

TEWKESBURY BOROUGH COUNCIL

Report to:	Overview and Scrutiny Committee
Date of Meeting:	18 June 2019
Subject:	Enviro-Crime Annual Report
Report of:	Head of Community Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	3

Executive Summary:

In June 2018 the Overview and Scrutiny Committee considered a report regarding the Council's approach to tackling enviro-crime within the borough. The report proposed reporting back to this Committee on a six-monthly basis with an update on what progress was continuing to be made tackling enviro-crime. A subsequent report was taken to Overview and Scrutiny Committee in January 2019 reporting on quarters one and two of 2018/19.

This report provides an annual summary of the progress made tackling enviro-crime in 2018/19.

For the benefit of new Members, a brief summary of the enforcement options available to the Council, for each category of enviro-crime, have been included in this report.

Recommendation:

That consider the annual enviro-crime report and action plan.

Reasons for Recommendation:

The Council's performance in respect of enviro-crimes is monitored by the Overview and Scrutiny Committee. The Environmental Health Team have built on the previous year's good progress by continuing to develop their procedures for investigating enviro-crimes and pursuing those responsible.

Resource Implications:

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

There are no additional resource implications as a result of this report.

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 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 action is proportionate, consistent and transparent.

Risk Management Implications:

Enviro-crimes cause an area to be unsightly and can spoil the look of the area, negatively impacting upon communities. Failure to tackle enviro-crimes could result in a potential reputational risk to the Council. Enviro-crimes are costly to deal with and a reduction in such crimes will have a benefit in terms of financial risk management for the Council.

Performance Management Follow-up:

The number of enviro-crimes is a key performance indicator (KPI) for the Council and is monitored by the Overview and Scrutiny Committee's performance tracker on a quarterly basis. Progress on tackling enviro-crime is reported back to Overview and Scrutiny Committee on a six monthly basis.

Environmental Implications:

Enviro-crimes have a direct affect on both visual and physical environmental quality, therefore a reduction in enviro-crimes will have a positive effect on protecting the environment.

1.0 INTRODUCTION/BACKGROUND

- 1.1** It was agreed at the Overview and Scrutiny Committee in June 2018 the Committee would be kept up to date on ongoing progress through an interim six-monthly report (to be presented to Committee in January 2019) and an annual summary would be presented in June 2019. The following is a summary of progress made tackling enviro-crime in 2018/19.
- 1.2** Following completion of the previous action plan (Appendix 1) a revised plan has been produced (Appendix 2). Members will note that the initial action plan focussed on putting in place the procedures and general infrastructure to allow a more robust targeted approach to be taken towards tackling enviro-crime. The updated action plan builds on this but also focusses more on building connections within local communities and developing further joint working arrangements, with partner agencies.
- 1.3** The number and type of enviro-crimes that occur or are reported varies throughout the year seasonal variations. To allow for year-on-year seasonal comparisons, a review of how and what data is recorded has been carried out. The 2018/19 data set can now be used as a baseline for future comparisons.

2.0 ENVIRO-CRIME CATEGORIES

2.1 Fly-Tipping

- 2.1.1** It is an offence for any individual to deposit “controlled waste” on land where an environmental permit, or a specific exemption from requiring a permit, is not in place. There are a number of enforcement options available to the Council which include: warning letters, formal cautions, £400 fixed penalty fines or, upon prosecution, an unlimited fine and up to five years in prison. The nature and severity of the offence and cooperation and history of the offender will, in accordance with the Environmental Health Enforcement Policy, influence what enforcement path is taken.
- 2.1.2** It can be seen from this year’s figures that, of the 601 fly-tipping incidents that were reported, only 87 were considered to have the potential to lead to enforcement action. The majority of fly-tips reported were not witnessed, nor appeared to contain any relevant information that would allow a further investigation to take place. Analysis of fly-tipping data and feedback from investigating officers indicates that a number of offenders appear to be actively ensuring that there is no evidence within the fly-tips that can be used to identify them.
- 2.1.3** Analysis of the 2018/19 dataset also indicates that there is a slight increase in the number of fly tips reported in quarters two and three. This reflects expected seasonal variation as the majority of building and demolition works occur during these months. Demolition or construction waste is also the least likely to contain evidence indicating the identity of the offender, making further investigation difficult.
- 2.1.4** Due to ongoing problems at Morrison’s in Tewkesbury, the Store Manager decided to close the bulk of the recycling centre leaving only a few textile banks which block the entrance to the centre. This has removed the fly-tipping issue around this site and negated the need to issue fixed penalty notices for this area. Signage was erected at the Bishop’s Cleeve site and an increased emptying regime has been put in place. This appears to have significantly reduced the number of issues surrounding this site.
- 2.1.5 Recent Enforcement Action**

