



FYLDE BOROUGH COUNCIL

## Meeting Agenda

**Policy & Service Review Community  
Forum  
Council Offices, Derby Road,  
Wesham  
6 October 2005, 7:00pm**

# **POLICY & SERVICE REVIEW COMMUNITY FORUM MEMBERSHIP**

CHAIRMAN – Councillor Simon Renwick  
VICE-CHAIRMAN – Councillor John Prestwich

## **Councillors**

Stephen Carpenter	Martin Taylor
Peter Collins	Keith Wright
Raymond Norsworthy	

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## **CORPORATE OBJECTIVES**

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

## **CORE VALUES**

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



## A G E N D A

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>In accordance with the Council's Code of Conduct, members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	4
<b>2. CONFIRMATION OF MINUTES:</b> <i>To confirm as a correct record the minutes of the Policy &amp; Service Review Community Forum held on 15 September 2005.</i>	4
<b>3. SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
<b>4. UPDATE ON THE WORK OF THE PUBLIC CONVENIENCE TASK AND FINISH GROUP</b>	5
<b>5. MEDIA POLICY</b>	28
<b>6. IMPLEMENTATION OF THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005</b>	34

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
PUBLIC CONVENIENCE TASK AND FINISH GROUP	POLICY AND SERVICE REVIEW COMMUNITY FORUM	6 <sup>TH</sup> OCTOBER 2005	4

## UPDATE ON THE WORK OF THE PUBLIC CONVENIENCE TASK AND FINISH GROUP

### Public/Exempt item

This item is for consideration in the public part of the meeting.

### Summary

The report aims to give members of the Policy and Service Review Community Forum an update as to the work carried out by the Public Convenience Task and Finish Group.

### Recommendation/s

1. Members to note the progress to date of the Task and Finish Group.
2. Members to note the time scales indicated within the report and make a recommendation to the TFG to report back to the Forum in line with the indications of the report.

### Executive brief

The item falls within the following executive brief[s]: Quality Services (Councillor John Coombes)

### Report

1. On June the 6<sup>th</sup> the Policy and Service Review Community Forum agreed to set up a Task and Finish Group consisting of Councillors' Simon Renwick, Stephen Carpenter and Martin Taylor. The aim of the group was to look into public convenience provision

in its wider context with a view to formulating recommendations to take the current situation forward.

2. The item came before the Community Forum from Councilor Pagett who submitted a request for the Community Forums to look into the closure of certain public conveniences and for the Forums to look into the provision of public conveniences in its wider context.
3. The aim of the report is to communicate the progress of the group and the findings to date.

#### Current Situation

1. At a meeting of the TFG on the 24<sup>th</sup> August members were asked to consider a report with regard to Options Appraisal. The group discussed the six options outlined in the report for future service delivery.
2. The members agreed following in-depth discussion on each of the six options to charge officers with carrying out in-depth analysis of options 2, 3 and 4, to include option 1, but only on a partial basis, to fall in line with what ever results come from the analysis of the details in options 2,3, and 4.
3. A discussion also took place on the possibility of providing fewer strategically placed facilities across the whole Borough but these facilities to be new modern facilities along similar lines to facilities currently being installed in Blackpool, and the possibility of transferring some facilities to Parish administration.
4. A visit to Blackpool/Danfo facilities was organised for Thursday 22 September 2005, and Councilor Martin Taylor attended on behalf of members of the TFG

#### Future Actions

1. Officers to write up findings of the 3 Options
2. Members to meet & agree which of the 3 options to initiate

#### Time scale

1. Officers to have completed Options report by 14th October.
2. Members of TFG to meet and decide which option(s) to initiate by end of October 2005

Timescales are subject to responses received/required from other interested parties and other service providers. This could have an impact on Officers being able to meet the suggested deadline.

Implications	
Finance	No further implications arising from the report
Legal	There is no statutory requirement for the Council to provide public conveniences but those it does provide should be DDA compliant.
Community Safety	No further implications arising from the report
Human Rights and Equalities	No further implications arising from the report
Sustainability	No further implications arising from the report
Health & Safety and Risk Management	No further implications arising from the report

Report Author	Tel	Date	Doc ID
Oliver Shimell	(01253) 658423	23rd September 2005	Update Report of Public Convenience TFG

List of Background Papers		
Name of document	Date	Where available for inspection
Interim Report on Public Convenience Provision	9th June 2005	Legal and Democratic Services Business unit

Attached documents

Appendix 'A' – Task and Finish Group Terms of Reference

# **FYLDE BOROUGH COUNCIL**

## **Draft Outline for a TFG Report into the Public Convenience Service**

1. Strategic Purpose of the Service
2. Description of the Service
3. Statutory Basis of the Service
4. Outcomes and Objectives of the Service
5. Links to the Corporate Plan
6. Links to Statutory Plans
7. Links to Other Service Bodies
8. Resources
9. Underlying Issues
10. Scope of the Review
11. Objective(s) of the Review
12. Generic Options Appraisal



## **1. Strategic Purpose of the Service**

The strategic purpose of the Public Convenience Service is to:-

- Provide and maintain public health facilities
- Protect the environment
- Enhance the holiday environment

## **2. Description of the Service**

The Public Convenience Service consists of the provision of 14 (15 one not used) blocks of toilets, their operation, repair and maintenance and cleaning. All are unattended; 13 being open all year round and 1 being open only during the summer period. The cleaning of the toilets is undertaken (at present) by the Direct Services Organisation and repairs/maintenance is carried out under the control of the Asset Management Team. Monitoring is currently undertaken by the Street Scene Unit.

## **3. Statutory Basis of Service Provision**

There is no statutory requirement for the Council to provide public conveniences. However, Fylde relies upon tourism and the provision of toilet facilities for visitors must be considered a requirement. There is also a need for public convenience provision in other (residential) areas because of the elderly population the Borough supports.

## **4. Outcomes & Objectives of the Service**

### **Objective**

To provide a cost effective service offering a clean hygienic public toilet service, with adequate opening times to meet the needs of both the residents and visitors.

### **Achieved by**

- Providing 14 blocks of public conveniences (currently).
- Provision of facilities for the disabled.
- Locating public conveniences in optimum usage locations.
- Ensuring optimum opening times, especially during the summer.
- Providing useable facilities through regular checking and cleaning.
- Rapid reaction to repairs and faults to ensure conveniences are available for use.
- Adopting best practice.
- Building closer working relationships with employees and trade unions.
- Designing problems out using vandal resistant equipment etc.
- Seeking continuous improvement.
- Provision of toilet paper and hand washing facilities.
- Provision of sanitary and nappy disposal facilities.
- Safe removal and disposal of needles, drugs, etc.
- Cleaning of body fluids.

