing approvals.

- 5.2 The principle reason for this cost increase has been to meet the requirements of the Public Service Vehicle Accessibility Regulations (PSVAR) for two buses. These requirements will continue in future years and this is reflected in the cost estimates detailed in **appendices B & C. This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that in.**

### 5.3 Current Year Vehicle Purchases 2020/21

The vehicle replacement programme for the current year is shown at **Appendix B. This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that in.**

The cost of vehicle purchases compared to budget will be reported after outturn in next years report.

### 5.5 Vehicle Replacements 2021/2022 – 2023/2024

A provisional programme was included in last year's report. Following completion of this year's fleet asset appraisals as detailed earlier in the report, further additions have been made to these programmes.

- 5.6 The resultant vehicle and equipment requirements are put forward for consideration by Neighbourhood Services Committee annually in this report.

If agreed the recommendations progress to Finance and Policy Committee for consideration of the borrowing requirements.

- 5.7 With subsequent inclusion of procurement requests within the MTFS, and its approval at Full Council, the necessary approvals for the proposed vehicle and equipment purchases will be in place. Fleet Services will undertake procurement exercises to obtain best value from suppliers in light of the three years of planned requirements.
- 5.8 **Final budgetary checks.** Fleet Services will in advance of the appropriate vehicle / equipment requirement year confirm with each service's Budget Holder that they have the necessary budget to proceed before 'calling-off' these vehicle / equipment 'builds' from suppliers. This exercise will be undertaken each year when Fleet Services issues the upcoming years' Service Level Agreement costs as part of the annual service area budget building exercises. Payment to suppliers would be made once vehicle / equipment are delivered and repayments on borrowing would begin to be made the year following vehicle delivery.
- 5.9 Details of the revised replacement programme for the 3 year period covering 2021/2022 – 2023/2024 is shown at **Appendix C. This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that in.** The related future borrowing approvals to be recommended for inclusion within the 2021/22 MTFS are summarised in Table 1 below.

**Table 1: Summary of future year borrowing approvals**

	<b>£000's</b>
2021/2022	2,615
2022/2023	2,278
2023/2024	368

- 5.10 The above borrowing approval represents the maximum amount of borrowing which would be incurred if all vehicles were replaced in the year proposed. However in all likelihood the practicalities of procurement will result in some future re-phasing to reflect the timing of when vehicles are delivered.

## **6. RISK IMPLICATIONS**

- 6.1 It is important that we ensure we provide a roadworthy fleet which has a near faultless service availability for safety and service critical vehicles.
- 6.2 For many of our specialist vehicles the procurement process – specification, tendering, ordering and manufacturers build period is a lengthy one, and up



to eight months in some cases. In order to avoid procurement delays resulting in costly and inefficient external hires; service areas principally dependent upon vehicle fleets set out in 2019 to transition and maintain a vehicle procurement approval format that mirrors the three year forward plan and review practice undertaken in respect to the council's Medium Term Financial Strategy.

## 7. CONSULTATION

- 7.1 A vehicle asset appraisal and service needs review has been undertaken with Service Managers and Team Leaders.

## 8. ASSET MANAGEMENT CONSIDERATIONS

- 8.1 The attached **Appendix C** details the revised replacement programme for the period 2021/2022 to 2023/24 and the related future borrowing approvals to be recommended for inclusion within the 2021/2022 MTFs. **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that in.**

## 9. OTHER CONSIDERATIONS

Legal	No relevant issues
Child and Family Poverty	No relevant issues
Equality and Diversity	No relevant issues
Section 17 of the Crime and Disorder Act 1988	No relevant issues
Staff	No relevant issues

## 10. RECOMMENDATIONS

- 10.1 It is recommended that the Committee:

- i) Note the updated position for vehicle purchases as of 2019/20 as set out in **Appendix A** and the list for 2020/21 as set out in **Appendix B**. **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that in.**
- ii) Approves the proposed replacement programme of vehicles, heavy plant and associated equipment as set out in **Appendix C** and related borrowing approvals set out in paragraph 5.10, to be referred to

Finance and Policy Committee to recommend to Council as part of the 2021/2022 MTFS. **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3), information relating to the financial or business affairs of any particular person (including the authority holding that in.**

## **11. REASONS FOR RECOMMENDATIONS**

- 11.1 To maintain a fleet service that meets the needs of the Council.

## **12. BACKGROUND PAPERS**

- 12.1 There are no background papers to this report.

## **13. CONTACT OFFICER**

- 13.1 Kieran Bostock  
Assistant Director (Place Management)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: (01429) 284291

E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)

Chris Wenlock  
Environmental Services Manager  
C/O Civic Centre  
Hartlepool  
TS24 8AY

Tel: (01429) 523538

E-mail: [chris.wenlock@hartlepool.gov.uk](mailto:chris.wenlock@hartlepool.gov.uk)

## NEIGHBOURHOOD SERVICES COMMITTEE

1<sup>st</sup> December 2020



**Report of:** Assistant Director (Regulatory Services)

**Subject:** FLY TIPPING UPDATE

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### 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-key decision.

### 2. PURPOSE OF REPORT

2.1 To inform Committee of the issues surrounding fly tipping in Hartlepool following requests from Members to understand more about this particular problem and to consider the referral from Full Council on the 17<sup>th</sup> September 2020 for this Committee to consider the introduction of a free annual bulky waste scheme for each ward.

### 3. BACKGROUND

3.1 The Council receives numerous complaints about fly tipping each year and Members have often asked, how as a Council we deal with this problem, taking into account the legislation, the reasons, the solutions and much more.

3.2 Furthermore at the meeting of Full Council on the 17<sup>th</sup> September 2020 it was agreed:

*“That the concerns raised in relation to fly tipping and the introduction of an annual ward bulky waste scheme be referred to the Neighbourhood Services Committee for consideration.”*

3.3 Fly tipping is defined as the ‘illegal deposit of any waste onto land that does not have a licence to accept it’.

3.4 Waste that is fly tipped may be any sort of waste – household, industrial or green. Occasionally it may be hazardous (i.e. asbestos).

