

TEWKESBURY BOROUGH COUNCIL

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| Report to: | Overview and Scrutiny Committee |
| Date of Meeting: | 7 February 2017 |
| Subject: | Enviro-Crimes Update |
| Report of: | Richard Kirk, Interim Head of Community Services |
| Corporate Lead: | Rob Weaver, Deputy Chief Executive |
| Lead Member: | Cllr J R Mason, Lead Member for Clean and Green Environment |
| Number of Appendices: | None |

Executive Summary:

In July 2016 the Overview and Scrutiny Committee considered a report regarding the Council's approach to tackling enviro-crime within the borough. This report provides an update on the progress that the Environmental Health Section has made since the summer of 2016.

A number of positive steps have been made to tackle the problem, including a successful prosecution, positioning of warning signs in hot-spot areas and improved partnership working. The persistent and apparently organised fly-tipping, which is currently blighting several areas within the borough remains a challenge and the Environmental Health Section is currently reviewing the further options available to address the problem.

This report also provides an update on the current position regarding the recruitment of an Environmental Warden to work across the borough in partnership with Town and Parish Councils to reduce enviro-crime.

Recommendation:

- 1. To CONSIDER the current position in respect of enviro-crimes, particularly fly-tipping, and the actions being taken by the Environmental Health Section to tackle the issue.**
- 2. To CONSIDER the current position regarding the recruitment of an Environmental Warden.**

Reasons for Recommendation:

The Council's performance in respect of enviro-crimes is monitored by the Overview and Scrutiny Committee. This report highlights the positive progress being achieved by the Environmental Health Section through the introduction of a range of measures to tackle fly-tipping since the previous update was provided to the Committee in July 2016.

Resource Implications:

Responsibility for the enforcement of enviro-crimes lies with the Environmental Health Section. Ubico has responsibility for clearing fly-tipped material, littering and dog fouling on public land.

An estimate of the enviro-crime investigation costs and the costs incurred by Ubico for removing fly-tipped material is provided in Tables 1 & 2 within Section 4.0 of the report. Table 3 compares the Council's fly-tipping clearance and enforcement costs with the national average.

Legal Implications:

Several enviro-crimes, such as fly-tipping, are criminal offences and therefore investigations must only be undertaken by suitably authorised and competent Officers. Failure to conduct investigations in accordance with statutory guidelines relating to criminal investigation procedure may expose the Council to successful legal challenges against enforcement action.

In particular, Officers must pay particular attention to the provisions contained within the Regulation of Investigatory Powers Act 2000 (RIPA), when considering whether to employ overt or covert surveillance measures and the Police and Criminal Evidence Act 1984 (PACE) when conducting investigations and gathering evidence under caution.

In dealing with the investigation of enviro-crimes and determining the most appropriate course of action, Officers will adhere to the Council's Enforcement Policy to ensure that any formal action is proportionate, consistent and transparent.

Risk Management Implications:

Enviro-crimes are unsightly and can blight communities. Failure to tackle enviro-crimes could result in a potential reputational risk to the Council. Furthermore, enviro-crimes are costly to clear up and a reduction in such crimes will have a benefit in terms of financial risk management for the Council.

Performance Management Follow-up:

The level of enviro-crimes is a key performance indicator for the Council and is monitored by the Overview and Scrutiny Committee's performance tracker on a quarterly basis.

Environmental Implications:

Enviro-crimes have a direct effect on both visual and physical environmental quality, therefore a reduction in enviro-crimes will result in a clear improvement to the environment.

1.0 INTRODUCTION/BACKGROUND

1.1 In 2014 the Overview and Scrutiny Committee convened an Enviro-Crime Working Group against a backdrop of increasing reports of enviro-crimes within Tewkesbury Borough. The Working Group report was adopted at the meeting of the Executive Committee on 16 July 2014 and recommended a range of measures, which continue to be implemented by the Environmental Health Section. Recently there has been notable progress on the implementation of the Working Group strategy, particularly in relation to enforcement and improved partnership working.

1.2 Despite the positive steps made recently, enviro-crimes continue to present a challenge, particularly abandoned vehicles and the serious organised fly-tipping currently taking place in Sandhurst and Aggs Hill. Moving forwards, the Environmental Health Section will seek to build on the recent progress and explore further options available to tackle this problem.

2.0 CURRENT POSITION & RECENT PROGRESS

2.1 The following work has been undertaken since the previous update report which was presented to the Overview and Scrutiny Committee in July 2016:

- A householder has been successfully prosecuted for breach of the domestic

waste duty of care. The individual was fined a total of £230 including costs and the prosecution has been reported in the local media to raise awareness.