## **5. Links to Corporate Plan**

The Corporate Plan contains 5 Corporate Objectives, all of which are directly affected by the Public Convenience service:-

### **CORPORATE OBJECTIVES**

The Council's investment and activities are focused on achieving our five key objectives which aim to :

Conserve, protect and enhance the quality of the Fylde natural and built environment

Work with partners to help maintain safe communities in which individuals and businesses can thrive

Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment

Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough

Ensure we are an efficient and effective council.

## **6. Links to Statutory Plans**

The Public Convenience Service contributes to the aims and objectives of the following Plans:-

- Tourism Strategy.
- Community Safety Strategy.

## **7. Links to Other Service Bodies**

The Public Convenience Service has links to other service bodies, both internally (for example, finance, legal, Asset Management service's) and external (for example, equipment suppliers, United Utilities, Lancashire Police).

## **8. Resources (See Appendix 1 & attached spreadsheet)**

## **9. Underlying Issues**

Most of the Authority's facilities were built many years ago and therefore there are a number of key issues that need to be considered whilst undertaking the review:-

1. The condition of public convenience buildings, fixtures and fittings.
2. Social misuse of public conveniences.
3. The disabled facility provision at all toilets

4. The provision of baby changing facilities at toilets.
5. Charges for the use of public conveniences and the development of unisex toilets.
6. Fully automated and semi-automated public conveniences.
7. Visitor levels during the summer months and the effects on the public convenience service.
8. Developing and improving toilets in the town and holiday areas.
9. Budget implications for providing and maintaining a modern public convenience service.
10. The public's perception of Fylde's public conveniences.

## **10. Scope of The TFG**

The elements of the Public Convenience Service are:-

- Define the Services to be provided.
- Investigate Repairs and maintenance levels.
- Quantify income generation.
- Opening and closing times.
- Cleaning standards.
- The suitability of fully and semi-automated toilets.
- Cost of providing the existing service and alternative methods of provision.
- Cost of building upgrades and maintenance.

## **11. Objectives of the Review**

the objective of the TFG is to achieve and sustain service improvements through:-

- Identifying the needs of the stakeholder.
- A review of the current facilities (buildings, fixtures and fittings, design etc).
- The cost and effectiveness of service provision.
- Make recommendations to The Executive Committee on the future provision of the service.

## **12. Generic Option Appraisal**

the following section is a 'Generic' Option Appraisal which members of the TFG are asked to consider and eventually narrow the 'In depth' appraisal process down to three options for the TFG to consider

# **REVIEW OF PUBLIC CONVENIENCES**

## **GENERIC OPTION APPRAISAL REPORT**

# Public Conveniences – Generic Options Appraisal Report

<b>Contents</b>	<b>Page</b>
Contents Page.....	<b>6</b>
Introduction .....	<b>7</b>
Generic Options.....	<b>7</b>
Summary.....	<b>8</b>
Detailed Options Appraisal.....	<b>9</b>
Option 1)    Cessation of Service.....	<b>9</b>
Option 2)    Joint Commissioning.....	<b>11</b>
Option 3)    Market Testing.....	<b>13</b>
Option 4)    Transfer.....	<b>15</b>
Option 5)    Externalisation.....	<b>17</b>
Option 6)    Improved Approach.....	<b>19</b>
Resources	<b>21</b>

# Public Conveniences – Generic Options Appraisal Report

## **Introduction**

The Public Conveniences Service consists of the provision of 14 (15) blocks of toilets, their staffing and operation, repairs and maintenance and cleaning.

All are unattended; 13 being open all year round and 1 being open only during the summer period. The cleaning of the toilets is undertaken (at present) by the Direct Services Organisation, and repairs/maintenance carried out under the control of the Asset Management Team. Monitoring is currently undertaken by the Street Scene Unit.

## **Generic Options**

A generic option appraisal for the service would include the following options:-

- 1) Cessation : ceasing service in whole or part;
- 2) Joint Commissioning : joining with other local authorities or public bodies to provide or purchase a service;
- 3) Market Testing : open competition between in-house provider and the private or public sector;
- 4) Transfers : passing of the client role from local authority to another organisation, whilst retaining a residential interest or a minority shareholding;
- 5) Externalisation : transfer of service to another provider without an in-house bid;
- 6) Improved Approach : Continuous improvement in line with Corporate Best Value guidance. For example:-
  - a) Transfer all responsibility to one Service Unit, (DSO, Asset Management)
  - b) Medium/long term plan for refurbishment of a number of toilets in strategic locations.

# Public Conveniences – Generic Options Appraisal Report

## **Summary**

The TFG should considered the following options with a view to narrowing the review to three specific Options upon which In-depth analysis can take place: -

### **Option 1) Cessation**

- Fylde, as an authority with many tourists, would not be meeting the needs of the stakeholders and it is likely to have an adverse affect on the Council and its partners.

### **Option 2) Joint Commissioning**

- the possibility that there could be different service priorities between neighbouring authorities
- not well developed in public convenience services

### **Option 3) Market Testing**

- could provide specialist skills
- could provide alternative service delivery options
- well tested method of service delivery
- low to medium risk option

### **Option 4) Transfer**

- there may be difficulties in obtaining a partner
- possible lack of cohesion and co-ordination
- the service option is not well developed

### **Option 5) Externalisation**

- could provide alternative service delivery options
- could provide up-to-date modern public convenience units
- could negate need for capital investment into the service
- medium risk option

### **Option 6) Improved Approach**

- deliver priorities of the stakeholders,
- could respond to new service delivery options
- provide the most flexible response, in terms of staff resource, to dynamic management issues
- least risk option

# Public Conveniences – Generic Options Appraisal Report

## Option 1) Cessation of Service

1. *How does the option comply with statutory requirements and Codes of Guidance/Practice of the service?*

The option will comply, because there is no statutory requirement on an authority to provide public conveniences.

2. *How will the option deliver the priorities of stakeholders?*

Part of Fylde's economy is based on tourism. With the Borough having many visitors per annum, toilet provision must be considered essential. Anywhere where large numbers of people congregate, toilet provision is required.

By providing toilet facilities at strategic locations, it ensures that visitors and residents are able to enjoy the areas many attractions. People who use the beaches, walk dogs along the promenade, shop in the town centre, or use the car parks are within walking distance of a public convenience.

