

Council

21 February 2025

Member Questions (3 total)

1. Question from Councillor David Willingham to Cabinet Member for Safety and Communities, Councillor Victoria Atherstone

Could the Cabinet Member please confirm whether this council has any historic Street Litter Control Notices still in force, and whether are there any Community Protection Notices currently in force in respect of tackling littering. If so, could the Cabinet Member please provide details of where and to whom these notices currently apply?

Cabinet Member response

There are no Street Litter Control notices; these are now called CPNs (Community Protection Notices). We also have Public Space Protection Orders (PSPO) that includes littering, and there is a PSPO live for the entire borough, where locations have been highlighted to be an issue of enviro-crime and this covers Cheltenham-wide locations. There are also PSPOs in place in green spaces to specify dog control and alcohol use.

2. Question from Councillor David Willingham to Cabinet Member for Safety and Communities, Councillor Victoria Atherstone

I understand Community Protection Notices (CPN) have now replaced Street Litter Control Notices but CPNs do still give councils the powers to force businesses to clear litter from around their premises and to take steps to prevent future littering. Could the Cabinet Member please advise whether these CPNs can be issued pre-emptively based upon previous litter issues elsewhere, and if not, what evidence the council would need to commence action, how this evidence would need to be presented to the council, and by whom?

Cabinet Member response

A CPN can be used for an issue of litter in a location caused by a business, as this can be seen as a trade waste offence, and can include mitigation and management of the waste produced by the business and its customers. This can lead to further receptacles being provided for customers and business staff frequently servicing the units to ensure usage by the customer on site and surrounding area. If there is an issue of littering in the area by customers due to the use of the business then this is considered an offence and a fixed penalty notice (FPN) can be issued to the individual, whether in a vehicle or on foot.

The local authority would need to receive reports of this taking place, so a service request can be raised for an officer to attend and investigate the most appropriate mitigation process.

A CPN cannot be issued pre-emptively as evidence needs to be ascertained to confirm the offence and issue is apparent, and alarm, harassment and distress are having a detrimental effect on the surrounding community.

This can be evidenced using the reporting tool function for littering or fly-tipping that will trigger an investigation to the patch officer.

3. Question from Councillor David Willingham to Cabinet Member for Safety and Communities, Councillor Victoria Atherstone

Could the Cabinet Member please give me an assurance that if a litter problem can be evidenced as resulting from a specific vendor, that the council will take robust enforcement action, including issuing a Community Protection Notice (CPN) to hold the business accountable for the costs of dealing with litter that ends up in the public realm, and advise what other litter control powers the council could target in this area?

Cabinet Member response

If reports are received of litter offences being committed on site or surrounding areas by the customers using the premises, then enforcement action will take place via evidence received or a Neighbourhood officer who will attend the location reported and evidence an offence taking place. If there is a persistent issue, mobile CCTV can be erected to monitor and enforce offences from vehicles and actions anti-social in nature in such as littering and fly-tipping.

If the business is evidenced to be breaching waste management legislation and not mitigating the issue of site waste, a CPN can be issued due to the detrimental effect on the surrounding community; this would provide a list of requirements for improvement and rectification.