Date	Offence	Result
July 2018	Waste Carriers	Fine of £600, £100 costs
October 2018	Fly Tip	Fine £400
February 2019	Waste Carriers Waste Transfer Notes	£400 fixed penalty
November 2018	Waste Carriers, Duty of Care	Did not Appear at Court
January 2019	Fly Tip	£400

2.2 Littering

2.2.1 It is a criminal offence for a person to drop, throw down, leave or deposit litter in a public place. Offenders can receive a fixed penalty fine of up to £75 or if prosecuted a fine not exceeding £2,500

2.2.2 The number of littering complaints received relating to littering is relatively low - 14. This is, in part, due to the relatively rural nature of the borough. In addition, the Council runs a very popular volunteer litter picker scheme which currently has 282 volunteers across the Council. Officers in the Environmental Health Team continue to promote the scheme and the number of volunteers continues to grow each year with 31 additional volunteers signing up in 2018/19.

2.2.3 As part of the volunteer litter picking scheme, the Environmental Health Team provide an induction for the volunteers which gives training and guidance on health and safety, insurance and how to make arrangements for collection of waste. The Environmental Health Team also provides equipment such as litter pickers and bags.

2.2.4 Recent Enforcement Action

Date	Offence	Result
October 2018	Littering	£75
December 2018	Littering	£75
March 2019	Littering	£75

2.3 Dog Fouling

2.3.1 In July 2018, a Public Space Protection Order (PSPO) was introduced which made it an offence for any person in control of a dog to fail to pick up after the dog or fail to produce upon request a means of picking up after the dog. Offenders can be issued with a fixed penalty of £100 or upon prosecution fined up to £1000.

2.3.2 Due to the nature of the offence, it has traditionally been difficult to actually catch and fine offenders. Given that the PSPO now gives officers the ability to request that the person in control of a dog produces means necessary to pick up after their dog, a more pro-active approach can be taken. In order to get responsible dog owners on side, the PSPO was publicised throughout 2018/19 with a full-page advert appearing in the Borough News, presentations being given to Parish Councils, and information posted on social media.

2.3.3 Existing 'no dog fouling' signs across the borough refer to previous legislation and do not mention the requirement to produce upon request a means of picking up after your dog. In order to replace these signs, the Environmental Health Team has sought to work with Parish Councils which have agreed to assist with the replacement of signs and accompany officers during patrols of hotspots. A programme of visits to Parish Councils has been drawn up for 2019/20.

2.3.4 The number of complaints received regarding dog fouling is relatively low at 41; however, discussions with Parish Councillors and members of the public indicates that it remains a serious concern and high priority for residents. In 2019/20 it is intended, through the schedule of visits to Parish Councils, to identify hotspots and put in place a programme of patrols of these areas.

2.4 Abandoned Vehicles

- 2.4.1** It is an offence to unlawfully abandon a motor vehicle, offenders can be issued with a fixed penalty of up to £200 or, if prosecuted, fined up to £2,500. The number of abandoned vehicle complaints remained relatively constant throughout the year, although there did appear to be a significant reduction in numbers in quarter three where the number of reported vehicles reduced to 33. Discussions with the Police have indicated that they were carrying out a number of operations which were directly targeting vehicles and that they had removed a number of vehicles from the public highway which may have impacted upon the reported numbers.

2.5 Noise

- 2.5.1** It is an offence for an individual to cause a “statutory nuisance” due to noise. Where the Council believes that a “statutory nuisance” exists, it is legally obliged to serve an abatement notice. Failure to comply with a notice is an offence and can result in a fine of up to £5,000 for a resident or £20,000 for a company. Where a nuisance persists, despite an abatement notice being in place, the authority can seize the plant/equipment/machinery that is the source of the nuisance.
- 2.5.2** The number of noise complaints remains relatively constant throughout the year although there is a significant spike in quarter one (85). Analysis of the type of complaints does not indicate a particular reason for this.
- 2.5.3** Investigation of noise complaints often involves deploying noise recording equipment. This allows complainants to record the noise they are being exposed to when it occurs and negates the need for an officer to actually experience the level of disturbance in real time. This saves a significant amount of time, although an investigation still requires input of officer time to listen back and analyse the noise that has been recorded. There are two sets of recording equipment and, as can be seen from the deployment frequency (57 weeks), both sets of equipment spend the majority of time being deployed.

