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To: All Members of the Borough Council

You are requested to attend the meeting of the Charnwood Borough Council to be held in the Victoria Room, Loughborough Town Hall on Monday, 4th September 2023 at 6.30 pm for the following business.



Chief Executive

Southfields
Loughborough

1st September 2023

AGENDA SUPPLEMENT

10. QUESTIONS ON NOTICE

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To deal with the following questions on notice, submitted under Full Council Procedure 9.9(a):

Councillors, please send your question, request for position statement or motion on notice to:

Karen Widdowson, Democratic Services Manager
Council Offices, Southfield Road, Loughborough, LE11 2TX
Email: democracy@charnwood.gov.uk

COUNCIL – 4TH SEPTEMBER 2023

ITEM 10 QUESTIONS ON NOTICE

10.1 Councillor Rattray – Fly Tipping Fines

Charnwood Borough Council takes action as part of its ongoing commitment to look after the local environment and crackdown on those who show a disregard for the area. In doing this fines of a total of £400 are issued when the culprits of fly tipping can be identified.

As a Councillor I have previously been asked by residents why the fine is only £400 and have explained that we could not charge any higher than this amount. This fine has been £400 for quite a while and I understand this has been the maximum we could charge.

To help equip councils with everything they need to strengthen their arm, government laid a statutory instrument increasing the upper limits for various fixed penalty notices (FPNs) on Monday 10 July increasing the limit councils could charge for fly tipping from £400 to £1000. These changes came into force 21 days after the laying of the Statutory Instrument, on 31st July 2023.

Can you confirm if we have increased our fixed penalty fine up to £1000 to ensure we are charging the maximum possible fine for fly tipping in our Borough?

If we have not, can you confirm if we as a council plan to increase our fine to the upper limit of £1000 for fly tipping?

How many fly tips have there been since 31st July that have been charged a fine of £400?

We need to be charging the maximum fine to ensure it can never be cheaper to dump waste than to legally dispose of it.

The Leader or his nominee will respond:

The Government laid a statutory instrument to enable councils to increase the maximum fine levels for fly tipping, householders waste duty of care and littering offences which comes into force 21 days after it has been laid (31st July 2023).

The Lead Member is consulting with the Enviro Crime Manager and Head of Regulatory and Community Safety to review the new levels of fines for these offences. To support this, Charnwood is a member of Mallard Consultancy which has representatives from across the UK who are consulting on levels of fines, in addition to discussions with councils across Leicester and Leicestershire to ensure there is a consistent approach.

The next step is to review the findings from the consultation, make decisions on proposed fine levels and then follow the democratic process with a view to be able to make any amendments in readiness for the new financial year (2024).

There have not been any Fixed penalty notices issued after 31st July 2023 for any of those offences.

10.2 Councillor Woodward – Winston Oak, Cossington

Is the council aware that the Cossington 'Save the Winston Oak' campaign and petition is now at around 55,000 signatures of support. The oak is of historical significance and is due to be felled owing to an approved planning development. Given the strength of local feeling, are there any measures that the council can take to protect the tree?

The Leader or his nominee will respond:

While it is important to consider that the extant planning permission remains a fallback position for the developer and a material consideration, the developer is very aware of residents' and the media interest in the tree. They have recently made a full planning application for 166 dwellings on the same site. It remains to be seen whether this application will set out a revised access point such that the tree will not have to be removed but if it must be removed, there is the opportunity to explore how the loss can be mitigated through a landscape plan.

This site was originally identified for residential development through the draft local plan process it being earmarked following a site selection process based on broad evidence and then allocated in the draft local plan. The evidence informing the site selection process recognised the tree would have to be lost to make way for site access and this was a factor that weighed in the balance along with others when assessing if the site should be taken forward in the plan. The site was allocated in the draft local plan as site HA59 for up to 124 dwellings. The plan was subject to public consultation and then, following a Council resolution, it was submitted to the Secretary of State for an Examination in Public in December 2021.

Alongside the local plan process, the promoters of the site submitted an outline planning application for up to 130 dwellings on the site in December 2020 (P/20/2393/2) this proposed the removal of the tree and hedgerow to make the access and this was detailed in the report considered by Plans Committee on 21 April 2022. Planning permission was conditionally approved following the signing of a S106 legal Agreement on 11 October 2022.

With this background in mind, it would not be appropriate for the Local Planning Authority to make a TPO for the tree.

QUESTIONS ON NOTICE TO COUNCIL – PROCEDURE

- Councillors are required to submit a question on notice in writing by 12noon on the eighth working day prior to Council, the title of the question is published on the Council Agenda.

- Questions and responses will be published at the end of the previous working day (usually the Friday prior to a Council meeting on a Monday) and will be available at the Council meeting for Councillors, the press, and the public.
- After the questions and responses are published **Councillors may indicate that they wish to ask a supplementary question by noon on the day of the Council meeting.**
- The Mayor will invite those Councillors who have indicated that they wish to do so to ask a supplementary question.
- The Leader (or relevant Lead Member on behalf of the Leader) or Chair of the Committee is able to respond.
- The total time each person can speak on a single question is time limited.