

# **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

## **Report to Community Overview & Scrutiny Panel**

**11 September 2017**

<b>TITLE:</b>	<b>Policy on Enforcement of Environmental Crimes</b>
<b>PORTFOLIO HOLDER:</b>	<b>Arthur Forrester, Deputy Leader and Portfolio Holder for Environment</b>
<b>CONTACT OFFICER:</b>	<b>Mark Trillo Executive Director (People) and Monitoring Officer</b>
<b>WARDS INVOLVED:</b>	<b>All</b>

### **Appendices Attached**

#### **Appendix A - Policy on Enforcement of Environmental Crimes**

#### **1. Reason for the Report**

The report presents a revised policy that aims to further improve the Council's approach to tackling environmental crimes such as littering, fly-tipping and dog fouling.

#### **2. Recommendation**

- 2.1 That the Community Overview & Scrutiny Panel notes the content of the report.
- 2.2 That the Community Overview & Scrutiny Panel recommend Cabinet approval of the proposed Policy on Enforcement of Environmental Crimes.

#### **3. Executive Summary**

- 3.1 The Council revised its approach to responding to environmental crimes in December 2014 with the aim of adopting "a more flexible approach through the multi skilling of a large number of employees with existing enforcement capability within their job roles".

- 3.2 This approach has been reviewed and has resulted in the development of a revised Policy on the Enforcement of Environmental Crimes. The policy is provided at Appendix A.
- 3.3 The policy suggests adopting a triple-track approach to responding to environmental crimes involving education, enforcement, and cleansing.
- 3.4 Under the new policy, enforcement activity will primarily be carried out by the Council's Environment Enforcement Officers and the Geographic and Specialist Service Supervisors for Street Cleaning, Parks and Waste. Responsibility for the enforcement of environmental crime will move from Regulatory Services to Democratic and Community Services to strengthen the link between the response to environmental crime and other forms of anti-social behaviour, and also to further develop the links to other locality-based activity delivered by the latter service.
- 3.5 Officers will normally issue a fixed penalty notice where an offence of abandoning a vehicle, littering, fly-tipping, fly-posting or dog fouling has occurred and may also consider recovering the cost of removal. There are a number of situations when the Council would consider that the issuing of a fixed penalty notice may not be appropriate and instead would seek to prosecute under the relevant legislation.
- 3.6 Hot spot maps of reported environmental crimes will be produced on a quarterly basis to help guide activity and, in addition, the Geographic and Specialist Service Supervisors will provide a monthly briefing highlighting areas for the enforcement officers to prioritise.
- 3.7 The policy sets out a formal approach to payment by instalments, in the interests of fairness and consistency, with the aim of both assisting those whose circumstances would make it difficult for them to pay the full amount within 14 days and also as a means of improving payment rates.
- 3.8 The policy also reiterates the Council's approach to environmental crimes committed by young people aged 17 or under.

#### **4. How this report links to Corporate Priorities**

- 4.1 The proposed policy will assist the Council to meet its corporate priority of protecting and improving the environment.

#### **5. Options and Analysis**

- 5.1 To approve the policy on environmental enforcement and the revised approach to enforcement activity described therein (recommended).
- 5.2 Not to approve the policy on environmental enforcement and to continue with the existing approach (not recommended).

## 6. Implications

### 6.1 Community Safety - (Crime and Disorder Act 1998)

The policy will assist the Council to improve community safety by addressing behaviour that adversely affects the local environment.

### 6.2 Workforce

The arrangements introduced in December 2014 resulted in a relatively large number of people being granted the power to enforce against environmental crimes. These powers have not been, however, fully utilised and it has been recognised that it is difficult for officers to carry out enforcement in a consistent and appropriate manner when they are not involved in enforcement action on a regular basis. Under the revised policy, responsibility for enforcement is focussed on a smaller number of suitably equipped officers with the capacity and appropriate training to undertake enforcement activity.

### 6.3 Equality and Diversity/Equality Impact Assessment

There are no specific implications. Individual services will, however, be required to consider the impact on individuals when carrying out enforcement activity in line with the Council's General Policy on Enforcement.