3.5 Fly tipping can be both small and large scale and can be associated with Organised Crime. Therefore it is important to note that the majority of fly tipping has been deposited by irresponsible people who have made a

personal choice that they believe this action is acceptable, and has not been left by the Council.

3.6 It is a problem because: -

- Fly-tipping poses a threat to humans and wildlife, damages our environment, and spoils our enjoyment of our towns and countryside.
- Fly-tipping undermines legitimate waste businesses where illegal operators undercut those operating within the law. At the same time, the reputation of legal operators is undermined by rogue traders.
- As with other things that affect local environment quality, areas subject to repeated fly-tipping may suffer declining property prices and local businesses may suffer as people stay away.
- In 2018/19 local authorities dealt with over 1 million fly tipping incidents, an increase of 8% from 2017/18.
- Nationally it costs between an estimated £86m to £186 million every year to investigate and clear up. This cost falls on taxpayers and private landowners.

3.7 The Law

3.8 Fly tipping is a criminal offence under the Environmental Protection Act 1990 and can attract a fine of up to £50,000 if prosecuted through the Magistrates Court or an unlimited fine and up to 5 years imprisonment if prosecuted through the Crown Court.

3.9 In reality however, nationally, 83% of Court imposed fines over the past six years have been under £500.

3.10 In addition to the above, there are also a number of other possible penalties, including fixed penalty notices and having a vehicle seized. Householders can be fined up to £400 if they pass their waste to an unlicensed waste carrier which is subsequently fly-tipped (known as a 'duty of care' offence).

3.11 Local authorities are responsible for investigating, clearing and taking appropriate enforcement action in relation to small scale fly-tipping on public land.

3.12 The Environment Agency is responsible for dealing with larger-scale fly-tipping (more than a lorry load), hazardous waste and fly-tipping by organised gangs.

3.13 On private land, it is normally the responsibility of the landowner to remove the waste. Local authorities and the Environment Agency have legal powers to require landowners to clear fly-tipped waste from their land. They also have powers to enter the land and clear it and may seek reimbursement for costs related to it from the landowner.

- 3.14 There is a legal obligation for anyone who carries waste as part of a business to be registered with the Environment Agency. This registration is generally referred to as a 'waste carriers licence'. Anyone who offers a service of collecting or removing waste for disposal must be registered as a waste carrier with the Environment Agency.
- 3.15 Much of the fly tipping in Hartlepool is small scale which happens in back streets and is not what is traditionally thought of as 'fly tipping' but may be reported as such.
- 3.16 Tipping is carried out by individuals and businesses who tip their own rubbish, and by businesses that operate waste collection services and which, having charged a fee for their service, then dump the waste without incurring the costs of legitimate disposal.
- 3.17 There were 2107 incidents of fly tipping in Hartlepool in 2019 but the number for 2020 (January – September) has already exceeded this (2593).

Number of fly tipping reports

	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec	Total
<b>2018</b>	320	225	234	216	290	290	274	239	148	174	163	115	<b>2688</b>
<b>2019</b>	190	166	156	211	175	158	230	184	196	142	161	138	<b>2107</b>
<b>2020</b>	290	192	176	218	305	365	443	294	310				<b>2593</b>

- 3.18 In Hartlepool almost 740 tonnes of fly tipping was removed last year and the figure for April – September 2020 is currently 49% higher than for the same period last year.

Tonnage of Fly Tipping in Hartlepool

	April	May	June	July	August	Sept	Total
<b>2019</b>	50.34	62.36	59.38	59.98	57.82	49.08	<b>338.96</b>
<b>2020</b>	66.62	72.56	27.74*	111.28	120.7	106.44	<b>505.34</b>

*\*full monthly figure not available*

- 3.19 The estimated cost of clearing fly tipping in 2019/20 was £233,000 and the cost over the past five years is estimated at being over £1.1 million.
- 3.20 In Hartlepool, the locations used for fly tipping fall into four general categories:

Rural (i.e. laybys & fields)

Rural locations such as Worset Lane, Dalton Back Lane, Claxton Bank and A179 (near Hart village) are targeted for fly tipping because they are 'out of site'; they offer large physical sites and dumping can be made quickly by vehicle.

Examples of fly tipping on rural sites in Hartlepool are attached as **Appendix 1**.

### Industrial land

Derelict industrial land (and sometimes industrial land still in use) is often targeted as road access is good, high buildings provide cover and there are usually few people around to see it happen.

Examples of fly tipping on industrial sites in Hartlepool are attached as **Appendix 2**.

### Communities & Urban Grassland

Typically back alleys, street corners and urban grassland.

Tipping in these locations may consist of domestic waste that has been left by local residents who have not put it in their wheelie bin. It also includes bulky domestic waste (mattresses, sofas, fridges, etc.) and waste, of all kinds, being brought to a back alley from outside of the immediate area.

There may be a number of reasons why fly tipping takes place in residential areas: -

- a) It is done by those who don't have transport i.e. they remove unwanted waste from their home and simply dump it close by.
- b) It is done by someone with transport but who, for whatever reason, doesn't want to travel far with their waste.
- c) There is an element of confusion or misunderstanding by some residents who believe that the Council offers a service of free waste collection and that they are simply required to 'put it out' for the refuse collectors who will 'remove whatever there is every week'.

Examples of fly tipping on urban and urban grassland sites in Hartlepool are attached as **Appendix 3**.

### Allotments

A significant amount of fly tipping takes place on allotments both on the allotments themselves and on access roads around them. There are several reasons for this: -

- a) Remote locations that are 'out of site' of the general public.
- b) Upkeep of some plots is substandard.
- c) Some fly tipping is done with 'good intentions' i.e. where it is done because it is believed it may be of use to the allotment holders themselves (i.e. manure, timber etc.)

