

TEWKESBURY BOROUGH COUNCIL

Report to:	Overview and Scrutiny Committee
Date of Meeting:	19 July 2016
Subject:	Enviro-Crimes Update Report
Report of:	Richard Kirk, Interim Group Leader Environmental and Housing Services
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Councillor J R Mason, Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

The report considers the latest information on the extent of enviro-crimes within the Borough and how the Council is tackling it, with particular focus on fly-tipping.

Recommendation:

To **CONSIDER** the latest position in respect of enviro-crimes and the actions taken to tackle the issues.

Reasons for Recommendation:

At the April meeting of the Overview and Scrutiny Committee, it was agreed that a report be brought to a future meeting in respect of enviro-crimes.

Resource Implications:

Environmental Health is responsible for the enforcement of enviro-crimes, with a particular focus on investigating fly-tips, dog fouling and abandoned vehicles (those being the issues having the biggest impact locally). Ubico is responsible for clearing fly tips, litter and dog fouling.

There are increasing costs for the Council in dealing with the clear-ups (particularly when considering the increase in numbers shown the table shown in 2.1 below).

Educational and promotional work is carried out using existing resources, including the Environmental Health, Community Safety and Communications teams.

Legal Implications:

Any enforcement of enviro-crimes must follow and comply with any statutory legal processes. A failure to follow any applicable procedure will expose the Council to possible litigation.

Risk Management Implications:

Enviro-crimes have financial and reputational impacts on the Council, therefore having an effective response when they occur and working proactively to provide information and

assistance when tackling them (and being seen to do so) increases the likelihood of them reducing and sends a clear message to the perpetrators that such action will not be tolerated.

Performance Management Follow-up:

Performance in tackling enviro-crimes is reported to the Overview and Scrutiny Committee quarterly.

Environmental Implications:

All enviro-crimes have a negative impact on the local environment and many provide acute and chronic health risks, particularly to the most vulnerable people.

1.0 INTRODUCTION/BACKGROUND

- 1.1** Tackling enviro-crimes such as abandoned vehicles, dog fouling, noise, littering, and fly tipping has been and continues to be a high priority on both Council and community agendas. Such issues have a direct relationship with health and wellbeing and the perceived 'quality' of the local environment.
- 1.2** A review of the way in which Tewkesbury Borough Council investigates environmental crimes was undertaken by a Working Group of the Overview and Scrutiny Committee. The review considered the Council's current approach in tackling environmental crimes, and considered what legislative powers are available in addition to those currently employed. For ease of reference, this report is available at Appendix 1. The report is still relevant, especially the parts relating to the legal powers and duties available to Tewkesbury Borough Council to combat the issues. The report was adopted at the meeting of the Executive Committee on 16 July 2014 and all actions contained within the report were completed. A closure of the review was approved at the meeting of Overview and Scrutiny on 19 January 2016.
- 1.3** Although the report of the Working Group is still relevant, this report provides an update on the current situation.

2.0 ENVIRO-CRIMES PERFORMANCE SUMMARY UPDATE

- 2.1** Enviro-crimes reported to the Overview and Scrutiny Committee in the past two financial years is summarised in the table below:

	Noise	Dog Fouling	Fly Tipping	Abandoned Vehicles	TOTAL
April 2014 - June 2014	71	4	201	18	294
July 2014 - September 2014	79	2	231	23	335
October 2014 - December 2014	42	3	132	13	190
January 2015 - March 2015	45	5	79	16	145
TOTAL	237	14	643	70	964
Financial year target					850

April 2015 - June 2015	69	12	205	19	305
July 2015 - September 2015	73	9	215	39	336
October 2015 - December 2015	65	18	144	53	280
January 2016 - March 2016	56	36	229	72	393
TOTAL	263	75	793	183	1314
Financial year target					850

- 2.2** The explanation given within each report, relating to the above results were as follows:

April 2014 - June 2014

Number of noise complaints is slightly higher than usual; we would put this down to the warmer weather this summer and people having windows open. The number of fly-tip complaints has also seen a slight increase; this may be due to the recent increase in costs for tipping waste.

July 2014 - September 2014

There were 408 incidents reported for the same period in 2013/14. A recommendation from the Enviro-Crimes Working Group was to receive quarterly information from Town and Parish Councils on dog fouling complaints. The total number of complaints received was 95. As this was the first opportunity, many Parish Councils had not been keeping a note of complaints but will implement this.

October 2014 - December 2014

610 crimes were reported to quarter 3 in 2013/14. The surge in reported incidents relates to big increase in the number of fly-tipping incidents throughout the Borough. This increase is being reflected nationally. A recommendation from the Enviro-Crimes Working Group was to receive quarterly information from Town and Parish Councils on dog fouling complaints. A total of 43 complaints were received by Town and Parish Councils in quarter 3.

January 2015 - March 2015

The final two quarters of the year showed a reduction compared to the first two quarters. However, the annual target was not met due to the first two quarter outturns. In particular noise complaints were higher in quarter 1 due to the warmer weather and people having windows open. Also numbers of fly-tips and abandoned vehicles were higher in quarter 1 and quarter 2, possibly due to the increase in the costs for tipping waste at that time. A recommendation from the Enviro-Crimes Working Group was to receive quarterly information from Town and Parish Councils on dog fouling complaints. A total of 29 complaints were received in quarter 4.