### 6.4 Financial Considerations

None – any costs will be met from within existing service budgets.

### 6.5 Legal

The Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006, places an obligation on the Authority to work in partnership to reduce behaviour adversely affecting the local environment.

The Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities with the power to address certain types of environmental problems. The Community Protection Notice is a broad power that replaces litter abatement notices, litter clearing notices and street litter clearance notices that were previously available under the Environmental Protection Act 1990, and defacement removal notices under the Anti-Social Behaviour Act 2003. Public Spaces Protection Orders replace, amongst other things, dog control orders under the Clean Neighbourhoods and Environment Act 2005 and this again is intended to be a broad power to tackle activities that affect the quality of life.

Individual environmental offences are covered by specific legislation, in particular the Environmental Protection Act 1990 which prohibits the unauthorised or harmful deposit, treatment or disposal of waste (fly-tipping), and littering.

Local authorities have the power to issue fixed penalty notices for environmental crimes primarily under the Environmental Protection Act 1990, the Clean Neighbourhoods Act 2005, and Anti-Social Behaviour, Crime and Policing Act 2014.

6.6 Sustainability

Not applicable.

6.7 Internal and External Consultation

None.

6.8 Risk Assessment

The policy will assist the Authority to manage the risks associated with carrying out enforcement activity. In particular, restricting the number of enforcement officers will allow the Authority to reduce the risks by ensuring that they are appropriately equipped and trained.

## 7. Background and Detail

### *Current Approach*

7.1 The Council revised its approach to responding to environmental crimes in December 2014 and Councillors were provided with an update on work towards implementing the new arrangements in June 2016. In brief, the proposed approach was to “adopt a more flexible approach through the multi skilling of a large number of employees with existing enforcement capability within their job roles” with an intention to roll out the key elements of an enviro crimes team approach by July 2016.

7.2 Training was provided to frontline officers and a focussed patrol day took place in June 2017 to supplement the activities of the two dedicated environmental enforcement officers. The patrol activities included stencilling in priority areas for dog fouling and high profile patrols in Leek, Cheadle and Biddulph.

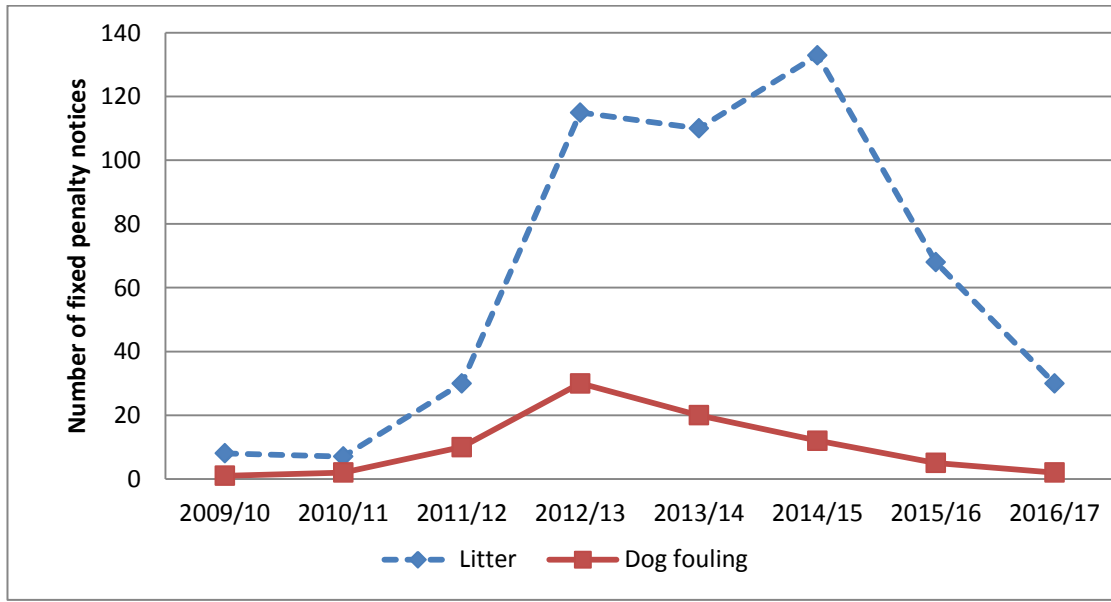
### *Performance*

7.3 The table below shows requests for service over the last five financial years. As can be seen, the number of reports of abandoned vehicles has increased significantly in recent years.

