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Date: **14 January 2014**
Our ref: **Cabinet/Supp/Agenda**
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CABINET

21 JANUARY 2014

A meeting of the Cabinet will be held at **7.00 pm on Tuesday, 21 January 2014** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor C Hart (Chairman); Councillors: Everitt, Fenner, D Green, Johnston and Poole

SUPPLEMENTARY A G E N D A

Item
No

Subject

13. **PETITION REFERRED TO CABINET BY COUNCIL - RUBBISH ON LAND, MARGATE ROAD, RAMSGATE** (Pages 1 - 4)

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PETITION REFERRED TO CABINET BY COUNCIL - RUBBISH ON LAND AT MARGATE ROAD, RAMSGATE

To: **Cabinet – 21 January 2014**

Main Portfolio Area: **Community Services**

By: **Penny Button, Environmental Health Manager**

Classification: **Unrestricted**

Ward: **Northwood**

Summary: **Following receipt of a Petition to the Council relating to rubbish on land at Margate Road, Ramsgate the issue has been passed to the Environmental Enforcement Team for investigation.**

For Decision

1.0 Introduction and Background

1.1 At the December 2013 Council Meeting a petition requesting that Tesco Extra take responsibility for land that they own on Margate Road, Ramsgate and clear it or rubbish once and for all. It was also requested that they rid it of all unnecessary overgrown trees and shrubs that are growing out of control.

The petition also refers to a tree overhanging the pavement, vermin being seen in the area and that the site sometimes smells quite pungent.

The petition concludes by requesting that if the area is cleared completely and a suitable fence or netting be erected along the length of the wasteland it would discourage people from throwing litter there.

The piece of land in question is adjacent to the bus stop in Margate Road, Ramsgate and is owned by Tesco. There is a litter bin located at the bus stop.

The Environmental Enforcement Team investigates requests for service regarding rubbish accumulations on private land and this type of issue would be dealt with them. The team have recorded three requests for service in relation to this piece of land in the last 12 months. On each occasion the Tesco Store has been approached and they have arranged for the land to be litter picked.

2.0 The Current Situation

2.1 The Environmental Enforcement Team have worked with Tesco over the last few months with regard to the litter collecting on this site which has resulted in clearance of the site at the time and a reassurance that a member of staff will litter pick every morning. Despite this reassurance the receipt of this petition strongly suggests that this is not being undertaken on a regular basis.

The Clean Neighbourhoods and Environment Act 2005 extended the enforcement powers for local authorities to compel businesses, private land owners, occupiers and managers to recognise their role in contributing to the quality and appearance of the local environment.

Under the extended powers of the Environmental Protection Act 1990 the Principal Litter Authority, Thanet District Council, can serve litter clearing notices. These notices enable the TDC to require the occupier or owner of land that is defaced by litter to clear it. The service of such a notice would not be the first course of action taken by the Local Authority as the Government Code of Practice on Litter and Refuse states that wherever possible principal litter authorities should work in partnership with land owners and occupiers to resolve problems caused by heavily littered land. The litter clearing notice is a strong tool to use in this situation.

The extended powers of the Environmental Protection Act 1990 also make it an offence to 'leave litter' this means dropping, throwing, leaving or depositing of litter in a public place and causing defacement is a criminal offence, carrying a maximum fine of £2,500. This can be prosecuted in the Magistrates' Court although is more commonly dealt with by way of a fixed penalty notice which has to be paid within 14 days. Whilst it would be ideal to catch litters in the act and take this type of action it is very resource intensive and in a situation such as this the offenders are unlikely to offend if an enforcement officer is there.

During the development of a retail site such as this it can be the case that landscaping conditions are placed on the planning permission granted for the development, such conditions do sometimes refer to maintenance. Such conditions do have a limited time frame for implementation.

3.0 Next Steps

- 3.1 The Environmental Enforcement Team will work with Tesco regarding this piece of land to try and resolve all the concerns of the residents not just the litter and will take formal action with regard to the litter, by way of the service of a litter clearing notice, if necessary.
- 3.2 The Planning Enforcement Team will investigate the historic planning file to see if there were any conditions on the planning permission with regard to landscaping and maintenance.

4.0 Corporate Implications

4.1 Financial and VAT

- 4.1.1 There is no additional cost to this report as this is part of the routine work of the environmental enforcement team.

4.2 Legal

- 4.2.1 Section 92A of the Environmental Protection Act 1990 gives the Council power to serve litter clearing notices on all types of land. The service of such a notice is open to appeal to the Magistrates' Court within 21 days of service. If the notice is not complied with the local authority can enter the land, clear it itself and recover the costs of doing so. Failure to comply with the notice can also lead to prosecution in the Magistrates' Court.
- 4.2.2 The Town and Country Planning Act 1990 is the overarching legislation under which planning permissions and associated conditions are granted.

4.3 Corporate

- 4.3.1 Priority 6 of the Corporate Plan 2012-16 states that we will make our district cleaner and greener and lead by example on environmental issues, it particularly refers to working with communities and partners to clean and maintain our open spaces to reduce litter.

4.4 Equity and Equalities

- 4.4.1 None apparent at this stage.

5.0 Recommendations

- 5.1 That the petition regarding rubbish on land at Margate Road, Ramsgate, be received and noted;
- 5.2 That the report of the Environmental Health Manager be received and noted and the next steps proposed in paragraph 3 of the report be endorsed.

6.0 Decision Making Process

- 6.1 Under the Council's petitions scheme, Cabinet is required to report this back to Council within three ordinary meetings, the next Council Meetings are 6 February 2014 and 27 February 2014.

Contact Officer:	Penny Button, Environmental Health Manager, 7425
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager, 7005

Corporate Consultation Undertaken

Finance	N/A
Legal	N/A

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