- One Legal has been asked to consider investigation files for prosecution in connection with separate fly-tipping offences in Sandhurst and Aggs Hill.
- An individual and a company will be interviewed under caution in connection with a recent fly tipping incident in Maisemore.
- An individual will be interviewed under caution in connection with a fly tipping incident in Sandhurst.
- 11 fly-tipping warning signs have been positioned throughout Sandhurst Village. The signs have been well received by residents and have appeared to result in a noticeable decrease in the number of reported fly-tips. The number of reported fly tips for quarter 3 has reduced to 85 compared to 116 in quarter 2.
- A joint fly-tipping enforcement project in Sandhurst has been proposed to the police, based on powers available to both agencies to combat fly-tipping. This would involve vehicle stop and search checks and joint patrols.
- The Principal Environmental Health Officer has met with Sandhurst Parish Council and a commitment has been made to improve communication between Environmental Health and the Parishes.
- A meeting has been convened between Environmental Health and Ubico with the aim of improving communication and joint working.
- An application has been made to secure two of the overt community safety partnership cameras for use to gather evidence to tackle fly-tipping in Sandhurst and Coriander Drive.
- A multi-agency project involving the Council, Severn Vale Housing and the Police has been initiated to address the environmental problems at Coriander Drive. A joint agency advice letter has been sent to all residents regarding responsible waste disposal and the use of bins.
- The services of the anti-fraud specialist at Cheltenham Borough Council have been secured to help with complex investigation techniques, such as tracing the mobile telephone numbers of offenders.
- A multi-agency working group involving the Police and all Gloucestershire authorities has been set up to review the current approach to abandoned vehicles. Options explored include standardising procedures across all authorities and clarification of the roles expected of the Police and local authorities, particularly regarding burnt-out and dangerous vehicles. The joint procurement of vehicle collection and disposal arrangements is also being considered.
- The abandoned HGV trailer at Ripple lay-by has now been removed and disposed of, including the waste inside the trailer. The trailer was one of several dumped across the region, which is part of a collective police and Environment Agency investigation. The Environmental Health Section is currently exploring the enforcement options available against the owner with a view to recovering the disposal costs.
- In addition to the street cleansing operations carried out by Ubico, the Volunteer Litter Picking Scheme continues to operate and is proving to be extremely effective in dealing with minor littering incidents across the borough. A spring-time event is planned to address the volunteers, thank them for their efforts and to promote the scheme further.

3.0 FURTHER WORK REQUIRED

3.1 The Environmental Health Section is exploring further options available to combat high level and persistent fly-tipping, which is currently blighting Parishes in areas such as Sandhurst, Coriander Drive, Aggs Hill and Ripple. The options planned include:

- the implementation of the joint project plan with the Police;
- visits to local authorities which have successfully reduced serious fly tipping incidents to share knowledge regarding successful strategies;
- training Officers within the Environmental Health Section on the specialist investigation techniques required to identify individuals responsible for fly- tipping;
- establishing a fly-tipping working group across Gloucestershire to pool and share resources aimed at tackling serious fly-tipping - this could involve joint procurement of a specialist fly-tipping investigator;
- introducing a general enviro-crime training plan for relevant Officers in 2017/18;
- adopting the provisions of the Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016 to support the introduction of a Fixed Penalty Policy to increase fixed penalty fines from £200 to £400 per offence;
- increasing the use of Fixed Penalty Notices, especially regarding abandoned vehicles and also prosecuting offenders for illegal vehicle disposal; and
- reviewing departmental procedures to allow officers to issue on-the-spot Fixed Penalty Notices where instances of dog fouling and littering are observed.

3.2 A further review of the Council's enviro-crime policies, procedure and investigation will form a key part of the remit of the Head of Community Services when he takes up his appointment with the Council. Any additional measures adopted and the respective outcomes will be reported back to the Overview and Scrutiny Committee.