April 2015 - June 2015

All areas saw increases since the previous quarter. The Environmental Health section is taking positive steps to combat the issues, including promotion and enforcement, as detailed in the performance tracker. A recommendation from the Enviro-Crimes Working Group was to receive quarterly information from Town and Parish Councils on dog fouling complaints. A total of 4 complaints were received in quarter 1.

July 2015 - September 2015

Environmental Health is taking positive steps to combat the issues, including promotion and enforcement, as detailed in the performance tracker. It is noted there were fewer enviro crimes reported this quarter against quarter 2 last year, 383. The increase in abandoned vehicles is not thought to be a local issue as there has recently been a slump in scrap metal prices due to the international decrease in demand for scrap metals. A recommendation from the Enviro-Crimes Working Group was to receive quarterly information from Town and Parish Councils on dog fouling complaints. A total of 25 complaints were received in quarter 2.

October 2015 - December 2015

Quarter 3 has had the fewest number of enviro-crimes so far this year but is still greater than the target. Environmental Health is taking steps such as promotion and enforcement to combat these issues. The increase in abandoned vehicles is not thought to be a local issue. Due to the decrease in demand for scrap metal international the price for scrap metal has dropped and this is thought to be the case. A recommendation from the Enviro-Crimes Working Group was to receive quarterly information from Town and Parish Councils on dog fouling complaints. A total of 14 confirmed complaints were received in quarter 3 although some Councils reported issues but were unable to submit precise information.

January 2016 - March 2016

Quarter 4 saw the greatest number of enviro-crimes carried out in the Borough. Each period (apart from quarter 3) has seen a much greater than anticipated increase, mostly due to the high numbers of fly-tips and abandoned vehicles. Although 72 abandoned vehicles were reported, work by Officers to reunite vehicles to their owners has meant that only 18 of these needed to be disposed of, therefore avoiding disposal costs. Officers in Environmental Health and UBICO work closely together on an agreed procedure for clearing fly-tips as quickly as possible, but making sure any evidence is collected and considered.

3.0 ENVIRONMENTAL WARDEN

- 3.1** The Executive Committee is due to consider a report regarding the recruitment of an Environmental Warden at its meeting on 12 October 2016. Parish Councils have been made aware of the proposal and consultation will soon take place with them on if, and how, they would like to partner in such an arrangement. The report is likely to include details of what enviro-crimes the Warden would be responsible for delivering, how the position(s) will be resourced, how soon the proposal could be introduced and reporting and accountability issues. It is likely that the issue of dog fouling will feature high in the proposed work plan of the Warden as this has been especially requested by the Parish and Town Councils, but a range of work (especially enviro-crimes) will be considered.
- 3.2** Early discussions have started with Officers from Cheltenham Borough Council to see if there are ways we can work together in delivering environmental services in both Boroughs. A recent example of successful joint working is a jointly procured stray dog service with both Cheltenham and Gloucester City Councils.
- 4.0 FLY-TIPPING REDUCTION PROJECT**
- 4.1** Officers within the Environmental Health section are currently working on a project that aims to achieve a significant reduction of fly-tipping incidents and subsequent clear-up costs. Support has been provided by a specialist contractor for help in setting up the project, training and specialist equipment procurement. The cost of the contractor to 31 March has been just over £400.
- 4.2** The clear-up costs for fly tipping approximate to around £30,000 per year for the past three years. The majority of this work is carried out by Ubico but sometimes it is necessary to engage specialist contractors, for instance, if the tip contains asbestos which increases collection and disposal costs further.
- 4.3** At present covert surveillance is being carried out at known hot-spots to detect offenders.
- 4.4** After this has been completed successfully, the following stage would be to conduct investigations (obtain witness statements, liaise with Police / Environment Agency, formal interviews etc). Sanctions available include:
- seizure and forfeiture of vehicles / other property used;
 - fines of up to £50,000 or up to five years imprisonment;
 - other fines for obstruction offences (common);
 - fines or £300 Fixed Penalty Notices for duty of care / waste carrier offences;
 - eviction if offender is a resident of a Council traveller site;
 - Criminal Behaviour Warning / Order;
 - Community Protection Warning / Order;
 - revocation of waste carrier licence;
 - secure recovery of prosecution costs (under Environmental Protection Act 1990 Section 33A).

Any proposed enforcement action would be dependent on a number of factors as detailed

in the Environmental Health and Licensing Enforcement Policy, including;

- the seriousness of the offence;
- the likely effectiveness of the various alternative enforcement options;
- the public interest, public expectation and the importance of the case in setting a precedent;
- the application of any national or local guidance to the matter in question;
- information received following liaison with other external enforcing agencies; and
- the reliability of witnesses.

4.5 The final stage would be to publicise any actions taken through all available channels, including publishing a 'rogues gallery' for unidentified offenders, and then to place fly-tipping bollard signs at hot spots (only after phase 1).