Many people feel that the local authority should continue to provide public conveniences (see Street Scene Letters received).

Cessation of the service would therefore not deliver the priorities of the stakeholders and could also have a detrimental effect on Fylde's economy, with tourism being affected.

3. *How will the option deliver the appropriate national or local quality standards?*

Cessation of the service would not deliver national or local standards.

4. *Will the benefits associated with the option be greater than the costs incurred (start up and transfer costs)?*

There would be no benefits associated with this option, except a saving in costs, because no service will be provided.

5. *How does the option provide or enhance the level of capital or revenue investment in the service?*

Cessation of the service would provide the Authority with a direct saving on current net expenditure of £153,333 per annum. However, there would be initial redundancy costs for those employed in the service and ongoing costs associated with maintaining the closed public convenience buildings prior to sale or demolition.

6. *How would the option impact on other Council Services or partners?*

Cessation of the service would impact on other Council Support Services. DWO with more inconvenience to Street Cleansing and other staff who work outside in gaining access to toilet facilities.

There could be an impact on tourism and retail businesses if no public convenience facilities were provided.

7. *What are the risk and consequences of failure or part or all of the option?*



Not applicable.

**8.** *How well developed is this option of service delivery?*

An Audit Commission report in 1999 identified that a quarter of all public conveniences provided by English District Councils and 32% of public toilets provided by English Metropolitan Borough Councils had been closed in the previous 3 years. Therefore, cessation of the service is well developed. However, in places where tourism plays an important role in the economy, cessation of the service is not well developed.

**9.** *How will the option deliver continuous improvement in terms of service and costs?*

Not applicable.

# Public Conveniences – Generic Options Appraisal Report

## Option 2) Joint Commissioning

1. *How does the option comply with the statutory requirements or Codes of Guidance/Practice of the Service?*

- (i) There is no statutory requirements to provide public conveniences, however, the Public Health Act 1936 allows local authorities to “provide sanitary conveniences in proper and convenient situations”. The Act also allows for a fee to be levied for their use; however, no fee can be charged for the use of urinals.
- (ii) There are no Statutory Codes of Practice for the public convenience service, however:-
  - a) There are British Standards for disabled facilities and for the manufacturing of toilet features.
  - b) The British Toilet Association has published guidelines for toilets and cleaning.
  - c) The Institute of Waste Management has issued a report on public conveniences, policy, planning and provision.
- (iii) The joint commissioning of the Public Conveniences Service would comply, since there are no statutory requirements and Codes of Guidance/Practice would be incorporated in any joint commissioning agreement.

2. *How will the option deliver the priorities of stakeholders?*

The service delivery standards to meet the stakeholders’ expectations would have to be specified in documentation between the external organisation and the Council. There would be a requirement for management information on service delivery, consultation, monitoring, and reviews of the service and a flexibility built-in to allow change in service emphasis as required by the outcomes of these processes or legislation.

3. *How will the Option deliver the appropriate national or local quality standards?*

The service standards would be specified in the appropriate documentation and the service objectively monitored to record service delivery standards against local and national statutory quality standards.

4. *Will the benefits associated with the option be greater than the costs incurred (start up and transfer costs)?*

The joint commissioning option would provide benefits greater than the start up costs.

A consortium and/or partnership approach would bring economies of scale on developing specifications and the procurement processes. There may be greater flexibility to deal with peaks in the service by a partner bringing in additional resources to meet the short-term service demand.

5. *How does the option provide or enhance the level of capital or revenue investment in the service?*

The consortium option is likely to develop economies of scale on the capital and revenue costs of the Public Conveniences Service. Benefits may be derived from better utilisation of plant and equipment, buildings, vehicle running costs and staff.

If the partnership developed with a private sector partner, this could benefit the service with both capital and revenue opportunities, if the partner was given the concession for advertising within the Borough.

6. *How would the option impact on other Council Services or partners?*

The consortium option would impact on support services provided for the Public Conveniences Service.

It would be likely that a reduction in staff would occur because of economies of scale.

The delivery of community and corporate objectives of the partners would need to be addressed and the necessary delivery methods established. Should there be a private partner involvement the Community and Corporate requirement would have to form part of the consortium/partnership agreement.

7. *What are the risks and consequences of failure of part or all of the option?*

There are risks associated with the consortium option in that there are no known examples of a consortium operating for delivery of public convenience services. However, the risk is considered to be small in that the resources, staff and service expertise would still be available to each of the Authorities to commence an independent service.

There would also be political implications of developing the consortium option between adjacent authorities.

8. *How well developed is this option of service delivery?*

The option is not well developed for public convenience services.

9. *How will the option deliver continuous improvement in terms of service and costs?*

A consortium with our neighbouring authorities could deliver continuous improvement, in terms of service and cost, through agreement in the same way as for the improvement approach option. See Improved Approach Option Q9.

# Public Conveniences – Generic Options Appraisal Report

## Option 3) Market Testing

1. *How does the option comply with the statutory requirements or Codes of Guidance/Practice of the Service?*

- (i) There is no statutory requirement to provide public conveniences, however, the Public Health Act 1936 allows local authorities to “provide sanitary conveniences in proper and convenient situations”. The Act also allows for a fee to be levied for their use; however, no fee can be charged for the use of urinals.
- (ii) There are no Statutory Codes of Practice for the public convenience service, however:-
  - a) There are British Standards for disabled facilities and for the manufacturing of toilet features.
  - b) The British Toilet Association has published guidelines for toilets and cleaning.
  - c) The Institute of Waste Management has issued a report on public conveniences, policy, planning and provision.
- (iii) The market testing of the Public Conveniences Service would comply, since there are no statutory requirements and Codes of Guidance/Practice would be incorporated in any agreement.
- (iv) The cleaning of unattended public conveniences has been subjected to Compulsory Competitive Tendering within the Street Cleansing Contract and is currently undertaken by the Council's DSO to defined standards/specification.

2. *How will the option deliver the priorities of stakeholders?*

The service delivery standards to meet the stakeholders' expectations would have to be specified in documentation between the external organisation and the Council. There would be a requirement for management information on service delivery, consultation, monitoring, and reviews of the service and a flexibility built-in to allow change in service emphasis as required by the outcomes of these processes or legislation.

3. *How will the Option deliver the appropriate national or local quality standards?*

The service standards would be specified in the appropriate documentation and the service objectively monitored to record service delivery standards against local and national statutory quality standards.

