

Overview & Scrutiny Board

23rd April 2012

Update on the use of Enforcement & Fixed Penalty Notices within Environmental Services

Relevant Portfolio Holder	Mike Webb
Portfolio Holder Consulted	(Provided with a copy)
Relevant Head of Service	Guy Revans
Wards Affected	All Wards
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report provides the Board with an update on the environmental enforcement service that has been operational in the District since 1st October 2011.

2. RECOMMENDATIONS

- 2.1 **That Members note the content of the report.**

3. KEY ISSUES

Financial Implications

- 3.1 Enforcement and publicity work is met through existing budgets and there are no direct financial implications in this report.

Legal Implications

- 3.2 Under the Environmental Protection Act (EPA) 1990, the Council has a duty to keep streets and public spaces clean and clear of litter and refuse and to collect municipal waste. Government guidance recognises the importance of enforcement, awareness raising and campaign work in delivering street scene and waste collection services.
- 3.3 There are no direct legal implications in this report.

Service/Operational Implications

- 3.4 On 5th April 2011 this Board received a report and copy of the Joint Environmental Enforcement Strategy and details of levels of Fixed Penalty Notice amounts relating to environmental enforcement prior to a report to Cabinet in June 2011.
- 3.5 Members were provided with information on the proposals to use enforcement action to tackle environmental problems such as fly-tipping and dog fouling and the opportunities for continued improvement to street cleaning performance and improved environmental enforcement. The Strategy includes a staged approach,

Overview & Scrutiny Board

23rd April 2012

where the enforcement officer will use their discretion to take appropriate enforcement action based on the following:

Stage 1	Advice given
Stage 2	Verbal warning
Stage 3	Written warning
Stage 4	Fixed penalty notice
Stage 5	Court proceedings

- 3.6 Since the April report to this Board, the Council has adopted the Joint Environmental Enforcement Strategy and levels of Fixed Penalty Notices and the Waste and Street Scene Publicity Plan. This plan recognises the importance of campaigning and awareness raising as part of a holistic approach to tackling environmental crimes like littering, fly-tipping and dog fouling. Additionally, regular publicity to promote enforcement activities takes place, including when there is a positive outcome to a specific event.
- 3.7 Last year four target areas were chosen to deliver quarterly awareness raising campaigns including food waste, dog fouling, recycling and fly-tipping. The campaigns all used a variety of different media to convey the messages and aim to use novel ways of making contact with target audiences. For 2012-13 the two high profile topics of littering and dog fouling will be focussed on with an emphasis on recycling over the Christmas period. The litter and dog fouling campaigns (running April to September) plan to involve direct input of enforcement staff allowing them to engage with residents in a positive way, for example rewarding residents seen to be using litter bins.
- 3.8 The new environmental enforcement service began on 1st October 2011, delivered by the Community Safety Team. Whilst funding was allocated for the equivalent of one full-time enforcement officer post, all of the officers within the team were able to deliver the enforcement service alongside the delivery of community safety functions. From 1st April 2012, a fully shared Community Safety Enforcement Service has been implemented.
- 3.9 Below is a summary of the actions taken from 1st October 2011 to the end of March 2012 in relation to the key environmental enforcement areas of abandoned vehicles, dog fouling, waste, fly-tipping/waste, fly-posting and graffiti.
- 3.10 Abandoned Vehicles
Nine reported incidents have resulted in three vehicles being removed to storage. One case resulted in partnership working with a Housing Association where the vehicle was on private land and consequently was removed by the owner after notifications were served by the Community Safety Enforcement Team. All other vehicles reported as abandoned were claimed by their owners following initial enquiries; it is

Overview & Scrutiny Board

23rd April 2012

common to find that vehicles that are perceived to be abandoned are not.

3.11 Dog Fouling

There have been two reports where witness statements have been provided and verbal warnings issued. In response to another reported case, the team has worked in partnership with a local Housing Association to tackle the issue of dog fouling with its tenants. 'No dog fouling' signs have been requested when appropriate to raise awareness and assist enforcement. Targeted patrols in conjunction with the dog fouling campaign will be scheduled in specific areas during the forthcoming dog fouling campaign (September 2012 to February 2013) and FPNs will be issued when offences are witnessed. The team is working closely with the street cleansing teams, gathering information and monitoring areas to assess where enforcement patrols should be targeted.