Examples of fly tipping on allotment sites in Hartlepool are attached as **Appendix 4**.

### 3.21 How incidents are reported

3.22 Responsibility for fly tipping enforcement falls to both local authorities and the Environment Agency with the Environment Agency dealing with the large scale tipping (i.e. over one wagon's worth).

3.23 Reports of large scale or hazardous waste fly tipping can be made to the Environment Agency by calling Crimestoppers on 0800 555 111.

3.24 Reports of lower level fly tipping can be made to Hartlepool Borough Council by calling (01429) 266522 or by logging the issue via the Council's website at [www.hartlepool.gov.uk](http://www.hartlepool.gov.uk).

### 3.25 What happens following a report?

3.26 In Hartlepool, once a report of fly tipping has been received the details are passed to the appropriate department which may be the Cleansing Team (which will remove the rubbish) and/or the Civil Enforcement Team (that will investigate fly tipping incidents).

3.27 If the tipping has taken place on public land, it is the Council's responsibility to remove it. If it has taken place on private land, it is the landowner's responsibility.

3.28 When a fly tipping incident has been reported on public land, the waste will be examined to determine whether there is any evidence that may identify who was responsible. If there is, this will be recorded and the waste then removed. If there is not, the waste will be removed.

3.29 If the tipping has taken place on private land, the landowner will be contacted to have the waste removed – this must be done at the landowner's expense.

3.30 If the landowner does not remove the waste within a reasonable time, the Council may do so and require the landowner to reimburse the Council for the costs incurred.

3.31 In all cases, there is a pressing need to remove fly tipped waste quickly as tipping can easily attract more tipping. However, conflicting demands on limited resources, and the sheer number of reported incidents, does mean that clearances do not always happen as quickly as desired.

### 3.32 Proactive Clearing

3.33 In addition to responding to reports of illegal tipping, the Cleansing Team also have a programme of clearing waste from across the borough.

### 3.34 Enforcement

3.35 As stated above, fly tipping is a criminal offence that is punishable by prosecution or by the issue of a Fixed Penalty Notice.

- 3.36 Small scale incidents (for example no more than two black bags on a one off occasion) can be dealt with as a breach of Section 46 of the Environmental Protection Act 1990 and which will result in the service of a £60 Fixed Penalty Notice.
- 3.37 Larger scale, or frequent, incidents will be investigated as criminal fly tipping.
- 3.38 The fact that it is a criminal offence means that for a successful prosecution, evidence must be gathered that can demonstrate guilt '*beyond reasonable doubt*' and, as the cases can be heard at Crown Court, this means to a standard that would satisfy a jury.
- 3.39 Most fly tipping takes place in secret where there are no witnesses. Whilst tipped waste is examined for evidence by trained officers it is not usually possible to identify a perpetrator from the waste itself. For example, a pile of 20 dumped tyres will not contain any evidence of who dumped them but, occasionally, bags of rubbish may contain documents that will identify where the waste has come from which can then form the basis of an investigation.
- 3.40 There are essentially two possible offences that are committed when waste is fly tipped. The first is the offence of tipping itself. The second is the offence of supplying the waste to the person who then tipped it. This is known as a 'duty of care'.
- 3.41 Households must ensure that their waste is correctly disposed of. This is known as a 'duty of care' and means that if they are giving their waste to a third party to dispose of, they must ensure that they are licensed for that purpose.
- 3.42 If the householder does not make such a check, and their waste is tipped illegally, the householder can be prosecuted or receive a Fixed Penalty Notice from the Council.
- 3.43 Where enforcement officers identify who the waste may have belonged to, through the presence of addressed documents for example, they will investigate how their rubbish came to be dumped. Did they dump it themselves or did they give it to someone else who then dumped it?
- 3.44 In most cases of fly tipping there is no evidence to identify who the waste belongs to. Where this is the case, no enforcement action is possible and the waste is removed – either by the Council or the landowner.
- 3.45 CCTV can be used to identify fly tippers and the Council has a number of static and rapid deployment cameras in use.
- 3.46 CCTV cameras may be overt (where they can be seen, or there is signage to identify that cameras are in operation) or covert – where they cannot be seen and there is no signage to indicate their presence.
- 3.47 Overt CCTV can act as a deterrent but can also simply move a potential tipper to another location where there are no cameras.



- 3.48 The use of covert CCTV (where the cameras are hidden) is regulated by RIPA (Regulation of Investigatory Powers Act 2000). The main purpose of RIPA is to protect the rights of the general public to a private life and to ensure that any covert surveillance undertaken by regulatory bodies, including a local authority, is reasonable, proportionate and necessary.
- 3.49 RIPA specifies that covert directed CCTV surveillance may only be carried out by local authorities in certain circumstances and only when approval has been granted by the Courts.
- 3.50 Back Alleys
- 3.51 A significant proportion of fly tipping takes place in back alleys and, although often small scale, presents significant challenges when multiplied by the number of households involved.
- 3.52 Whilst most residents respect their neighbourhoods and take responsibility for their waste, some residents in these areas either do not have wheelie bins (for several reasons), they have too much rubbish for their bins, they have larger items that will not fit in their bins or they simply have no intention to comply with the rules and are happy to dump their rubbish anywhere.
- 3.53 The Council provides a comprehensive cleaning service on a regular basis – particularly in the back alleys where wheelie bins are emptied weekly and other rubbish is then collected to keep the area clean.
- 3.54 The refuse teams have reported that many residents see this efficiency as a service to be taken advantage of and simply put their excess rubbish into the alleys for free collection. For many, this may be a genuine misunderstanding of the rules. For others it is simply more convenient than having to find another way.
- 3.55 The Council's Civil Enforcement Officers regularly patrol 'hotspot' areas and can take action under Section 46 of the Environmental Protection Act 1990 but there are limitations to this: -
- The law requires the service of a notice on the resident(s) reminding them of their obligations with regard to putting their rubbish out for collection
  - If the problem persists, the law requires that the resident(s) be issued with a formal warning.
  - If the problem continues after the warning notice, a Fixed Penalty Notice of £60 can be issued (which is itself a two-step process) and non-payment of the Notice is not a criminal offence.
- 3.56 Enforcement
- 3.57 At the time of writing this report there are eight Civil Enforcement Officers working as two teams of four on a 7 day rota from 0800 to 1800 hours. At any one time there will be a maximum of four officers on duty.

