

COUNCIL – 24TH APRIL 2017

ITEM 10 QUESTIONS ON NOTICE

10.1 Councillor Campsall – Replacement of Street Trees on Council Land

Trees form a significant part of the landscape in both urban and rural areas as well as being important from an ecological point of view and bringing pleasure to local residents. The Council is the custodian of many thousands of trees in the Borough, again in both urban and rural locations.

Many of the Council's trees mark the boundary between Council land and the highway or otherwise border streets and roads. These trees have a particularly significant visual impact on the landscape. When such trees are lost or removed it results in a major loss to local amenity. I am sure many other councillors have had experience of such losses of trees in their wards and, like me, would like to see the replacement of any Council street trees that are lost or removed, where possible with a native species.

Could the Lead Member therefore tell me what the Council's policy is regarding the replacement of such lost trees and what councillors who observe fallen or removed trees in their ward should do in terms of reporting the matter?

The Leader, or his nominee, will respond:

“Street trees” are maintained by Leicestershire County Council as they form part of the highway environment. Information on the County Council's policy for replacement trees should be sought directly from its website:

https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2015/12/8/tree_management_strategy.pdf.

Trees on open spaces throughout the Borough will, generally, be the responsibility of Charnwood Borough Council, or the Parish/Town Council in that area. The Council's website has an interactive map feature which should help members and residents to identify areas of land under the Council's ownership. Any trees on this land are the responsibility of the Borough Council to maintain. The interactive maps are available at:

<http://www.charnwood.gov.uk/pages/interactivemaps>.

Charnwood Borough Council will only remove trees from its land in the following circumstances:

- the tree is dead, dying or dangerous*
- the tree is causing damage to property*
- the tree is having a significant adverse impact on the quality of life for resident(s).*

The Council's Tree Policy states that: "The Council will work with partners and community groups to identify opportunities to increase its tree stock through appropriate tree planting". This means that trees will be replaced wherever possible. This may not be on a like for like basis as there is a preference for native species.

If members have any concerns regarding tree maintenance or replacement they should contact the Head of Cleansing and Open Spaces for further advice.

More information regarding the Tree Policy can be found on the Council's website at:

https://www.charnwood.gov.uk/files/documents/cbc_tree_policy_and_protocol/Tree%20Protocol%20and%20Policy.doc

10.2 Councillor Radford – Anti-social Behaviour in Council-owned Properties

Legitimate and serious concerns have recently been raised with me by residents of Council-owned properties in Shepshed relating to persistent anti-social behaviour from a few tenants of our properties. Can the Lead Member outline the stages and timescales that problem tenants go through before eviction from our properties, and confirm that such acts of anti-social behaviour are dealt with swiftly to support the vast majority of our tenants who are good neighbours?

The Leader, or his nominee, will respond:

Anti-social behaviour (ASB) will be dealt with swiftly by the Council. Cases involving harassment, hate incidents, drugs, graffiti and fly tipping are prioritised, and the Council aims to respond to reports of this nature within one working day. The Council aims to respond to all other reports of ASB within five working days.

The Council has an incremental approach for managing ASB. In summary, this means that actions against perpetrators are typically scaled and escalating, ranging from non-legal interventions including mediation, advice, warnings, and acceptable behaviour contracts, through to legal action, which may include (but is not limited to) injunctions, closure orders, possession proceedings, and ultimately eviction.

The timescale from the creation of a case to the eviction of a tenant will vary depending on the circumstances of the case. Eviction is a severe sanction and is often a last resort after all other interventions have failed. Our actions must be both proportionate and reasonable. There is often an expectation from the courts that non-legal options to remedy ASB have been considered and, where appropriate, deployed first. Factors that may affect case length can include: the nature of the ASB, the gathering of appropriate evidence, the circumstances of the individuals involved, and legal and court timescales.

10.3 Councillor Jones – Adoption of Public Open Spaces

Residents in my ward are experiencing developer-instigated service charges, related to freehold properties, for aspects such as road maintenance, street lighting and open space maintenance for their road and surrounding areas. Residents feel these charges are unfair, as they feel these should be a Council responsibility, and they feel they have already paid for these within their Council Tax bills. Build on this estate was started over a decade ago. Feedback from officers seems to be that this particular area remains unadopted, in terms of highways, street lighting, open spaces and possibly more. There is a concern expressed that the Council could seek to avoid adopting this going forwards. With considerable building of new homes estates factored for within our Core Strategy going forwards, what is our policy on future adoption of public spaces, related to new build estates, across our Borough?