4. *Will the benefits associated with the option be greater than the costs incurred (start up and transfer costs)?*

The market testing option would incur start up costs involved in producing a specification of the service and the procurement process, together with costs in evaluating tenders based on an appropriate split of price and quality. This process requires a substantial amount of time to complete. These costs would be justified to market test the Public Conveniences Service against the private sector, to derive

costs and quality of service delivery comparisons.

5. *How does the option provide or enhance the level of capital or revenue investment in the service?*

The option may provide an opportunity for the private sector to invest in the Public Conveniences Service, if the term of a market testing option was greater than 10 years. This would allow any external company to make a return on the capital invested, i.e. on building, plant and equipment. Blackpool has entered into a 15 year contract with DANFO – “peace of mind” contract.

There could be a possibility of increased revenue through income charges, or selling advertising at the public conveniences.

The option could lead to an increase costs because the service needs capital investment and a Voluntary Competitive Tender (VCT) contract would need to take this into account.

6. *How would the option impact on other Council services or partners?*

The market testing option may impact on Support Services provided for the Public Conveniences Service. Although it is likely a client role would still remain as discussed in Q1 above. There would be no impact on Support Services if the in-house organisation retained the service after market testing.

Communications with an external service provider would be more difficult with it being outside of the Council's organisation, with a different culture and a loss of inter-departmental links between Council officers.

7. *What are the risks and consequences of failure of part or all of the option?*

Failure to deliver part or all of the service would, in the short term, affect customers' expectations. No action could be taken against the Council, since it is not a statutory function.

It may affect tourism and retail businesses with customers not wishing to visit a tourist town with no public toilet facilities.

The cessation is likely to be for a short time until alternative external provision could be arranged or a Council in-house solution implemented, although the latter would be limited, as the experience and expertise, and staffing is unlikely to be available.

8. *How well developed is this option of service delivery?*

The market testing option is well developed and a number of authorities, such as Westminster City Council and Southend and Blackpool have operated a contract with private organisations for many years.

9. *How will the option deliver continuous improvement in terms of service and costs?*

This will depend upon the successful tenderer, if it were the in-house contracting organisation it would be delivered as described in Q9 of the Improved Approach. An external provider being successful would deliver the improvement as described in Q9 of the Externalisation Option.

# Public Conveniences – Generic Options Appraisal Report

## Option 4) Transfer of the Current Service

The transfer option of the service to a trust or joint venture company.

1. *How does the option comply with the statutory requirements or Codes of Guidance/Practice of the Service?*

- (i) There is no statutory requirement to provide public conveniences, however, the Public Health Act 1936 allows local authorities to “provide sanitary conveniences in proper and convenient situations”. The Act also allows for a fee to be levied for their use; however, no fee can be charged for the use of urinals.
- (ii) There are no Statutory Codes of Practice for the public convenience service, however:-
  - a) There are British Standards for disabled facilities and for the manufacturing of toilet features.
  - b) The British Toilet Association has published guidelines for toilets and cleaning.
  - c) The Institute of Waste Management has issued a report on public conveniences, policy, planning and provision.
- (iii) The transfer of the Public Conveniences Service to a trust or Joint Venture Company would comply, since there are no statutory requirements, and Codes of Guidance/Practice would form part of any agreement.

2. *How will the option deliver the priorities of stakeholders?*

The service specification would need to include stakeholder priorities. A mechanism would need to be established to enable the service to respond to dynamic management issues. Similarly, management information requirements would need to be specified to enable the effective monitoring of service delivery.

3. *How will the Option deliver the appropriate national or local quality standards?*

The service specification would need to include reference to appropriate National/Local quality standards and management information requirements would need to be specified to enable the effective monitoring of service delivery.

4. *Will the benefits associated with the option be greater than the costs incurred (start up and transfer costs)?*

It may not be possible to assess the costs involved in a transfer option to a Joint Venture Company (JVC) or trust, and therefore it may not be possible to determine if the benefits of the option would be greater than the start up costs.

However, this option would incur the following costs:-

- Start up costs to produce a detailed service specification, essential to the success of an external transfer.
- The establishment/retention of the ‘client’ role to manage the service contract and monitor service delivery and performance.

- Legal costs to draw up the agreement/trust deed.
- Potential one-off costs in relation to current staff redundancies if staff did not transfer to the successful bidder.

5. *How does the option provide or enhance the level of capital or revenue investment in the service?*

A JVC with a private partnership could provide capital for investment into the service which could possibly improve the service, therefore allowing for charges, thus increasing revenue.

6. *How would the option impact on other Council services or partners?*

The transfer option would impact on Support Services provided for the Public Conveniences Service. An external provider would not need the usual support services, i.e. payroll, personnel, ICT support, etc. This could result in overhead cost savings. Although it is likely a client role would still remain.

Communications with a transfer option would be more difficult with it being outside of the Council's organisation, with a different culture and a loss of inter-departmental links between Council officers.

There would be a loss of operational expertise and service knowledge experience that could prevent an internal bid for the service in the future.

7. *What are the risks and consequence of failure of part or all of the option?*

Although not seen as a great risk, failure could cause cessation of the service, which might be a short-term public health risk. It could have an affect on tourism if it happened during the Season (although not a statutory service). Costs, although not great, could be incurred to put facilities right/back on line. This would depend upon how the partnership was made up.

8. *How well developed is this option of service delivery?*

It is felt that the option is not well developed, transfers of public convenience services to at trust or a joint venture company were not known.

9. *How will the option deliver continuous improvement in terms of service and costs?*

The option would develop continuous improvement of the Public Conveniences Service, by ensuring that annual reviews of the service, and quality management systems were part of the requirements of the JVC or trust arrangements. A monitoring system, to ensure the achievement of targets, would need to be established.

# Public Conveniences – Generic Options Appraisal Report

## Option 5) Externalisation of the Current Service

### 1. *How does the option comply with the statutory requirements or Codes of Guidance/Practice of the Service?*

- (i) There is no statutory requirement to provide public conveniences, however, the Public Health Act 1936 allows local authorities to “provide sanitary conveniences in proper and convenient situations”. The Act also allows for a fee to be levied for their use; however, no fee can be charged for the use of urinals.
- (ii) There are no Statutory Codes of Practice for the public convenience service, however:-
  - a) There are British Standards for disabled facilities and for the manufacturing of toilet features.
  - b) The British Toilet Association has published guidelines for toilets and cleaning.
  - c) The Institute of Waste Management has issued a report on public conveniences, policy, planning and provision.
- (iii) The transfer of the Public Conveniences Service to an external organisation would comply, since there are no statutory requirements, and Codes of Guidance/Practice would form part of any agreement.