- 3.58 In addition to investigating issues of fly tipping they are also responsible for, amongst other things: - patrolling the town's car parks; patrolling other controlled parking areas; patrolling parks; enforcing dog control (such as dogs on leads, 'picking up', etc.); littering; nuisance vehicles; abandoned vehicles; travellers; tethered horses, untaxed vehicles, inconsiderate parking and no smoking legislation.
- 3.59 At the time of writing this report there are seven ongoing criminal investigations.
- 3.60 Earlier this year, a wagon was seized by Council officers as it had been filmed tipping at a site in Seaton Carew by the Council's CCTV Control Room.
- 3.61 The number of Fixed Penalties issued, and Notices served, relating to flytipping is detailed in the table below.

	<b>2019</b>	<b>2020</b>
Fly tipping FPN	19	35
Section 46 EPA Notice	176	418
Section 46 Written Warning	111	54
Section 46 'Intention to Issue a Fixed Penalty'	19	40
Section 46 Final Demand - Fixed Penalty Notice	6	14

- 3.62 As detailed earlier in this report, fines issued by the Courts are historically low (below £500) but in November 2020, the Council was successful in its prosecution of a fly tipper and he was ordered to pay a fine and costs totalling over £2400.
- 3.63 Support from the Community
- 3.64 There are a number of voluntary organisations (such as Big Town Tidy Up), informal groups and motivated individuals who currently carry out litter picks and rubbish clearances in Hartlepool. Their support is invaluable and the Council are extremely grateful to all who support us in dealing with the consequences of this inappropriate activity to help keep Hartlepool clean and safe.
- 3.65 Systems are in place that allow for them to collect rubbish and leave it at identified locations which are reported to the Council for collection.
- 3.66 Existing Council services
- 3.67 House Waste Recycling Centre (HWRC)
- 3.68 The Council currently operates its HWRC five days per week (Wed – Sun) from 09:00 – 16:50 hours. All visits to the site must be made by appointment.

- 3.69 Most types of household waste can be deposited free of charge but some items, such as rubble, soil, glass and tyres attract a small fee to cover the increased cost of disposing of such items.
- 3.70 Bulky Waste Collection Service
- 3.71 Residents who have bulky waste can have up to three items collected and disposed of for £20. This fee is reduced to £10 for those on low income.
- 3.72 Premium Waste Removal Service
- 3.73 This is a council operated waste collection service for both households and businesses where any number of items can be collected for a negotiated fee. The service is currently suspended due to COVID but planning to recommence remains ongoing.
- 3.74 Help with Presenting Bins
- 3.75 People with mobility difficulties can apply to the Council for free assistance with their wheelie bins. Qualifying individuals will have their wheelie bins emptied without them having to be presented on the street as would be usual practice.
- 3.76 Applications for this service can be made by phoning (01429) 266522 or online at [www.hartlepool.gov.uk](http://www.hartlepool.gov.uk).

#### 4. PROPOSALS

- 4.1 Removing Access to Common Problem Sites
- 4.2 A working group has been established to look at what more can be done to prevent fly tipping and to identify and enforce against those found to be responsible. Initial efforts are on identifying those sites most at risk from tipping and to close them off if possible.
- 4.3 Work has already commenced on blocking vehicle access to a number of rural sites that have become common tipping grounds (see **Appendix 5**).
- 4.4 Two of the most prolific tipping sites in the town are at West View (behind Bruntoft Avenue and behind West View Road) and both have single entry/exit points.
- 4.5 Bruntoft Avenue – There have been numerous fly tips on this site (see **Appendix 6**).
- 4.6 Vehicle access is via a gate that leads to an area once used as allotments. Its only use now is to allow access to the rear of some of the residential properties on Bruntoft Avenue.

- 4.7 Local residents have a key but, on numerous occasions, the lock has been damaged, replaced and then deliberately damaged again, and despite best efforts, and requests from the Council to local residents for support, the gate is usually found open, which unfortunately allows anyone access to the site.
- 4.8 This area also leads to the Nicholson's Fields allotments and whilst direct entrance to the allotments has been closed off for a number of years, the allotment fencing is regularly illegally removed to allow unauthorised access between the allotments and the rear of Bruntoft Avenue.
- 4.9 Work is underway to establish whether the Bruntoft Avenue gate can be permanently closed.
- 4.10 West View Road – There have been numerous fly tips and fires on this site (see **Appendix 7**)
- 4.11 Vehicle access to this large area is via one small entrance on West View Road – between two houses (see **Appendix 7** - top).
- 4.12 The land is grassland, with some trees, and lies between the rear of the houses on West View Road and the railway embankment. The area has no other vehicular access or egress points.
- 4.13 Efforts have been made by the Council to temporarily close, or restrict, access but these have been quickly damaged, destroyed and removed.
- 4.14 Work is underway to establish whether this access point can be closed permanently to vehicles.
- 4.15 Alleygates
- 4.16 The majority of fly tipping in Hartlepool takes place in back streets.
- 4.17 Whilst much of this appears to come from the adjacent properties, there is some evidence to suggest that waste is also being brought onto site from elsewhere.
- 4.18 Keeping alleygates closed may have some positive impact and reduce fly tipping in back alleys. Therefore additional signage and publicity will be used in an effort to illicit community support in keeping the gates closed at all times.
- 4.19 Failure to keep an alleygate locked, or to not close it when it is open, is not an offence.
- 4.20 Industrial Estates
- 4.21 As stated above, the costs of removing fly tipping from private land falls to the landowner (and not the Council) but work has begun on working with, and encouraging, private landowners to do more to protect their land.

