

**FALKIRK COUNCIL**

**Subject: DESIGNATION OF A LITTER CONTROL AREA, MAIN STREET  
AIRTH**  
**Meeting: ENVIRONMENT AND HERITAGE COMMITTEE**  
**Date: 17<sup>th</sup> FEBRUARY 2009**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1. INTRODUCTION**

- 1.1 If a local authority were of the opinion that, by reason of the presence of litter or refuse, the condition of relevant land, is, and, unless they make a designation order, is likely to continue to be, detrimental to the amenities of the locality, the authority may, by order, designate any relevant land in their area as a litter control area.
- 1.2 The purpose of this report is to:
- Highlight concerns over repeated and sustained littering of the car park serving the licensed grocers premises at 47 Main Street, Airth.
  - Request Members' support in controlling littering in this area by designating a Litter Control Area in terms of Section 90 of the Environmental Protection Act 1990 as amended.
- 1.3. The purpose of designating the car park serving the premises at 47 Main Street, Airth as a Litter Control Area is to enable enforcement officers to take action against appropriate persons (Owner) to ensure that the land is not so encumbered by litter and refuse as to be detrimental to the amenities of the locality.

**2. BACKGROUND**

- 2.1 A Council Member for the area expressed concerns on behalf of the local residents, that the car park serving the premises at 47 Main Street, Airth is continually subjected to littering and is a blight on the area.
- 2.2 The complaints have been substantiated by Environmental Health Officers over sustained periods who advise that the car park is consistently adversely affected by litter and broken glass and difficulties have been experienced in having offending materials effectively removed by the responsible persons.
- 2.3 Currently there is no suitable redress available to the Local Authority against the person responsible for littering the land and only limited legal powers are available against the occupiers/owners of the land to carry out effective removal of offending materials.
- 2.4 Designation of the car park as a Litter Control Area will enable the Local Authority to serve Litter Abatement Notice in terms of Section 92 of the Environmental Protection

Act, 1990. A Litter Abatement Notice served on the land owner/occupier can require them to remove the litter or refuse from the land and/or impose a prohibition on permitting the land to become defaced by litter or refuse.

- 2.5 Failure to comply with this Notice carries a maximum fine of £2,500 on summary conviction together with a fine of an amount equal to one twentieth of that level for each day the offence continues after conviction. Failure to comply with the Notice could result in the Local Authority removing the offending material and recovering costs.
- 2.6 In addition, it is an offence for any person to deposit litter on land within a Litter Control Area, which carries a maximum fine on conviction of £2,500. Enforcement Officers will further be enabled to issue a fixed penalty notice to any person depositing litter on land within the Litter Control Area which previously could not be served due to the area of land being private property.
- 2.7 As required, in terms of Section 90 of the Environmental Protection Act, 1990 the owners of 47 High Street, Airth (persons likely to be affected) by the proposed Litter Control Area designation order were notified, on 17<sup>th</sup> April 2008, and given the opportunity to make representations with regard to the proposal. To date no representations have been received.

### **3. IMPLICATIONS**

- 3.1 Financial: The proposal does not incur any additional costs and may generate income from Fixed Penalty Notices.
- 3.2 Policy: The proposal aligns with the Council's Litter Strategy and objectives within the Council's Community Health and Safety Plan.
- 3.3 Personnel: No implications.

### **4. RECOMMENDATIONS**

- 4.1 It is recommended that Members approve the proposal to designate the car park area (highlighted in attached map) serving the business premises at 47 Main Street, Airth, Falkirk a Litter Control Area and entitled "Airth (number 1) Litter Control Area Designation Order 2009" and refer the matter to the Full Council meeting of 4th March 2009.
- 4.2 Request Full Council to make the Order attached as Appendix 1 to this report.

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For Director of Development Services

Date:...09.02.09.....

Contact Officer: Graeme Webster, Environmental Health Co-ordinator (4762)

### **LIST OF BACKGROUND PAPERS**

- Appendix 1, Litter Control Area Designation Order, map and plan highlighting boundary of Litter Control Area

### **APPENDIX 1**

## LITTER CONTROL AREA DESIGNATION ORDER

### THE ENVIRONMENTAL PROTECTION ACT 1990

The Falkirk Council, being of the opinion that, by reason of the presence of litter or refuse, the condition of the land described in paragraph 2 of this Order is, and unless they make a designation order is likely to continue to be, such as to be detrimental to the amenities of the locality, hereby make the following Order under Section 90(3) of the Environmental Protection Act 1990:-

1. This Order may be cited as the Airth (number 1) Litter Control Area Designation Order 2009, and shall have effect from.....
2. The land which –
  - (i) is delineated and shown outlined in red on the map executed as relative to and forming part of this Order and marked “Map forming part of the Airth (number 1) Litter Control Area Designation Order 2009, and
  - (ii) is briefly described in the Schedule to the Order,  
is designated as a Litter Control Area for the purposes of Part IV of the Environmental Protection Act 1990.

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Director of Development Services

### SCHEDULE

The area comprises 581 square metres or thereby and is bounded by a line commencing at the north access point from 47 Main Street, Airth; Falkirk at the south boundary of the property at 1a Forrester Place, Airth; thence extending approximately 27 metres in a south westerly direction along the south boundary of the property at 1a Forester Place, Airth; thereafter extending some 10 metres or thereby in a south easterly direction along the rear boundary of the properties of 18 and 16 High Street, Airth; thence turning 2 metres approximately in a south westerly direction along part of the rear boundary of the property at 16 High Street, Airth; thereafter extending approximately 27 metres in a south easterly direction along the line of the rear boundary of the properties at 16 to 8 High Street, Airth; prior to turning some 6 metres or thereby along the north boundary of an electricity sub-station; thereafter extending some 10 metres or thereby in a north-easterly direction to the footpath at Main Street, Airth; thence extending approximately 7.3 metres in a north westerly direction to the south gable of the premises at 47 Main Street, Airth; thereafter extending 10 metres or thereby along the south gable of the said premises; prior to turning some 5 metres approximately along the west gable of the said premises; thence extending some 3.2 metres or thereby in a westerly direction along the south west gable of the property; thereafter extending 12 metres approximately along the west gable of the premise; thence along the north gable of the premises some 13.2 metres or thereby to the footpath at Main Street, Airth and thence extending approximately 6.2 metres in a north easterly direction to the point of commencement