4.0 ENVIRO-CRIME COSTINGS

4.1 **Table 1:** Estimated Officer Investigation Costs (based on average officer recharge rate across relevant officer grades) April to December 2016.

| <i>Activity</i> | <i>Unit</i> | <i>Volume</i> | <i>Total (£)</i> |
|-----------------|-------------|---------------|------------------|
|-----------------|-------------|---------------|------------------|

| <i>rate</i> | | | |
|---|--------|---|----------------|
| Fly-tipping complaints | £23/hr | 37 at an estimate of 4 hours average per case | £3404 |
| Dog fouling complaints | £23/hr | 23 at 1 hour per case | £529 |
| Litter complaints | £23/hr | 2 at 1 hour per case | £46 |
| Abandoned vehicle complaints | £23/hr | 200 at 4 hours per case | £18,400 |
| Noise complaints | £23/hr | 192 at 4 hours per case | £17664 |
| Abandoned vehicle removal, storage and disposal (costs recovered) | N/A | Approximately 91 vehicles at £88.90 per vehicle | £8090 |
| Enviro-crimes contractor | £50/hr | Total cost | £1564 |
| PACE Interview transcript typing by 1 Legal | £30 | 3 hours | £90 |
| Legal advice | £32 | 59 hours | £1900 |
| Sub-total | | | £51687 |
| Total | | £51687 - £8090 | £43,597 |

4.2 Table 2: Ubico Fly Tipping Clearance Costs (obtained from Fly-Capture database).

| <i>Period</i> | <i>Cost</i> |
|---------------|----------------|
| Quarter 1 | £5779 |
| Quarter 2 | £5742 |
| Quarter 3 | £6011 |
| Total | £17,532 |

4.3 Table 3. Comparison with national data for period 2014/2015 (Public Sector Audit Appointments – Value for Money Profiles)

| <i>Indicator</i> | <i>Cost (£)</i> | <i>National Rank</i> | <i>National Average</i> |
|------------------|-----------------|----------------------|-------------------------|
| | <i>TBC</i> | <i>(percentile)</i> | |

| | | | |
|-------------------------------|--------|---------------------|--------|
| Street cleansing spend | £475 | In the lowest 20% | £1068 |
| Fly-tipping clearance cost | £33470 | In the middle third | £52806 |
| Fly-tipping enforcement cost | £4686 | In the lowest 25% | £25125 |
| Number of fly-tipping actions | 142 | In the lowest third | £723 |
| Fly-tipping prosecutions | 0 | In the lowest 5% | 3 |

5.0 ENVIRONMENTAL WARDEN

5.1 In November 2016, the Executive Committee considered a report regarding a proposal to recruit an Environmental Warden in partnership with the Town and Parish Councils. The Environmental Warden will be funded by participating Parish Councils and will be managed from within the Environmental Health Section. The Warden will also be able to call on resources and assistance from the Environmental Health Section and share intelligence to help inform and direct further action.

5.2 The following progress has been made since the meeting in November:

- 11 Parish/Town Councils have expressed an interest, with 6 more giving the matter further consideration (30 Parish/Town Councils have indicated that they do not wish to participate).
- One Legal has commenced work on a standard partnership agreement between the borough Council and the participating Parish and Town Councils.

The job description and person specification for the post has been submitted to the Human Resources Team for job evaluation and pay grading.

5.3 It is envisaged that the Environmental Warden will primarily assist with tackling dog fouling and littering, however there is scope to extend the role to cover abandoned vehicles, fly-tipping and some elements of anti-social behaviour in the future. There may also be scope, should uptake be high enough, to employ more than one Environmental Warden in the future.

6.0 OTHER OPTIONS CONSIDERED

6.1 All available options under consideration are contained within the report.

7.0 CONSULTATION

7.1 Consultation with the Lead Member for Clean and Green Environment has taken place on a monthly basis during Portfolio briefings.

7.2 Consultation with the Parish and Town Councils has been undertaken as part of the scoping exercise to appoint the Environmental Warden.

7.3 Consultation with Sandhurst Parish Council has taken place to discuss local fly-tipping issues.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 Overview and Scrutiny Environmental Crime Report 2014.

9.0 RELEVANT GOVERNMENT POLICIES

- 9.1 Refuse and Disposal Amenity Act 1978.
Police and Criminal Evidence Act 1984.
Environmental Protection Act 1990.
Regulation of Investigatory Powers Act 2000.
Clean Neighbourhoods and Environment Act 2005.
Deposit of Waste (Fixed Penalty) Regulations 2016.

10.0 RESOURCE IMPLICATIONS (Human/Property)

- 10.1 As detailed in the report.

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

- 11.1 Reducing environmental crimes can improve community safety as well as economic, social and environmental sustainability. For example, a reduction in dog fouling may increase confidence in use of community land and playing fields.

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

- 12.1 Joint working with partner agencies, such as the police and housing associations, will enable organisations to pool resources, which may enable the Council to demonstrate improved value for money when tackling enviro-crimes.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 13.1 None

Background Papers: Overview and Scrutiny Environmental Crimes Review 2014

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Appendices: None