4.22 This may include blocking off access roads to sites that are no longer used, installing CCTV and erecting signage.

4.23 Publicity

4.24 A publicity campaign will be launched: -

- To encourage the general public to report suspected fly tippers by providing useful intelligence that helps the Council and the Environment Agency tackle this.
- To remind residents of their 'duty of care' in relation to giving their waste to others for disposal.
- In areas where it is relevant, to remind residents of their obligations to use their wheelie bins correctly and not to place large items onto the street or back alley in the hope/expectation that the Council will remove them.
- To assist with investigations, consideration will be given to the regular posting of pictures of fly tipped rubbish, asking whether the public can recognise and report where it has come from.
- Encourage residents to keep alleygates closed so as to deter flytipping

4.25 CCTV

4.26 CCTV is already being used to identify fly tippers in Hartlepool.

4.27 Full use will be made of the Council's existing camera network and a number of motion activated 'rapid deployment' cameras are also in operation.

4.28 As always, and in compliance with the law, the use of CCTV surveillance is limited to only those occasions and locations where it is considered reasonable, appropriate and proportionate.

4.29 Section 46 Environmental Protection Act 1990

4.30 As detailed earlier, many incidents of fly tipping are due to residents dumping small amounts of unwanted rubbish onto their back streets.

4.31 Enforcement action (by means of a Fixed Penalty Notice) is only possible after the resident has been issued with a Notice detailing their obligations in respect of putting their rubbish out for collection.

4.32 To speed up this process, consideration will be given to including a leaflet on how residents must present their weekly rubbish as part of the annual bundle of paperwork that is sent to all residents with their Council Tax demand.

4.33 This will satisfy the legal requirement to explain a resident's obligations before a warning notice can be issued and will therefore remove one step from the enforcement process.

4.34 For those residents who inadvertently make a mistake, the process still requires a warning before a Fixed Penalty can be issued and so 'one off' non-compliance will not lead to immediate enforcement.

4.35 Partnership Working

4.36 Where possible, enforcement partners (such as the Police, the Fire Brigade and the Environment Agency) will be recruited to participate in regular joint enforcement exercises to both deter and detect fly tipping.

4.37 Asking Difficult Questions

4.38 The significant majority of fly tipping is household waste – ranging from black sacks to mattresses, fridges and furniture.

4.39 As the Council offers free use of its waste recycling centre (the HWRC) and a bulky waste collection service (for a fee) the question must be asked why so many people choose to dump their own rubbish.

4.40 There will be many answers to this question: -

- Some people do not have access to transport to take large items to the HWRC and either do not want to pay, or cannot afford, to have someone else do it for them, so they 'dump it' themselves nearby.
- Some people no longer have wheelie bins (because they have been lost/stolen/never had one) and they cannot afford to buy another so they dump their rubbish nearby.
- Some people pay others (legitimate or illegitimate) to dispose of their rubbish and this is then dumped illegally.
- Some people cannot afford to take some items (such as rubble and building materials) to the HWRC and so they illegally dump it instead – for free.
- Whilst the level of fines available to the Courts can be extremely high, many of those who tip their own rubbish have little financial resources and therefore a financial penalty (either FPN or Court fine), which would be means-tested may not act as a deterrent.

Custodial sentences are only a possibility in the most extreme cases where either the defendant opts for a jury trial or the Magistrates Courts believe that their sentencing powers are not strong enough for the case at hand.

4.41 Free Skip Collections

4.42 To introduce one free skip collection per ward per year would cost over £7,000 based on the recovery of direct costs only.

4.43 Additionally new skips would need to be purchased to support this at a cost of £4,000 per skip, and there is currently no budget identified for these costs.

- 4.44 Consideration also needs to be given as to where in each ward would the skip be located, who could use the skips, how quickly it would be filled, what materials would be placed in them, hazardous waste, the additional materials dumped adjacent to the skip when full, the increased risk of arson, etc.
- 4.45 It is likely that this would impact on the income streams of our bulky waste and premium waste collection services, while any such scheme will undoubtedly be abused by those irresponsible traders who currently do not pay for their waste disposal and we also risk being a tipping tourism spot from those live or work outside of the Borough.
- 4.46 Furthermore it must be noted that in the days leading up to bonfire night, we work in partnership with Cleveland Fire Brigade and we remove all bonfires/flammable materials from open sites and across our residential estates, which often acts as a “free collection service” in some locations.
- 4.47 Working Together
- 4.48 Therefore it is proposed that a working group be established, involving partners from all sectors, including local litter picking initiatives to consider how fly tipping can be tackled.
- 4.49 Options could include enforcement, publicity, the provision of a wider bulky waste service and how it may be made easier for people to ‘do the right thing’ so that the Council can proactively work to tackle this issue in collaboration with all partners and bring a further update report back to this Committee in 12 months.
- 4.50 Therefore at present it is not proposed to implement the free skip hire based on the complexities of introducing such a scheme and that no budget exists, however it is proposed that further work be undertaken and presented back to Members as part of the update report in 12 months.

## 5. LEGAL CONSIDERATIONS

- 5.1 Legal considerations have been detailed in the main body of the report.

## 6. OTHER CONSIDERATIONS

Risk implications	No relevant issues
Financial considerations	No relevant issues
Consultation	No relevant issues
Child and Family Poverty	No relevant issues
Equality and Diversity considerations	No relevant issues
Section 17 Crime and Disorder Act 1998 considerations	No relevant issues
Staff considerations	No relevant issues
Asset management considerations	No relevant issues

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that Members note the content of this report and the request of Full Council for this Committee to consider the introduction of an annual ward bulky waste scheme.
- 7.2 It is recommended not to implement the scheme proposed based on the complexities detailed within the report and that currently no available budget exists, however it is proposed that further works be undertaken on this proposal, while exploring alternative options, and present an update report back to Members in 12 months.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 This report highlights the challenges of this anti-social behavioural activity, the legal processes for tackling this, and some of the work that the Council has carried out to be more proactive.