The Leader, or his nominee, will respond:

The adoption of roads, footways and street lighting is a matter for Leicestershire Council. Any enquiries regarding these matters should be referred to them.

The adoption of open spaces within a new development is considered through a Section 106 agreement, which is negotiated as part of the planning process. There is no set policy in place that requires a developer to transfer ownership to the Borough Council, or local Parish/Town Council.

Where the sites are adopted by a Parish/Town Council or the Borough Council, a commuted sum is requested to cover the anticipated costs of maintenance over the following 20 years. This is calculated using a unit cost for maintenance. If agreement cannot be reached regarding the payment of a commuted sum for maintenance, the Council will not adopt the open space. If the Borough Council or the Parish/Town Council does not wish to adopt the open space/recreation land or the developer prefers to retain ownership of it, the developer may levy a management/service charge on residents in order to cover the ongoing costs. The requirement for residents to pay the charge should be highlighted by their solicitor through the conveyancing process.

For information on any particular development members can contact the Head of Cleansing and Open Spaces for further advice.

10.4 Councillor Parton – Vermin Infestations around Student Halls

Please would the Lead Member outline what policy and protocol currently exists around the management of waste issues at off-campus student halls to prevent vermin infestations and what education processes take place for the resident students on this matter, and would the Lead Member also

inform the Council whether he/she would consider promoting a member/resident plan to help improve the situation for every party's benefit?

The Leader, or his nominee, will respond:

Information for new students is provided as part of the University's Student Induction Week at the start of the academic year. Students are provided with literature which gives advice on how to manage their household waste. The Council's website also has a specific page aimed at students which provides advice and guidance. In addition to this, ongoing advice is available to all residents, including students.

Residents of off-campus student accommodation will have their waste and recycling collected in the same way as other households. All residents are expected to comply with the Council's Waste Collection Policy. The Policy states that residual "side waste" is not permitted and that the bin should be presented with the lid down. "Side waste" is permitted on recycling collections; however, this should be clean from materials that could attract vermin.

A copy of the Waste Collection Policy is available at: https://www.charnwood.gov.uk/files/documents/waste_collection_policy_revised_march_2011/Waste%20Collection%20Policy%20-%20Revised%20March%202011.doc.

The accumulation of waste at properties is dealt with by the Council's Street Management Service. Properties with accumulations of waste will be given advice; however, if this is ignored enforcement action will be taken against the landlord and/or the occupants.

Any rodent activity should be reported to the Council's Pest Control Service using the link <http://www.charnwood.gov.uk/pages/pestcontrolservice> or by calling 01509 634628. Domestic treatments for rats and mice are provided free of charge.

The Lead Member would consider promoting a Resident Plan in order to improve students'/residents' waste management.

10.5 Councillor Sharp – Asbestos at Allotment Sites

The Leader will be aware of growing resident concern at the prevalence of cement bonded asbestos at allotment sites across Loughborough. Could the Leader advise what support the Council offers to allotment holders and local residents regarding disposal of such material, in particular any collection service? Could the Leader also advise what duty of care the Council holds in relation to any abandoned sheds on allotment sites that may contain asbestos?

The Leader, or his nominee, will respond:

The Council is aware of a limited presence of asbestos on some of the allotment sites across Loughborough. Recent advice suggests that, if the shed is structurally sound, the asbestos should remain in place as removal may cause a higher risk than leaving it in place. If a shed is not structurally sound, and needs removing, the Council will seek advice from a specialist asbestos removal company and the shed will be removed.

In circumstances where allotment holders have erected their own sheds and these need removing from the site, they may be asked to contribute towards the costs of removal.

If councillors or members of the public have any concerns they should contact the Environmental Services Team on cleaner.greener@charnwood.gov.uk.

10.6 Councillor Sharp – Speed Camera Trials

The Leader will be aware that Leicestershire County Council is conducting trials of speed cameras to tackle speeding blackspots across the County, The pilot sites are based on responses from Parish and Town Councils. Could the Leader advise what submissions, if any, were made by the Council on behalf of Loughborough residents and what onward communication it made to local residents' groups?

The Leader, or his nominee, will respond:

Leicestershire County Council has not invited the Borough Council to comment on its proposals and therefore no response has been provided.

QUESTIONS ON NOTICE TO COUNCIL – PROCEDURE

- Councillors are required to submit a question on notice in writing by 12noon on the sixth 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 and/or make a statement 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 and/or make a statement.
- 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.