

Chief Executive Decision Record

Decision Title
<p>Clarification of the start date of the Public Spaces Protection Order relating to bins left on streets in selected streets in Coalville.</p>
Decision Details
<p>A report was taken to Cabinet on 27 July 2021 recommending that “Cabinet approves the introduction of a Public Spaces Protection Order in relation to bins on streets at the specified areas within the report with the revised times following public consultation feedback.”</p> <p>The report was item 12 on the agenda. It included a copy of the proposed Public Spaces Protection Order (PSPO) as Appendix D to the report.</p> <p>The report set out at paragraph 2.1 that a local authority may make a public spaces protection order if satisfied on reasonable grounds that;</p> <p>(1) activities carried on in a public place within the authority's area have had, or will have, a detrimental effect on the quality of life of those in the locality, and</p> <p>(2) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.</p> <p>The report confirmed at paragraph 1.9 that Environmental Protection has received 37 complaints over the last four years about bins being left between collections in certain streets in Coalville and these were causing obstructions to the pavement. Officers from Environmental Protection have also observed and have confirmed that bins are left out on a regular basis in these areas.</p> <p>The report confirmed the Environmental Protection Team’s position that bins being left on the highway in the specified areas is having a detrimental effect on the quality of life of those in the locality (evidenced by the complaints received), that it is persistent and continuing, is unreasonable (as it is not difficult for relevant persons to return the bins to within the curtilage of their property – with exception being allowed for those with mobility issues) and the requirement to return them is justified. Cabinet agreed with this position and decided to make the PSPO.</p> <p>However, both the report and the draft order indicated that the PSPO would start the same date as the Cabinet meeting i.e. 27 July 2021.</p> <p>Rule 13 of the Scrutiny Procedure Rules within NWLDC’s constitution is clear that Cabinet decisions only come into force on the expiry of 5 working days after the publication of the decision (the call-in period). The minutes of the Cabinet meeting were published on 3 August 2021. Therefore, Cabinet’s decision to approve the introduction of the PSPO does not take effect until 11 August 2021 and consequently the PSPO itself cannot come into force until 11 August 2021.</p> <p>I am satisfied that this was a simple error in the report and advice has been given in this regard to Paul Sanders, Head of Community Services. I am also satisfied that there is need to prevent the detrimental impact, of bins being left on the highway, on those persons within the specified areas and that this can only be done by the introduction of the PSPO. I am therefore, also satisfied that there is an urgent need for the PSPO to come into force. Consequently, I am exercising my powers under paragraph 4.3.5 of section 7 of part 3 of the constitution to retrospectively confirm that the correct start date for the PSPO is 11 August 2021. Other than the change to the start date for the PSPO, the decision of Cabinet remains as was made at the meeting on 27 July 2021.</p>
Reason for Decision

To protect some of the inhabitants within the Council's area i.e. to prevent the detrimental impact, of bins being left on the highway, on persons within the areas specified within the PSPO, namely:

- Berrisford Street, Coalville
- Margaret Street, Coalville
- Melbourne Street, Coalville
- Bridge Road, Coalville
- Adam Morris Way, Coalville
- William Bees Road, Coalville
- Mantle Lane, Coalville (House numbers 4-30)

Source of Delegation

Enter the relevant paragraph in the Constitution or details of the Committee that delegated authority for this decision.

Council's constitution – Part 3, Section 7 paragraph 4.3.5 "To take urgent action necessary to protect the interests of the Authority, some or all of the Authority's area or some or all of the inhabitants of the Authority's area"

Type of Decision

Key Decision

Non-Key Decision

List of Background Papers

If the background papers are likely to contain exempt or confidential information, please indicate which paragraph(s). Paragraphs detailed below. Documents should be included with the form or made clear where the documents can be viewed.

Agenda item 12 to Cabinet meeting 27 July 2021

What alternative options were considered when making the decision?

Taking a report to the next Cabinet meeting to confirm the start date of the PSPO. However, the next meeting of Cabinet is not until 21 September 2021, though there is a provisional extraordinary Cabinet meeting on 31 August 2021. Either of these two dates is too far in the future, as there is a need to protect these persons now, as they have been living with this issue for 4 years now.

What conflicts of interest were declared by any executive members consulted which relates to the decision?

N/A

Decision Made By



Name: Bev Smith Signature:

Date Decision Made

10th August 2021

Date Decision Published

NOTE:-

Confidential Information Exemption Paragraphs

Paragraph 1 – Information relating to any individual

Paragraph 2 – Information which is likely to reveal the identity of an individual

Paragraph 3 – Information relating the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 4 – Information relating to any consultations or negotiations, in connection with any labour relations matter arising between the authority of the Minister of the crown and employees of, or office holders under the authority

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Paragraph 6a – Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person.

Paragraph 6b – Information which reveals that the authority proposes to make an order or direction under an enactment

Paragraph 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.