## **9. BACKGROUND PAPERS**

- 9.1 There are no background papers associated with this report.

## **10. CONTACT OFFICER**

Sylvia Pinkney  
Assistant Director (Regulatory Services)  
Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY

(01429) 523315  
[Sylvia.pinkney@hartlepool.gov.uk](mailto:Sylvia.pinkney@hartlepool.gov.uk)



**Appendix 1**

Fly Tipping in Hartlepool – Rural Locations



Appendix 2

Fly Tipping in Hartlepool – Industrial locations





**Appendix 3**

Urban and Urban Grassland - Hartlepool





Communities & Urban Grassland - Hartlepool





**Appendix 4**

Allotments in Hartlepool





Allotments in Hartlepool





**Appendix 5**

'Restricting access'





**Appendix 6**

Bruntoft Avenue (recently cleared)





**Appendix 7**

West View Road

Entrance & Exit Point



West View Road



# NEIGHBOURHOOD SERVICES COMMITTEE

1<sup>st</sup> December 2020



**Report of:** Assistant Director (Place Management)

**Subject:** MAINSTREAM SECONDARY HOME TO SCHOOL  
TRANSPORT AND PASSENGER ASSISTANTS

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Paper for information only.

## 2. PURPOSE OF REPORT

- 2.1 To provide members with an overview of the existing Passenger Assistant arrangements in response to a request from Personnel Sub Committee.
- 2.2 To outline current behaviour protocols and assess the need for providing Passenger Assistants on board mainstream home to school transport.

## 3. BACKGROUND

- 3.1 This report was asked to be brought to this Committee following a recommendation made at a Personnel Sub Committee hearing by those Members present, to explore behaviour incidents and consider if there is a necessity for the provision of Passenger Assistants on mainstream home to school transport bus services.
- 3.2 Home to school transport is governed by Education Act 1996 and the Education and Inspection Act 2006. Travel assistance is provided free of charge for those pupils of primary and secondary age who are travelling over the statutory walking distance to/from the main entrance of their nearest suitable school. The Statutory walking distances are:
  - 2 miles for a child up to the age of 8 years
  - 3 miles for a child over the age of 8 years

In Hartlepool the statutory walking distance is modified by discretionary power to achieve consistency between sectors, to:

- 2 miles up to the age of 11 years (primary pupils)
- 3 mile from the age of 11 – 16 years (secondary pupils)

3.3 This report focuses on the transport to Mainstream secondary schools where the provision is through large buses with a minimum of 53 seats. At present there are 572 students travelling to mainstream secondary schools on dedicated school buses. This is broken down as follows:

- 308 students to Dyke House Academy (this is a private hire arrangement with the Academy);
- 132 Students to English Martyrs Academy (mix of statutory and non-statutory students);
- 67 students to High Tunstall School (mix of statutory and non-statutory students); and
- 65 students to St Hilda's School (St Hilda's procure a private hire bus, while there is also a bus for statutory eligible students).

3.4 The current 572 students are estimated to make 217,360 journeys to and from school during an academic year.

3.5 Passenger Transport Services have an excellent working relationship with the schools and each school is allocated a dedicated Home to School Transport Officer to assist with any transport requirements.

3.6 The table below shows the number of incidents that have been reported in the previous three years and the nature of the incidents. Most of the incidents are not serious and are isolated. The nature of the incidents include:

- Removing their seat belt and/or being out of their seat;
- Throwing items around the vehicle;
- Verbal abuse towards other students;
- Damage to the vehicle – graffiti, cutting seats etc.; and
- Physical attack of another student.

	<b>Total not wearing a seat belt</b>	<b>Total number of behaviour incidents</b>	<b>Total number of verbal abuse incidents</b>	
2017 / 2018	12	10	2	<b>24</b>
2018 / 2019	9	31	1	<b>41</b>
2019 / 2020	10	9	0	<b>19</b>
	<b>31</b>	<b>50</b>	<b>3</b>	<b>84</b>



- 3.7 There are procedures in place for drivers to report any incidents that may occur during a journey:
- The driver will pull the bus over in a safe place and will radio the office at the time of the incident for support;
  - The driver will speak to the passenger – generally this will resolve the issue;
  - The driver will complete a ‘Drivers Report Form’ when they return to the office;
  - The details of the incident are shared and discussed with the school;
  - The school provide an update of actions they may have taken in relation to the incident; and
  - The driver is advised of any action taken and any restrictions given to the student.
- 3.8 In the majority of cases this process will suffice and there will be no further incidents. Drivers will be asked to monitor the situation and report immediately any concerns.
- 3.9 If the incident is of a serious nature, the driver will follow the protocol detailed above and the Passenger Transport Services Team will contact the school to attend at the scene. The bus will remain in situ until a member of school staff arrives. The school will remove the student(s) from the vehicle and this is usually supported with a period of (or permanent) exclusion from transport.
- 3.10 Where a student repeatedly misbehaves, drivers are asked to provide ‘Driver Reports’ for each incident. Passenger Transport Services work with the school and parents to seek suitable solutions. This may include a period of exclusion from home to school transport and the student may be asked to sign a ‘Student Travel Agreement’.
- 3.11 By law all passengers are required to wear a seat belt and drivers will carry out an inspection to ensure that this is the case before the journey commences. If, during the journey, the driver becomes aware that a passenger is not wearing a seat belt, the driver will pull the vehicle over in a safe place and advise the Passenger Transport team. They will ask the student to replace their seat belt. If the passenger refuses to wear their seat belt, the bus will remain stationary until a member of staff from school attends to remove the student.
- 3.12 The number of reported incidents on home to school mainstream transport is comparably low. The table below shows the relationship between the number of journeys made in an academic year and the number of incidents that have occurred over the past three years.