### 2. *How will the option deliver the priorities of stakeholders?*

The service delivery standards to meet the stakeholders’ expectations would have to be specified in documentation between the external organisation and the Council. There would be a requirement for management information on service delivery, consultation, monitoring and review of the service and a flexibility built-in to allow change in service emphasis as required by the outcomes of these processes or legislation.

### 3. *How will the Option deliver the appropriate national or local quality standards?*

The service standards would be specified in the appropriate documentation and the service objectively monitored to record service delivery standards against local quality standards.

### 4. *Will the benefits associated with the option be greater than the costs incurred (start up and transfer costs)?*

The externalisation option would incur the following costs:-

- cost to produce a specification
- cost of the procurement process
- One-off costs in relation to current staff redundancies if the staff did not transfer to the external provider or if a different type of service provision was used, such as semi or fully automated toilets.



- costs for the establishment/retention of client role
- costs for the disposal of public convenience buildings if an alternative service provision was used

*Potential Benefits:-*

- alternative approaches to service delivery
- potential savings on staff costs and buildings
- no requirement for capital to invest in old buildings
- savings in staff costs

**5. *How does the option provide or enhance the level of capital or revenue investment in the services?***

The option could enhance the level of capital or revenue investment, if the external partners were given the concession for advertising within the Borough; the stakeholders priorities of toilet provision is high, with many people feeling that the local authority should provide public conveniences, and by permitting the contractor to advertise it would help meet this key priority, with them providing a number of toilet facilities in exchange for the concession in advertising.

**6. *How would the option impact on other Council services or partners?***

The externalisation option would impact on Support Services provided for the Public Conveniences Service. Although it is likely a client role would still remain.

Communications with an externalised service may be more difficult with it being outside the Council's organisation, with a different culture and a loss of inter-departmental links between Council officers.

There would be a loss of operational expertise and service knowledge experience that could prevent an internal bid for the service in the future.

**7. *What are the risks and consequences of failure of part of all of the option?***

Should this option fail, there would be a possibility that the Authority would be left with no service, because the facilities and assets would have passed to an external organisation, or been demolished. Whilst this is a risk, it is only minimal.

**8. *How well developed is this option of service delivery?***

Whilst this option is not well developed as an externalisation, the actual provision of toilet facilities, under contract or leasing arrangements, is very well developed.

**9. *How will the option deliver continuous improvement in terms of service and costs?***

The public convenience service does not make any income as no charges for the use of WCs is made, but the overall cost of the service is £153,333. Therefore, the service is heavily subsidised by the Council Taxpayers.

The option would develop continuous improvement of the public conveniences service by ensuring that annual review of the service and quality management Self-Assessments are part of the requirements of the externalisation arrangements.

There would be a cost increase year on year, as the externalisation agreement would be subject to a price index clause.

# Public Conveniences – Generic Options Appraisal Report

## Option 6) Improved Approach

### 1. *How does the option comply with the statutory requirements or Codes of Guidance/Practice of the Service?*

- (i) There is no statutory requirement to provide public conveniences, however, the Public Health Act 1936 allows local authorities to “provide sanitary conveniences in proper and convenient situations”. The Act also allows for a fee to be levied for their use; however, no fee can be charged for the use of urinals.
- (ii) There are no Statutory Codes of Practice for the public convenience service, however:-
  - a) There are British Standards for disabled facilities and for the manufacturing of toilet features.
  - b) The British Toilet Association has published guidelines for toilets and cleaning.
  - c) The Institute of Waste Management has issued a report on public conveniences, policy, planning and provision.
- (iii) Since there are no statutory requirements, an improved approach would comply. However, to comply fully with the non-statutory guidance and standards would require some investment, i.e. disabled toilets to meet British Standard BS 5810.

### 2. *How will the option deliver the priorities of stakeholders?*

An exercise to determine Stakeholders priorities will need to be undertaken. A desk top exercise identified the following as a ‘Starting Point’ :-

- (i) The run down/poor décor of the conveniences.
- (ii) Improper use at some public conveniences.
- (iii) No attendant.
- (iv) Obscene graffiti/misuse of facilities.
- (v) Isolated locations.
- (vi) Unpleasant smells/lack of cleaning/hygiene.

An improved approach could address the operational and cleaning priorities. This would be carried out through the implementation of an improvement plan. Some of the priorities though are due to the type and state of the buildings, and it would require a substantial amount of capital investment to alter, refurbish and improve many of the Authority’s buildings. Some buildings may need to be completely demolished and new conveniences provided. An improved approach could address these priorities by leasing or purchasing toilet facilities from other providers.

### 3. *How will the Option deliver the appropriate national or local quality standards?*

The service standards would be specified in the appropriate documentation and the service objectively monitored to record service delivery standards against local and

any national quality standards.

4. *Will the benefits associated with the option be greater than the costs incurred (start up and transfer costs)?*

The option would not incur any start up costs, as the service is currently being delivered in-house. However, standards for the service will need to be established through a document specifying service levels and standards. These would need to meet stakeholder needs. To develop a service to meet the standards, it is likely that it will increase both capital costs for the refurbishment of the facilities, and increased revenue costs for frontline staff to meet improved standards.

5. *How does the option provide or enhance the level of capital or revenue investment in the service?*

The improved approach would not enhance the level of capital or revenue investment in the service.

The only ways to increase the revenue would be:-

- (i) To introduce a charge for the use of WC, but costs would be incurred in coin locks.
- (ii) Advertising at the facilities, but it is envisaged that any income would be minimal.

6. *How would the option impact on other Council services or partners?*

The option would not impact upon other Council services or partners, as the support services would still be required to deliver the service.

The improved approach would retain expertise and knowledge of client and operational areas of the service within the Council.

7. *What are the risks and consequences of failure of part or all of the option?*

Failure to deliver part or all of the service would, in the short term, affect customer's expectations. No action could be taken against the Council, since it is not a statutory function; however, it may affect tourism and retail businesses, with customers not wishing to visit a town, especially one that relies on tourism, with no toilet facilities.

The risk of failure under this option is considered low risk.

8. *How well developed is this option of service delivery?*

The current provision of the public convenience service in Fylde is delivered in-house and this service delivery option is well developed, with close liaison between relevant Service units.

