

DELEGATED DECISIONS OF THE BOARD MEMBER, CLEANER GREENER OXFORD

Thursday 16 June 2011

COUNCILLORS PRESENT: Councillors Tanner.

1. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

2. PUBLIC ADDRESSES

19 questions were submitted by Mr Nigel Gibson. Questions with answers are given below.

Public Questions

1. Why was there only 14 days given to consultation on this matter?

This is the minimum period laid down in statute. The council has therefore complied with the duty placed upon it. Controlling the distribution of free printed matter was not considered a contentious issue that required extended consultation.

2. When only 2 responses were received during the consultation period, did the officers think about either extending the consultation period or increasing the amount of publicity (and if not, why not)?

No. It is clear that there is limited public and business interest in the impact of the scheme. The council always acts in the spirit of openness and Paragraph 2.10 of the report includes a reference to a response received outside the consultation period and refers to the existence of an online petition.

3. The target for this draconian sanction appears to be local businesses and amateur student events – did the council consult directly with any of them concerning this proposal (if so, who and when), regarding both likely impact on business and the proposed licence costs, and if not why not?

Leafleting controls are not a draconian sanction. The target is primarily those individuals and businesses whose leafleting activities have created litter problems in certain areas of the city. The legislation specifies what consultation is required and the council complied with these requirements.

4. Appendix 1 of the report contains the advert placed in the Oxford Mail regarding this proposed draconian sanction – it is clear from this advert that the council intends licensing all free material, yet elsewhere it seems to limit it, excluding religious, political and certain other material yet to be determined by Jeremy Thomas. Why was the advert not clear about what was to be licenced, and therefore consulted upon?

There are exemptions from the proposed controls contained in Paragraph 1 (4) of Schedule 3A of the Environmental Protection Act 1990, including religious and political material and the law makes it clear that the council cannot licence the distribution of such materials. In our opinion the advert is clear and fully complies with the requirements of Paragraph 2 (4) and (5) of Schedule 3A of the Environmental Protection Act 1990.

5. Paragraph 1.7 of the report states that the objective is to reduce adverse environmental impact. What is the environmental impact at present in CO2 tonnes equivalent, and what is the target reduction in the same unit of measurement to which the Council aspires?

The adverse environmental impact is not being considered in terms of CO2 tonnes equivalent. It is a combination of the visual impact of litter combined with the costs of clearing it up. Calculating the CO2 tonnes equivalent for such a relatively small part of the council's overall waste operation is not considered practicable.

6. How will members of the public wishing to distribute free leaflets etc know that they are required to obtain a licence?

There will be information on our website and in addition the authority must (a) publish a notice of its decision in at least one newspaper circulating in an area which includes the land; and (b) post such a notice on the land.

7. What sanction will there be on members of the public found distributing free leaflets, either immediately or at a later date?

The sanctions are clearly laid out in paragraphs 1 and 7 of Schedule 3A of the Environmental Protection Act 1990. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale (currently £2,500). Alternatively, an £80 fixed penalty notice can be issued and if paid within 10 days the fine reduces to £55.

8. How many similar schemes are operating in other local authorities across the country?

We don't know the exact number because it's an optional power, however, a variety of local authorities have adopted similar schemes, e.g. Leeds, Manchester, Newcastle, Leicester, Nottingham.

9. Has the council compared the proposed operation and licencing costs with other similar schemes (and if not, why not)?

Yes. We looked at several schemes to consider what would be the best scheme for Oxford.

10. Appendix 6 lists the cost breakdown for the proposed draconian scheme – what is the breakdown of the £100 for consultation?

This was the officer time spent in carrying out the consultation exercise.

11. Appendix 6 lists the cost breakdown for the proposed draconian scheme – what is the breakdown of the £800 for Statutory Advertisements?

This is the cost of placing public notices in local newspapers.

12. Section 3 of the report talks about staffing implications, supplemented by the forecast of 200 hours overtime given in Appendix 6. Can you confirm that this figure of 200 hours is for evening and weekend work by staff patrolling the streets (and if not, what will be the time spent patrolling the streets)?

The figure of 200 hours is what we estimate will be required for staff patrolling the streets.

13. 200 hours spent only at weekends over a 50 week period is 4 hours per weekend – how can this be enough time to patrol the huge area encompassed by this draconian scheme?

We have a great deal of enforcement experience in the city centre and know how to use our resources for maximum benefit. The level of resource required will be variable according to enforcement needs and the figures are an estimate at this stage. Adjustments can be made in the light of experience.

14. Will this time be spent solely on this area of regulation, or might other activities be addressed as well? Similarly, presumably existing patrols will spend some of their current allocated time on this, in which case how can you properly forecast that only 200 hours will be the cost?

The figure of 200 hours is the total amount of time that we estimate will be used on addressing the issue of leafleting.

15. Can you confirm that there is no issue with, regulation of, or other form of control for printed matter for which a sum has been paid?

This proposal is for controlling the distribution of free printed matter as laid out in Schedule 3A of the Environmental Protection Act 1990.

16. On the assumption that the previous question is answered with a 'yes', what is there to prevent the current leafleting operations, say, giving out a leaflet with a penny, and receiving the penny back?

See the answer to question 17

17. Has the council thought of any other ways that people may get around this draconian scheme?

Yes it has and any case arising will be examined and legal advice taken if necessary.

18. Can the single member considering this issue confirm that he has read all the previous questions, and considered them and the answers in making his/her decision?

Yes

19. There are areas of the country with a much higher population density than the areas under consideration here – for example central London has no such

scheme in place. Why does the council believe that this approach is appropriate here when it hasn't been adopted in, say, Central London?

Some London Boroughs have adopted the powers e.g. Hillingdon, but London Boroughs have also been able to use powers under the London Local Authorities Act 1994 to control the distribution of free printed material. This option is not available to Oxford City Council.

3. COUNCILLOR ADDRESSES

There were no addresses from Councillors.

4. CONTROL AND DISTRIBUTION OF FREE PRINTED MATTER

Resolved to:-

(a) Designate those areas of land set out in appendix 1 to the report for the purposes of section 94B and Schedule 3A of the Environmental Protection Act 1990;

(b) Request that the Head of Environmental Development in conjunction with the Head of Law and Governance carry out the requirements of the Act in order to bring the designation into force; and

(c) Approve the changes made to the consent conditions in appendix 3 as a result of the consultation.

5. DOG CONTROL ORDERS

Resolved to

- 1) Adopt and implement the dog control orders set out in paragraphs 3 and 4 of the report ;
- 2) Authorise the Head of Environmental Development, in consultation with the Board Member, to add to the list of areas subject to dog control orders if further suitable areas, such as those under the jurisdiction of a Parish Council, become known; and
- 3) Ask the Head of Environmental Development, in conjunction with the Head of Law and Governance, to carry out the requirements of the Clean Neighbourhoods and Environment Act 2005 and bring the said orders into effect.

The meeting started at 5.00 pm and ended at 5.05 pm