Year	Number of journeys per academic year	Number of incidents	% of incidents
2017 / 2018	243,960	24	0.01
2018 / 2019	247,000	41	0.02
2019 / 2020	214,320	19	0.01

#### 4. PROPOSALS

- 4.1 The personnel sub-committee asked that consideration be given to whether there is a need for Passenger Assistants on mainstream secondary school home to school transport.
- 4.2 At present there are 13 routes operating to mainstream schools in the town, as detailed in the table below. Six of those routes are statutory provision for students who are eligible under Home to School Transport Policy. The remaining 7 routes are operated on a private hire basis and are funded by the respective schools.

English Martyrs - Route covering	Route number
Seaton	YB2
Clavering / West View/ King Oswy Drive	YB11
Headland/West View / Throston Grange Lane	YB12
St Hilds - Route covering	Route number
Headland	YB16
Headland - Private Hire	YB14
High Tunstall - Route covering	Route number
Elwick / Dalton / Hart Villages	YB4
Rift House	PSV50
Dyke House - Route covering	Route number
Seaton Carew - Private hire	YB1
Seaton Carew - Private hire	YB8
Seaton Carew - Private hire	YB9
Seaton Carew - Private hire	YB10
Oxford Road / Clavering - Private hire	YB15
Fens / Brooke Estate - Private hire	YB7

- 4.3 Based on the statistics detailed in section 3.12 of the report there is currently no requirement for Passenger Assistants to be placed on all secondary school mainstream home to school transport routes. A combination of the existing behaviour management procedures and good working relationships with schools are sufficient at dealing with any issues that arise.
- 4.4 Routes provided under a private hire arrangement are procured and funded by the respective schools follow our existing behaviour procedures and any change to this protocol would need to be agreed with them.

## **5. RISK IMPLICATIONS**

- 5.1 Although behaviour incidents have occurred on home to school transport, the statistics show that these are very low in numbers in comparison to the journeys undertaken. There is an established protocol in place for dealing with incidents should they occur. The Passenger Transport Services Team have an excellent relationship with the schools and work together to address any incidents.
- 5.2 Dyke House and St Hilds schools procure transport under a private hire arrangement therefore any additional charge to the client, may place a financial burden on them that could jeopardise the private hire arrangement and subsequent loss of income to the Authority.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 The Passenger Transport Services budget funds primary and secondary mainstream transport as well as Special Education Needs transport. This budget is under significant annual pressure.
- 6.2 The provision of additional Passenger Assistants would need to be costed. These additional costs cannot be accommodated within the existing budget and would place a further financial pressure on the Council.

## **7. LEGAL CONSIDERATIONS**

- 7.1 There is no legal obligation to provide a Passenger Assistant on mainstream bus routes.

## **8. CONSULTATION**

- 8.1 Consultation will be required with those schools that procure the service under private hire arrangement.

**9. STAFF CONSIDERATIONS**

- 9.1 The use of Passenger Assistants on mainstream secondary home to school travel routes would require the need to recruit up to 13 members of staff. The post of Passenger Assistant is subject to safer recruitment measures and statutory checks.

**10. OTHER CONSIDERATIONS**

Asset Management Considerations	No relevant issues
Child & Family Poverty	No relevant issues
Equality & Diversity	No relevant issues
Section 17 of The Crime and Disorder Act 1998	No relevant issues

**11. RECOMMENDATIONS**

- 11.1 It is recommended that Members note the request of the Personnel Sub Committee to receive this report.
- 11.2 It is recommended that Members note the existing behaviour management procedures and the statistics provided in this report.

**12. REASONS FOR RECOMMENDATIONS**

- 12.1 The existing working arrangements ensure the Council complies with the relevant statutory provisions and help to support the development of a child's independence when using this service.

**13. BACKGROUND PAPERS**

- 13.1 There are no background papers associated with this report.

**14. CONTACT OFFICERS**

Kieran Bostock  
 Assistant Director (Place Management)  
 Level 3  
 Civic Centre  
 Hartlepool  
 TS24 8AY

E-mail: [kieran.bostock@hartlepool.gov.uk](mailto:kieran.bostock@hartlepool.gov.uk)  
 Phone: 01429 284291



AUTHOR OF REPORT

Jayne Brown  
Passenger Transport Services Team Leader  
Regeneration and Neighbourhoods  
Passenger Transport Services  
Hartlepool Borough Council

01429 523526

[Jayne.brown@hartlepool.gov.uk](mailto:Jayne.brown@hartlepool.gov.uk)

## NEIGHBOURHOOD SERVICES COMMITTEE

1<sup>st</sup> December 2020



**Report of:** Assistant Director (Regulatory Services)

**Subject:** CIVIL ENFORCEMENT UPDATE

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### 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 For Information.

### 2. PURPOSE OF REPORT

2.1 To provide an update on civil enforcement provision in Hartlepool as requested by this Committee at their meeting held on 13<sup>th</sup> March 2020.

### 3. BACKGROUND

3.1 Following a referral of a motion from Full Council in October 2019, at its meeting in March 2020, the Committee was provided with a report detailing the structure and performance of the Civil Enforcement Team and it was agreed by Members that a further update report be provided in six months.

#### 3.2 Staffing

3.3 The Civil Enforcement Team is made up of a Team Leader, two supervisors and eight Civil Enforcement Officers.

3.4 The Civil Enforcement Officers undertake a wide range of duties including:

- Littering and littering from vehicles;
- Fly tipping and duty of care;
- Graffiti;
- Dog fouling, dogs on lead, means to pick up, dog exclusion etc.;
- Fly posting;
- Abandoned, nuisance and untaxed vehicles;
- Illegally tethered horses;
- Car parking offences in relation to local traffic regulations;
- Failure to pay and display;
- Residents parking zones;

- Illegal Traveller Encampments; and
- Domestic and commercial waste offences.