9. *How will the option deliver continuous improvement in terms of service and costs?*

The service will develop an improvement plan and will develop benchmarking with appropriate organisations, to compare methods of service delivery, best practice, and cost to deliver a best value service. Reviews of the service will be undertaken annually, to include EFQM Self Assessment, to compare year on year performance. Targets for service improvements will be set in the Service Unit Plans. The improved approach option will continue to deliver the set targets for the service. The service targets will be delivered through the Service Plan, which will align service and corporate objectives to deliver those elements that link to the Corporate and Community Plans.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
COMMUNICATIONS OFFICER	POLICY AND SERVICE REVIEW COMMUNITY FORUM	6 <sup>TH</sup> OCT	5

## THE MEDIA POLICY

### Public item

This item is for consideration in the public part of the meeting.

### Summary

The report outlines the proposed Council's Media Policy. This builds on the current policy and once agreed will act as a set of guidelines within which all Council media management will be conducted.

### Recommendations

1. That the committee considers the proposed Media Policy and recommend approval by the Executive Committee subject to any appropriate proposed changes.

### Executive brief

The member Champion responsible for the media policy is Cllr John Coombes.

### The Report

The Media Policy included in appendix 1 to this report is put forward as the policy for approval at Fylde. The following policy outlines the Council's procedures for dealing with the media. The aim is to provide a clear and simple channel for media contacts and to maximise positive coverage.

The Media Policy forms part of the larger Communications Policy. The policy builds on the existing Media Policy devised in 2004 and incorporates best practice from other local authorities and I&DeA's local government reputation survey 2005. The Communications Officer will own the policy but successful implementation will require the commitment of all Council staff and members.

The committee is asked to consider the proposed Media Policy and subject to any necessary changes recommend its approval by the Executive Committee.

IMPLICATIONS	
Finance	There are no direct Community Safety implications.
Legal	No further implications arising from the report.
Community Safety	There are no direct Community Safety implications.
Human Rights and Equalities	There are no direct Human Rights and Equalities implications.
Sustainability	There are no direct sustainability implications.
Health & Safety and Risk Management	There are no health and safety implications.

REPORT AUTHOR	TEL	DATE	DOC ID
Michael Rogers	(01253) 658499	2005	
LIST OF BACKGROUND PAPERS			
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION	
None	N/A	N/A	

### Attached documents

Appendix 1: Media Policy

<b>Title of Policy</b>	Media Policy
<b>Purpose of Policy</b>	To outline the Council's procedures for dealing with the media in order to manage media enquiries and maximise positive coverage.
<b>Date of Policy</b>	
<b>Policy Review Date</b>	
<b>Policy Author</b>	Michael Rogers

## 1. Introduction

Research by MORI has found residents often cite the local media as a key influence on their perceptions of the Council. Therefore, effective media management is an essential role in protecting and enhancing our reputation. This policy is set out to enhance and protect the reputation of the council and all its stakeholders and applies to both employees and members.

Effective media management involves:

- Providing the media with pro-active information on key issues;
- Producing consistent messages in line with the Council's agreed corporate priorities;
- Ensuring all messages are accurate and in plain English;
- Regularly meeting or exceeding media deadlines.

The reputation and public perception of the Council is the responsibility of all officers and Members. The following guidelines outline the Council's procedures for dealing with the media in order to manage media enquiries and maximise positive coverage.

## 2. Media Enquiries

### 2.1 Roles and Responsibilities

#### The Communications Officer

The Communications Officer is the appointed liaison between the media and the Council with several key responsibilities that include:

- To positively promote the Council, its services, facilities and agreed corporate objectives;
- To respond quickly to all media enquiries within the policies of the Council;
- To ensure that the integrity of the Authority is maintained and the rights to privacy of staff are protected;
- To keep records of all media contact including details of any responses issued to the media and the source of all information released.

Responses will usually be released to the media by the Communications Officer, though on some occasions it may be appropriate for a Chief Officer (or his/her nominee) to speak directly to the media following liaison with the Communications Officer or Chief Executive.

## **Members**

The Leader, Deputy Leader and the other Executive Committee brief holders, or Member Champions will be the official spokespersons on matters concerning their area or brief.

If the appropriate portfolio holder, committee chairman or vice-chairman cannot be contacted, the Leader of the Council or, in his absence, the Deputy Leader should be contacted.

Journalists may approach Members directly for comment. Elected Members are encouraged to refer all **non-political media enquiries that relate to Council policy** or procedures to the Communications Officer in order that he/she may liaise with official spokespersons to generate a response. Responses to media enquiries from Elected Members who do not hold an official position must be made in a purely personal capacity.

## **Council Officers**

Council employees should not contact or issue information to the media about Council related issues unless this is done in direct liaison with the Communications Officer.

If none of the appropriate Members are available a member of Management Team may respond on behalf of the Council or authorise another officer to respond on their behalf. The appropriate Member should however be informed at the earliest opportunity.

On technical matters a Member may wish to ask an appropriate officer to speak to the media, but this decision should be the Member's and all comment will be made through formal channels involving the Communications Officer.

Council officers and managers should contribute to effective media management by responding as quickly as possible to requests for information.

## **2.2 Specific Enquiries**

### **Political Enquiries**

The Communications Officer will refer Media requests for Political Statements to the appropriate Group Leader. Members should respond to such requests in a purely personal capacity.

Political Press Releases will not be issued through the Council's official communication channels.

### **Civic Enquiries**

The Communications Officer will refer media requests for interviews with the Mayor in his/her civic capacity to the Mayor's Secretary. When required, the Communications

Officer will assist with the Mayor's interview requirements and the production of press releases. The Mayor's Office will release his/her weekly schedule to the press.

### **3. Council Press Releases**

The Communications Officer will issue regular press releases to gain positive coverage of the Council's services, achievements and events. The Communications Officer will retain copies of all press releases. These will be made available to staff and Members on the Council Website.

Ideas for Council press releases are actively encouraged. Staff and Members should contact the Communications Officer who will write a press release in consultation with colleagues, officers and elected Members as necessary.

Wherever possible, Members, rather than officers, should be quoted in proactive press releases. All quotes will be checked with the Member(s) concerned.

Press Releases that deal with strategic matters or sensitive issues will require approval from the Chief Executive or a nominated representative. Where necessary, the advice of the Head of Legal and Democratic Services will be sought.

Proactive press releases issued by the Communications Officer on behalf of the council cannot and will not contain any political bias.