4.6 As this is a 'live' project, the inclusion of further detail in this report could compromise the effectiveness of the operation. Nevertheless, Members can be reassured that the project has been appropriately prioritised, is progressing well and the Lead Member for Clean and Green Environment is being kept regularly updated on its progress.

5.0 ABANDONED VEHICLES

5.1 The sharpest increase in reported enviro-crimes has been that of abandoned vehicles. There are no trends in the types of vehicles, locations and owners. This picture is replicated within the County and nationally, with BBC Gloucestershire recently highlighting the increases reported in each local authority area.

5.2 The reasons why people abandon vehicles are numerous, but include more complex and costly vehicle maintenance, tighter MOT standards including emissions testing causing a higher failure rate, falls in the price of scrap metal often resulting in vehicle breakers or scrap metal operators charging to take unwanted vehicles away and the simple fact that as more cars are being produced, more need to be disposed of.

5.3 Tewkesbury Borough Council always seek to recover the costs of dealing with abandoned vehicles from the owners of the vehicles.

5.4 The cost of disposing of vehicles (should it come to that) is the responsibility of the local waste disposal authority which is Gloucestershire County Council. An agreement within the County means that Tewkesbury Borough Council manage the process locally and is recompensed by the County Council for the cost of vehicle disposal. Therefore the cost to the Council associated with abandoned vehicles has been negligible, mostly being the cost of Officer time.

6.0 DOG FOULING

6.1 Fixed penalty notices have been served regarding cases of dog fouling where evidence

has been obtained although there have been no prosecutions. However, in each case where a suspect has been identified a letter is sent to the alleged perpetrator to make them aware of the accusation and the sanctions available to the Council should they be caught.

- 6.2** On Monday 23 November 2015, Officers from Tewkesbury Borough Council, Churchdown Parish Council and Innsworth Parish Council patrolled in Churchdown and Innsworth, looking for enviro-crime 'hot spots' and talking to residents about concerns. Officers were also on hand at GL3 Community Hub to talk to concerned residents about reporting enviro-crimes and taking action against anti-social behaviour. There was a low turnout at the Community Hub, but patrolling officers reported some successes when discussing issues with dog walkers. Another 'Day of Action' is being considered, possibly in the summer.

7.0 PROMOTION

- 7.1** There have been a number of cases reported in the local press; each time it has been an opportunity to promote the actions available to Tewkesbury Borough Council to tackle the issue and the way the public can help.
- 7.2** A number of articles have been published in recent editions of Tewkesbury Borough News; the summer edition will contain an article on abandoned vehicles.
- 7.3** The Lead Member for Clean and Green Environment and Environmental Health Manager have spoken on the radio about the abandoned vehicle situation and dog fouling in the Borough, giving information on how such issues can be reported, the sanctions and what can be done to help.
- 7.4** Articles have been produced at the request of Parish and Town Councils for local newsletters and notice boards.
- 7.5** Promotional leaflets are available and are actively distributed to local Parish offices and at appropriate events.
- 7.6** The dog fouling posters produced as a result of the Working Group report have proved to be very popular, with good feedback from those who have downloaded and posted them saying that they have noticed a difference shortly after.
- 7.7** The Council's website has step-by-step instructions on how to report enviro-crimes. Those witnessing enviro-crimes are always encouraged to report the issue by whatever means necessary.
- 7.8** The Environmental Health Manager has visited numerous Town and Parish Council meetings, speaking to Councillors and local residents on the full range of enviro-crime issues.

8.0 OTHER OPTIONS CONSIDERED

- 8.1** Members have previously suggested re-establishing the Enviro-Crimes Working Group to address the increase of reported incidents. As the findings of the Group are still relevant, much of the background information is already available and all of the actions within the previous report have been carried out with many ongoing.

9.0 CONSULTATION

- 9.1** Parish Councils are regularly consulted on the extent of dog fouling in their area. This

information is useful to establish trends which help inform possible proactive actions, for example repeating the 'Churchdown Day of Action' suggested above.

10.0 RELEVANT COUNCIL POLICIES/STRATEGIES

10.1 Environmental Health Enforcement Policy

11.0 RELEVANT GOVERNMENT POLICIES

11.1 There are many pieces of national legislation that can be used to tackle enviro-crimes

12.0 RESOURCE IMPLICATIONS (Human/Property)

12.1 As detailed in the report.

13.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

13.1 Any reductions in enviro-crimes result in an improvement in the local environment.

14.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

14.1 When the review of enviro-crimes was carried out in 2014, an Equality Impact Assessment was completed. All enviro-crimes pose a risk to health in various ways, fly tipping and dog faeces in particular can pose serious risks to health with children being at particular risk.

15.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

15.1 Overview and Scrutiny Committee: 10 June 2014 "Enviro-Crimes Review Report"

Executive Committee: 16 July 2014 "Review of Environmental Crimes"

Overview and Scrutiny Committee: 19 January 2016 "Enviro-Crimes Review Monitoring Report"

Background Papers: None

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Appendices: Appendix 1 – Enviro-Crimes Working Group Final Report