

TEWKESBURY BOROUGH COUNCIL

Report to:	Overview and Scrutiny Committee
Date of Meeting:	2 May 2017
Subject:	Review of Enviro-Crimes
Report of:	Peter Tonge, Head of Community Services
Corporate Lead:	Rob Weaver, Deputy Chief Executive
Lead Member:	Councillor J R Mason, Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

In February 2017 the Overview and Scrutiny Committee considered a report regarding the Council's approach to tackling enviro-crime within the borough. Members asked for a further update to be presented as an action plan to this Committee.

This report provides that action plan by way of an update of the Council's current activity and future actions to deal with environmental 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 proposed action plan and approach to tackling environmental crime within the Borough and beyond.**

Reasons for Recommendation:

The Council's performance in respect of enviro-crimes is monitored by the Overview and Scrutiny Committee. This report presents the action plan which officers are implementing to deal with environmental crime in the borough.

Resource Implications:

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

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. The action plan will also be monitored on a regular basis to ensure that actions are being progressed.

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 Some positive steps have been made recently with a number of prosecutions relating in particular to fly-tipping; however, enviro-crimes continue to present a challenge, particularly abandoned vehicles and the serious organised fly-tipping currently taking place in the Borough. Moving forwards, the Environmental Health Section will seek to build on the recent progress and will work to the proposed action plan to deal robustly with offenders.

1.2 A number of prosecutions have been passed to One Legal with instructions to commence legal proceeding against the individuals.

2.0 CURRENT POSITION AND RECENT PROGRESS

2.1 To date, work on environmental crime has been ad-hoc and reactive. The action plan incorporates this reactive approach but also includes plans for a proactive / education approach highlighting to residents the impact that environmental crime has on the community and the Council Tax payer.

2.2 It also proposes cross-boundary working with our partners and other local authorities in the county to build intelligence data and jointly target prolific offenders.

3.0 FURTHER WORK REQUIRED

3.1 Work needs to progress in employing the Environmental Warden and the action plan sets out the timescales for this.

- 3.2** Officers will report progress back to the Overview and Scrutiny Committee in October / November with an update on the action plan.
- 3.3** Part of phase 2 of the Environmental Health review is to develop a strategic and robust approach to how we deal with environmental crime, including working more closely with partners and utilising all available Council resources more effectively.

4.0 OTHER OPTIONS CONSIDERED

- 4.1** All available options under consideration are contained within the report.

5.0 CONSULTATION

- 5.1** Consultation with the Lead and Support Members for Clean and Green Environment has taken place on a monthly basis during Portfolio Briefings.
- 5.2** Consultation with Parish and Town Councils has been undertaken as part of the scoping exercise to appoint the Environmental Warden.
- Public consultation on the introduction of any public space protection orders considered is a requirement under the legislation.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 6.1** Overview and Scrutiny Environmental Crime Report 2014.

7.0 RELEVANT GOVERNMENT POLICIES

- 7.1** Environmental Protection Act 1990.
Clean Neighbourhoods and Environment Act 2005.
Refuse and Disposal Amenity Act 1978.
Regulation of Investigatory Powers Act 2000
Police and Criminal Evidence Act 1984

8.0 RESOURCE IMPLICATIONS

- 8.1** Within existing.

9.0 SUSTAINABILITY IMPLICATIONS

- 9.1** 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.

10.0 IMPACT UPON (Value for Money/Equalities/E-Government/Human Rights/Health and Safety)

- 10.1** 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.

11.0 RELATED DECISIONS

- 11.1** None

Background Papers: Overview and Scrutiny Committee Report and Minutes February 2017

Contact Officers: Pete Tonge. Head of Community Service
01684 272259 Peter.Tonge@teWKesbury.gov.uk

Appendices: Appendix 1 – Enviro-Crime Action Plan