### **4. Media visits/interviews**

The media has a legal right to observe, to photograph and to record any event or any person in a public place. Reporters and Photographers are however, encouraged to liaise with the Communications Officer and obtain consent before doing so. Staff and members should contact the Communications Officer if they see or are approached by a member of the media and should consult with him/her if they wish to organise a media visit or interview.

#### **4.1 Press Conferences**

Press Conferences enable the authority to provide convenient and controlled access to information for reporters. It is the responsibility of the Communications Officer to coordinate any Press Conferences relating to matters of council policy or procedure and to ensure that the appropriate spokespeople have been briefed.

#### **4.2 Events and Photocalls**

If you are organising an event and would like to invite the Press, please ask the Communications Officer to arrange a photocall. Please try to give three weeks notice of any event or initiative for which advance publicity is essential in order that the Communications Officer can meet the deadlines of weekly papers. The local newspapers need at least two days notice if we wish them to send a photographer. Broadcast media like to be informed at least a week in advance. Please bear these deadlines in mind when arranging an event.

### **5. Responding to misinformation**



Fylde Borough Council will respond to letters and articles in respected media where we feel the information is inaccurate, significantly misleading or in any way libellous.

The Communications Officer will liase with the brief holder and Head of Units to directly counter misinformation through the use of statements and press releases. Where a mistake is considered significant a printed correction will be requested.

Responses should be produced as a matter of urgency to avoid prolonging an issue unnecessarily.

# REPORT

REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION	POLICY AND SERVICE REVIEW COMMUNITY FORUM	6 <sup>TH</sup> OCTOBER 2005	6

## IMPLEMENTATION OF THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

### Public/Exempt item

This item is for consideration in the public part of the meeting.

### Summary

Recent legislation allows councils to deal with complaints regarding a variety of anti-social behaviours that have been broadly described as “enviro-crime”. The measures are designed to strengthen existing powers and provide for improvements in the enforcement regime to secure a more effective impact. This report seeks to inform Members of the provisions of the Act and its implications.

The report also seeks authority to include the new powers in the approved scheme of delegation.

### Recommendation/s

1. That Members note the contents of the report.
2. That the delegated powers be considered by Council for incorporation into the constitution.

### Executive brief

The item falls within the remit of the following executive brief holders:

Quality of Life: Cllr Patricia Fieldhouse

Environment: Cllr Alfred Jealous

### Report

#### 1. Introduction

- 1.1 The Clean Neighbourhoods and Environment Act was enacted earlier this year and the new powers it contains come into force in accordance with the commencement dates detailed in the Act. A summary of the main areas that the new powers are designed to tackle is provided at Annex1

## **2. Operational matters and delegation**

- 2.1 Discussions have taken place between the various Units of the Council to determine the most appropriate Unit to administer the new powers.
- 2.2 A limited number of the new powers came into force on the 7<sup>th</sup> June 2005 and the remaining provisions of the Act will come into effect following the publication of the relevant Commencement Orders and may be subject to specific Regulations issued by the Secretary of State. Some of these provisions will also be subject to a consultation process before being brought into operation.
- 2.3 Generally, the Act amends several pieces of existing legislation incorporating the scope for the Council to issue Fixed Penalty Notices (FPNs) rather than pursuing the more time consuming route of prosecution. Provision is also made for the income from FPNs to be re-invested in the area of service in which it was generated. Furthermore it enables Councils to determine the appropriate level of penalty for a range of offences. In the event that the Council does not set a penalty the levels are specified in the Act itself and may be amended by the Secretary of State. A summary of the Fixed Penalties that may be set by the Council is included at Annex 2.
- 2.4 The ability to issue FPNs will also be extended to authorised officers appointed by Parish Councils, although this particular provision may be subject to further regulation.
- 2.5 Major changes in the area of dog control will be implemented by the Act, including the replacement of the Dogs (Fouling of Land) Act 1996 and bylaw system with Dog Control Areas that may be designated by both District and Parish Councils. Furthermore the Act envisages the duty to collect and detain stray dogs outside normal office hours being transferred from the police to local authorities.
- 2.5 In order to enforce these powers it will be necessary to include the Act within the Council's Constitution and for the relevant Unit Manager to be authorised under the Approved Scheme of Delegation to administer the functions on behalf of the Council.

## **3 Conclusions and Recommendations**

- 3.1 The introduction of the additional powers does not generally envisage further funding from the Government. It provides the opportunity for the Council to tackle enviro-crime by the use of FPNs to generate revenue to assist in supporting the service provided.
- 3.2 Certain of the provisions carry a potential financial implication in terms of resources and additional training for officers who will be authorised to administer particular functions. The budget process will identify any significant financial implications from any provisions as the appropriate commencement dates are identified.

- 3.3 The powers available under this legislation require delegating to officers through amendment of the Council's constitution, before they can be utilised.

IMPLICATIONS	
Finance	Of the issues currently enacted, FPN income will be re-invested in the relevant service area.
Legal	The powers available to the Council under the Clean Neighbourhoods and Environment Act 2005 need to be delegated to officers in the constitution as agreed by Council.
Community Safety	Implementation of these provisions will provide additional powers for the council to deal with anti-social behaviour issues regarded as "enviro-crime".
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	No further implications from the enacted provisions.

REPORT AUTHOR	TEL	DATE	DOC ID
Mike Walker Environmental Protection Manager	(01253) 658622	AUGUST 2005	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
The Clean Neighbourhoods and Environment Act 2005	1 January 2005	St Annes Town Hall, St Annes, FY8 1LW
Further information is available at the DEFRA website.		<a href="http://www.legislation.hmso.gov.uk/acts/en2005/2005en16.htm">http://www.legislation.hmso.gov.uk/acts/en2005/2005en16.htm</a>

### Attached documents

- Annex 1 Clean Neighbourhoods and Environment Act - Outline of Measures
- Annex 2 Summary of Fixed Penalties that may be determined by the Council
- Annex 3 Summary of provisions that can into force on 7<sup>th</sup> June 2005

### CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT - OUTLINE OF MEASURES

#### Crime and Disorder

- ensures that local Crime and Disorder Reduction Partnerships will take anti-social behaviour affecting the local environment into account in developing crime and disorder reduction strategies.
- gives local authorities new, more effective powers to deal with alleyways affected by anti-social behaviour.