- 3.5 Since May 2020 there have been several staffing issues that has resulted in the team operating with only six enforcement officers, and for two months, only five.
- 3.6 As the officers work from 08:00 until 18:00 seven days a week, they work on a rota system which, when fully staffed, would mean one team of four officers on patrol each day. Due to the absences detailed above, the actual number of officers available since March has varied between two and four per shift.
- 3.7 **Appendix A** details the team's enforcement activities this year as compared against previous years. The Committee is reminded of the commencement of the outbreak of COVID-19 in March 2020 and that the subsequent lockdown introduced, along with the ongoing social distancing measures as this global pandemic, has impacted on some areas.
- 3.8 Many of these figures are obtained through the Council's Firmstep recording system which details reports/complaints made by the general public and therefore the number of reports does not, necessarily, equate to the same number of incidents (due to multiple reporting, along with referrals made direct to teams).
- 3.9 The Committee may note the following: -
- The number of fly tipping reports increased significantly.
  - The number of untaxed vehicle reports increased but the number of vehicles seized has fallen. The reduction is due to the DVLA advising local authorities to not seize vehicles due to COVID.
  - Reports of dog fouling has fallen.
  - The number of actions under Section 46 of the Environmental Protection Act has increased significantly. This is due to a change of enforcement emphasis to target environmental issues and also due to the removal of parking charges (due to COVID) which released staff from car parking patrols.
  - The number of parking penalty notices has fallen considerably. This is due to the closure of some car parks and/or the removal of parking charges due to COVID.
- 3.10 Thirteen Group
- 3.11 Funding has been provided by the Thirteen Group to allow for the temporary employment of two additional Civil Enforcement Officers for 18 months.
- 3.12 These officers, plus the replacements for the officers that have recently left the Council's employment during this year, have been interviewed and appointed, and it is hoped all will be in post before Christmas.

3.13 COVID-19

- 3.14 The Civil Enforcement Team continued to work during the COVID-19 lockdown.
- 3.15 The closure of some car parks, and the removal of parking charges from others, allowed Officers the opportunity to concentrate on other issues that could be done with strict social distancing in place, such as environmental crime (i.e. rubbish and fly tipping).
- 3.16 The team carried out considerable work during the lockdown in assisting the Police and others in ensuring compliance with social distancing requirements and providing community reassurance through their uniformed visible patrols.
- 3.17 The Team also stepped up its work dealing with beggars and others who loiter around popular town centre locations due to public complaints and concerns over their lack of respect for social distancing.
- 3.18 Antisocial Behaviour
- 3.19 The Team also increased the number of patrols it carried out in certain parks and public spaces due to a rise in complaints and incidents of antisocial behaviour.
- 3.20 Public Spaces Protection Orders (PSPO's)
- 3.21 The Committee will be aware that consideration is being given as to whether additional PSPO's should be introduced in Hartlepool to deter antisocial behaviour related to certain activities in specific locations.
- 3.22 If more PSPO's are ultimately adopted, this will create additional enforcement responsibilities for the Enforcement Team.

**4. PROPOSALS**

- 4.1 That the Committee notes this report.
- 4.2 That further 'end of year' performance update reports be brought to this Committee on an annual basis.

**5. OTHER CONSIDERATIONS**

Risk implications	No relevant issues
Financial considerations	No relevant issues
Legal considerations	No relevant issues
Consultation	No relevant issues
Child and Family Poverty	No relevant issues
Equality and Diversity considerations	No relevant issues

Section 17 Crime and Disorder Act 1998 considerations	No relevant issues
Staff considerations	No relevant issues
Asset management considerations	No relevant issues

## 6. RECOMMENDATIONS

- 6.1 That Committee notes the content of this report.

## 7. REASONS FOR RECOMMENDATIONS

- 7.1 This report provides Members with an update on the work of the team, as requested at their meeting held on 13<sup>th</sup> March 2020.

## 8. BACKGROUND PAPERS

- 8.1 Neighbourhood Services Committee report 13<sup>th</sup> March 2020.

## 9. CONTACT OFFICER

Sylvia Pinkney  
Assistant Director (Regulatory Services)  
Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY

(01429) 523315  
[Sylvia.pinkney@hartlepool.gov.uk](mailto:Sylvia.pinkney@hartlepool.gov.uk)

**Enforcement Activity**

<b>Details</b>	<b>2019</b>	<b>2020</b>
Fly tipping reports	2107	2547
Fly tipping FPN	19	35
Abandoned vehicle reports	144	105
Abandoned vehicle removals	9	9
Nuisance Vehicle reports	79	59
Caravan removals	-	0
Boat removals	-	0
Untaxed Vehicle reports	10	104
Untaxed vehicle removals	40	11
Dog fouling reports	220	135
Dog fouling FPN	2	3
Dog Exclusion FPN	-	0
Dog Exclusion prosecution		0
Dog off Lead FPN	1	3
Dog off lead prosecution		0
Section 46 domestic refuse informal written warning	176	418
Section 46 domestic refuse formal written warning	54	111
Section 46 domestic refuse intention to serve FPN	19	40
Section 46 domestic refuse Final notice FPN	6	14
Section 47 commercial waste written warnings issued	0	5
Section 47 commercial waste FPN issued	0	1
Travellers reports	17	16
Travellers FPN / CPW/CPN/Eviction notices	4	3
Tethered Horses reports Fly grazing	-	12
Horses removed	-	4
Fly posting reports	8	10
Littering FPN	14	5
Littering prosecutions	1	0
Other reports various	356	305
CLE 2 Forms issued	24	13
Parking PCN	4722	2410
Smoking FPN	8	5
Smoking prosecution	1	0