3.12 Fly-Tipping/Waste

The team carry out a weekly audit of five fly-tipping hotspots and have conducted forty nine investigations to date. Two FPNs have been issued and two written warnings have been given. Additionally, on four occasions advice has been given to offenders who have then removed their rubbish – thus resulting in the Council not having to remove the fly-tip. In one case the fly-tip was linked to a business waste offence and appropriate action was taken and advice provided. Two investigations are ongoing as evidence is being pursued in relation to household fly-tips. Most of the fly-tipped waste is garden waste such as tree cuttings and shrubbery.

To support the publicity and campaign work, joint operations are being carried out where the team link up with local policing officers and VOSA (Vehicle & Operators Services Agency) to check waste carrier licences and tackle the problem of fly-tipping. Two successful enforcement days in March resulted in thirty two vehicles being stopped and seven notices, requiring the production of waste carrier licences, were issued. Two FPNs were also issued for related offences. Alongside this, as the team patrols across the District, all hot food snack bars are being checked to ensure the required trade waste agreements are in place. Two FPNs have already been issued in relation to trade waste Duty of Care requirements. In addition to this all garden landscapers and tyre fitting service businesses were written to requesting a producer as evidence the business had a trade waste contract. These business types were selected due to the frequency of fly tipped garden waste and tyres recorded within the district.

3.15 Fly-Posting

Fifty one warning letters have been issued, along with nine verbal warnings and six cases of advice given to businesses involved. One

Overview & Scrutiny Board

23rd April 2012

repeat offender has been issued with a FPN. As of 31st March 2012 all fly posting reported to Bromsgrove District Council has been removed by the enforcement team or the businesses themselves; this includes banners, placards and A-Frames.

3.16 Graffiti

One report of offensive graffiti on the walls of private homes in an alleyway has been received. As a result of a successful partnership project with West Mercia Probation Trust's Community Payback service, the alleyway has been cleaned, repainted and all broken fencing repaired. Property walls along the alleyway have been coated with an anti graffiti covering to prevent and aid removal of any future graffiti. Another report of graffiti on a private housing estate has resulted in the housing developer agreeing to remove the graffiti and make essential repairs to the fence line to prevent further access. Work is ongoing to determine ownership of another fence line which also needs securing to prevent access.

Customer / Equalities and Diversity Implications

- 3.13 Informal feedback from customers is supportive and positive of the work that is being carried out.

4. RISK MANAGEMENT

- 4.1 The risk of having an effective approach to environmental enforcement is that the number of reports of these types of offences and demand to take enforcement action will increase. However, failure to have an effective awareness raising and enforcement approach may risk in increased offences and a reduction in the quality of the local environment. Perceptions of the quality of the local environment and feelings of well being and safety in the local community may improve as more enforcement action is publicised.

5. APPENDICES

Appendix 1: Summary of Enforcement Action Taken
October 2011 to March 2012

6. BACKGROUND PAPERS

Report to Overview & Scrutiny Committee 5th April 2011
Report to Cabinet 1st June 2011 (**Enforcement Action & Fixed
Penalty Notices For Environmental Services**)
Report to Cabinet 7th September 2011 (**Waste & Street Scene
Publicity Plan 2011 – 2013**)

7. KEY

Overview & Scrutiny Board

23rd April 2012

FPN – Fixed Penalty Notice

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Overview & Scrutiny Board

23rd April 2012

Appendix 1

Summary of Environmental Enforcement Action Taken
October 2011 – March 2012

Crime Type	Vehicle Removed	Outcome Pending	No Further Action	Advice Given	Verbal Warning	Written Warning	Fixed Penalty Notices	Court Proceedings	Total
Abandoned Vehicles	3		5	1					9
Dog Fouling			11	1	2				14
Fly Posting			8	6	9	50	1		74
Fly Tipping		2	52	4		2	2		62
Graffiti			1	1					2
Trade Waste (Duty of Care)							2		2
Authority to Transport Waste			25			5	2		32
TOTALS		2	102	13	11	60	7		195