#### Fixed Penalty Notices (Fines)

- makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the flexibility to set their own rates;
- gives parish councils the power to issue fixed penalties for litter, graffiti, fly posting and dog offences;

#### Nuisance and Abandoned Vehicles

- gives local authorities the power to remove abandoned cars from the streets immediately;
- creates two new offences to help local authorities deal with nuisance parking: offering for sale two or more vehicles, or repairing a vehicle, on the road as part of a business.

#### Litter

- makes it an offence to drop litter anywhere, including private land and rivers, ponds and lakes;
- gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land;
- strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices);
- enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter;
- confirms that cigarette butts and discarded chewing gum are litter.

#### Graffiti and fly-posting

- extends graffiti removal notices (as introduced by the Anti-social Behaviour Act 2003) to include fly-posting;
- improves local authorities powers to tackle the sale of spray paints to children;
- strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution;
- enables local authorities to recover the costs of removing illegal posters.

#### Waste

- amends provisions for dealing with fly-tipping by:
  - removing the defence of acting under employer's instructions

- increasing the penalties
  - enabling local authorities and the environment agency to recover their investigation and clear-up costs
  - extending provisions on clear up to the landowner in the absence of the occupier.
- gives local authorities and the environment agency the power to issue fixed penalty notices (and, in the case of local authorities, to keep the receipts from such penalties):
  - to businesses that fail to produce waste transfer notes
  - to waste carriers that fail to produce their registration details or evidence they do not need to be registered
  - for waste left out on the streets (local authority only)
- introduces a more effective system for stop, search and seizure of vehicles used in illegal waste disposal; and enabling courts to require forfeiture of such vehicles
- introduces a new provision covering the waste duty of care and the registration of waste carriers
- introduces a new requirement for site waste management plans for construction and demolition projects
- repeals the divestment provisions for waste disposal functions to provide greater flexibility for local authorities to deliver waste management services in the most sustainable way
- reforms the recycling credits scheme to provide increased local flexibility to incentivise more sustainable waste management.

## **Dogs**

- replaces dog bylaws with a new, simplified system which will enable local authorities and parish councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person.
- gives local authorities, rather than police, sole responsibility for stray dogs.

## **Noise**

- reduces nuisance caused by noise by giving local authorities to:
  - deal with burglar alarms
  - impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels
- gives local authorities greater flexibility in dealing with noise nuisance.

## **Architecture and the Built Environment**

- establishes the commission for architecture and the built environment (CABE) on a statutory basis.

## **Miscellaneous**

- enables local authorities to recover the costs of dealing with abandoned shopping trolleys from their owners
- extends the list of statutory nuisances to include light pollution and nuisance for insects
- improves the contaminated land appeals process.

## ANNEX 2

### SUMMARY OF FIXED PENALTIES THAT MAY BE DETERMINED BY THE COUNCIL

Section	Nature of Offence	Default Fixed Penalty if not set by Council
19	Littering	£75
22	Failure to comply with Street Litter Clearing Notice	£100
23	Illegal distribution of Free Printed Matter	£75
28	Graffiti and fly posting	£75
48	Failure to comply with requirements regarding waste receptacles	£100
60	Failure to comply with requirements of Dog Control Orders	£75
74	Failure to comply with requirement in an Alarm Notification Area	£75
82	Night noise offence	£100

SUMMARY OF PROVISIONS THAT CAME INTO FORCE ON 7<sup>TH</sup> JUNE 2005**PART 2 Vehicles**

<b>Section</b>	<b>Subject</b>	<b>Responsibility</b>
<b>3</b>	Creates an offence of advertising or offering for sale 2 or more vehicles parked on the same road (within 500m) by way of a business	<b>Built Environment</b>
<b>4</b>	Creates an offence of repairing, maintaining, servicing, improving or dismantling a vehicle in the street along with the installation/replacement of parts and accessories by way of a business, gain or reward. <b>AND</b> Where annoyance is caused to people in the vicinity the offence also applies to domestic car repairs. <b>EXCEPT</b> Where undertaken as result of accident /breakdown or within 72 hours of the same.	<b>Consumer Wellbeing and Protection</b>
<b>5</b>	Extends liability for offences under Sections 3 and 4 to Directors, Secretaries and managers in the case of corporate bodies	<b>Built Environment /Consumer Wellbeing and Protection</b>

**PART 3 Litter**

<b>Section</b>	<b>Subject</b>	<b>Responsibility</b>
<b>18</b>	Extension of litter offence to all open places <b>EXCEPT</b> where the public does not have access to it either with or without charge. <b>OR</b> where consent is given by owner of land/water <b>INCLUDES</b> deposits to land and water.	<b>Streetscene</b>
<b>27</b>	Chewing gum, cigarette butts and smoking-related included in definition of litter	<b>Streetscene</b>

**PART 4 Graffiti**

<b>Section</b>	<b>Subject</b>	<b>Responsibility</b>
<b>33</b>	Amends defences available under Town & Country Planning Act 1990 Removes defence of display of advert without knowledge or consent of beneficiary.	<b>Built Environment</b>



## PART 5 Waste (Transport)

Section	Subject	Responsibility
<b>35</b>	Removes defence of “acting under employers Instructions”. Offence for anyone transporting waste not to be a registered carrier if done by way of trade/business	<b>Environment Agency</b>
<b>36</b>	Powers to make regulations regarding registration of carriers inc allowing charge to be made for certificates of registration and require compliance with specified conditions and inspections	<b>Secretary of State</b>
<b>40</b>	Removes defence of “acting under employers Instructions” to avoid action against person depositing waste	<b>Environment Agency</b>
<b>41</b>	Raises penalties from 6 months to 12 and max fine from £20,000 to £50,000 for summary conviction. Raises max penalty to 5 years in prison for non-hazardous waste as already applies to hazardous waste for conviction on indictment.	<b>Magistrates / Crown Court</b>

## PART 5 Waste (Sites)

Section	Subject	Responsibility
<b>54</b>	Powers to make regulations regarding production of site waste management plans for construction and demolition projects.	<b>Secretary of State</b>

## PART 7 Noise

Section	Subject	Responsibility
<b>83</b>	Authority to use receipts from FPNs for additional qualifying functions inc burglar alarms and noise nuisance to require compliance with specified conditions and inspections.	<b>Consumer Wellbeing and Protection</b>

## PART 9 Miscellaneous

Section	Subject	Responsibility
<b>105</b>	Allows penalties for PPC permit breaches to be increased to £50,000 fine and 12 months imprisonment in regulations.	<b>Magistrates and Crown Courts</b>