	2012/13	2013/14	2014/15	2015/16	2016/17
Abandoned Vehicle	50	52	51	128	201

Dog Fouling	305	312	289	280	215
Fly-tipping	379	424	503	558	526
Graffiti	3	4	14	29	14
Request for Street Cleaning	442	492	498	531	501

7.4 The number of fixed penalty notices issued for dog fouling and littering in the District are shown in the following graph.



### Next Steps

7.5 Appendix A proposes a revised policy aimed at further developing the Council's approach to addressing environmental crimes.

7.6 The policy suggests adopting a triple-track approach to responding to environmental crimes involving:

- **Education** - educating the public, such as through signage, use of warnings, action days and publicity campaigns;
- **Enforcement** – environmental crimes are illegal, which means that enforcement action will be pursued where necessary and appropriate; and
- **Cleansing** – the Council carries out a routine programme of cleansing adopted highways and other public spaces, such as parks and play areas. This is supplemented by responsive action to reported problems and extra sweeping when needed (for instance in busy visitor areas or after major events).

7.7 Under the new policy, enforcement activity will primarily be carried out by the Council's:

- Environment Enforcement Officers; and
- Geographic and Specialist Service Supervisors for Street Cleaning, Parks and Waste.

- 7.8 Responsibility for enforcement of environmental crime will move from Regulatory Services to Democratic and Community Services to strengthen the link between the response to environmental crime and other forms of anti-social behaviour, and also to further develop link to other locality-based activity delivered by the latter service.
- 7.9 The work of the enforcement officers should assist the Council's Street Scene Service (AES in the future) to keep our neighbourhoods clean by focussing on priority areas and thus reducing the need for cleansing. It is proposed that hot spot maps of reported environmental crimes be produced on a quarterly basis to help guide activity. In addition, it is proposed that the Geographic and Specialist Service Supervisors provide a monthly briefing highlighting areas for the enforcement officers to prioritise.
- 7.10 Officers will normally issue a fixed penalty notice where an offence of abandoning a vehicle, littering, fly-tipping, fly-posting or dog fouling has occurred. The Council may also consider recovering the cost of removal. There are a number of situations when the Council would consider that the issuing of a fixed penalty notice may not be appropriate and instead would seek to prosecute under the relevant legislation. This includes where the offender has previously been issued with a fixed penalty, or has been convicted, for an environmental offence; for large-scale environmental crimes; or where the offender is aggressive to officers.
- 7.11 A number of local authorities offer the option of payment by instalments in cases where the individual would find it difficult to pay the full amount of the fixed penalty within the required 14 day time period. According to DEFRA guidance on fixed penalty notices, such approaches can assist in improving payment rates. The Council has given permission to pay instalments on a case-by-case basis but has lacked a clear policy on this matter.
- 7.12 It is suggested that the Council adopts a formal approach to payment by instalments, in the interests of fairness and consistency, with the aim of both assisting those whose circumstances would make it difficult for them to pay the full amount within 14 days and also as a means of improving payment rates.
- 7.13 The policy reiterates that if the Council intends to carry out targeted enforcement activity close to a school in response to reported problems, then they will endeavour to undertake an education initiative at the school prior to enforcement patrols taking place. The Council, however, recognises that there may be occasions where an enforcement officer observes a young person aged 17 or under littering during the course of their normal duties and not as part of targeted action. The Council will, however, in appropriate cases seek to provide an alternative to paying a fixed penalty for those aged 16 or under at the time of the offence.

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**Background Papers**

**Location**

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