

Councillor Call for Action – Scenario

Ms Murray and the polluting local business

I am writing on behalf of local residents in the area who are concerned about traffic using our streets to access a recycling plant.

The access street is narrow and in a residential area. Our concerns are over the size of the vehicles using the street that could cause damage to our homes, walls and vehicles parked on the road. The plant is also very noisy and creates a nuisance – there are times when it operates outside of its contracted hours.

We are also worried about the safety of children playing in the street.

I would like to know what can be done about this.

Is this related to an individual matter?

No. It would appear that the issue raised in this case study affects a number of residents. There are also clearly a number of cross cutting issues within the concerns raised by local residents which would suggest that this matter is not suitable to be dealt with through a Member enquiry alone.

Does it relate to a ‘quasi judicial decision’ (e.g. planning or licensing)

On the information provided in the case study, it is apparent that further investigation of the circumstances may be necessary especially as there is an inference that the recycling plant could be operating outside the terms of its planning license. The nature of the license granted to the plant, whether there have been any license transgressions or if there are any current actions pending will need to be verified with the relevant Council Officers (Urban Environment & Planning):

- planning – the plant may be operating in contravention of the planning permission or conditions attached;
- environmental health – there may be breaches of environmental health legislation.

Does it relate to matters subject to ongoing litigation, criminal investigations or proceedings?

There could be ongoing legal proceedings of relevance in this case study, particularly in relation to the damage that plant vehicles may be causing to residential properties and cars in the locality. Councillors may need to check with other Ward Councillors and Council Officers (planning, environment) to ascertain if there is ongoing litigation related to the case.

Is the focus of the issue one a neighborhood or locality matter and the quality of service provision at a local level?

The case study information would appear to suggest that the problems experienced by residents are within a specific locality and relate to the performance of services within that area (i.e. monitoring the impact of environmental concerns). Nonetheless, Councillors may need to verify the following to ensure that it is a local issue?

- Has the same issue been raised with other Ward Councillors?
- Have concerns been raised with Council Officers (i.e. environment, planning)
- Have concerns been raised with other agencies (i.e. police)

Are relevant agencies aware of the problem and what action has been taken?

Councillors may need to contact the agencies that may be involved in these concerns of residents to identify their awareness of the problem and what actions they have taken to solve the problem. This will be helpful in building a portfolio of evidence on the nature of the problem and the remedies already taken. Key departments and agencies to consult in this context may include:

Local Authority

- planning department – to ascertain details about the operating license and possible contraventions;
- environmental health – to assess the nature of their5
- Neighborhood Management
- Streetscene – to deal with the traffic and road safety aspects of the problem.

Partner Agencies

- the Environment Agency - to advise on/ deal with business/pollution aspects of the case;
- the police - as the situation has potential for disturbances and vehicle offences, it may be useful to consult local Safer Neighborhood Team to check that they are aware of the situation and what action has been taken.

Is the issue persistent and one that has not been possible to resolve through local action and discussion?

There are a number of actions that Councillors will need to take to ensure that every opportunity has been taken to resolve the issue locally. These could include:

- Arranging an liaison meetings with the agencies involved, the recycling plant and the residents to discuss the issues;
- Ask agencies for update briefings on progress as they investigate and seek to improve the situation with the recycling plant.
- Ensure residents are kept informed of progress - convene further liaison meetings as necessary.
- Has the issue been raised with the Chair of the Area Assembly, been discussed in this forum there and what actions have been taken as a result?
- Has the Cabinet Member responsible for Environment concerns been notified of the problem?

If all possible routes have been exhausted or satisfactory progress has not been made after a reasonable amount of time or improvement efforts have come to a halt it may be possible to refer the matter to Overview & Scrutiny.

Has the issue already been through the CCfA process?

If the problem has not previously been through a CCfA process and all other routes have been exhausted, then a CCfA could be considered.