Recent Enforcement Action

- 2.5.4** On 1 June 2018 a complaint was received relating to shouting and loud music from a neighbouring property. After sending out diary sheets and installing noise monitoring equipment, a statutory nuisance was established, and a letter sent out on 20 July 2018 to the person causing the problem advising them they had seven days to abate the nuisance. The loud music stopped; however, the shouting continued, and a Noise Abatement Notice was served on the subject of the complaint on 1 August 2018. Further complaints have continued, and a breach of Notice was established on 28 September 2018. Discussions are currently ongoing with the Housing Association to determine what further action will be taken.
- 2.5.5** A complaint of constant dog barking from a park home site was received in June 2018. There were three complainants in total, two were residents of the park home site, and one from a nearby property. Log sheets were sent out and the dog owner made aware of the complaint. The dog owner was co-operative and made some attempts to keep the dog from barking by taking it for walks morning and evening and leaving it with toys; however, the barking continued to cause nuisance as the dog was left outside in a run all day and barking would start early in the morning. An Abatement Notice was served in October 2018 after log sheets were returned and MATRON noise monitoring indicated there was still a nuisance. This was acknowledged by the owner who rehomed the dog as a result of the Notice.

- 2.5.6** A complaint was received on 5 December 2017 relating to construction noise. Log sheets were left with the complainant and subsequently returned. Noise monitoring equipment was installed in February 2018 but no nuisance was established. Subsequent complaints were received in April 2018 where the noise monitoring equipment was reinstalled. On this occasion there was a nuisance and a Control of Pollution Notice was served on 4 May 2018. There were no further complaints until recently, these are currently being investigated
- 2.5.7** In January 2019 complaints were received from residents in Badgeworth advising that a mobile home was parked on the grass verge immediately outside residential properties. The complainants advised that the mobile home was being powered by an industrial generator which was extremely noisy and running 24 hours a day. Upon visiting the mobile home, Officers established that a statutory nuisance existed and immediately served an Abatement Notice requiring that the nuisance be abated. The notice was not complied with and the generator was seized. Following discussions with the author of the nuisance, and commitments being given that they would move to a different location where they would not disturb local residents, the generator was returned. In February 2019 further complaints were received from residents within Tewkesbury, subsequent Abatement Notices were served and the generator was seized.

3.0 ENFORCEMENT ACTION GENERAL

- 3.1** In November 2018, officers from the Environmental Health Team undertook joint Stop and Search patrols with Gloucestershire Police. The patrols focused on Sandhurst Village, Cursey Lane and Bozzard Lane, which are areas known to experience significant levels of fly-tipping. Seven vehicles were stopped and one business has been issued with a fixed penalty notice for failure to provide its waste carriers licence.
- 3.2** There are currently seven ongoing waste and littering investigations which are likely to result in enforcement action being taken.

4.0 COMMUNITY ENGAGEMENT

- 4.1** Uckington Parish Council approached the Environmental Health Team to request a talk be given to their local community on fly-tipping and enviro-crime in general. The Environmental Health Manager attended a Parish Council meeting and spoke with the local community; this proved to be very successful and popular with the local community.
- 4.2** The Environmental Health Manager gave a presentation at a Town and Parish Council Seminar to update them on the introduction of the Public Space Protection Order controlling dog fouling across the borough and changes to littering from vehicles legislation. The Town and Parish Councils agreed to assist with replacing the old dog fouling signs with new signs, which reflect the requirements of the PSPO. It is intended to cover the old signs with new signs.
- 4.3** On 20 March 2018, officers from Environmental Health attended a Northway Parish Council meeting as part of the Parish Council liaison programme. During this meeting, replacement dog fouling signs were provided to the Parish Council, a presentation regarding enviro-crime was given and a commitment made to carrying out joint patrols of hotspots. The Parish Council liaison programme was put on hold during purdah, but is due to recommence in early June 2019.

4.4 Following a range of complaints to a number of different partner agencies regarding issues in and around Coriander Drive, Churchdown, a multi-agency meeting was convened in May 2018. The aim of this meeting was to develop a strategy for engaging with the local community and working with them to tackle a number of antisocial issues such as fly-tipping, littering, overgrown gardens, illegal parking, vehicle repairs on the highway, lack of activities and events for young people. An initial walk around the area was carried out with a view to speaking to the local community about their concerns and to solicit their ideas and cooperation regarding resolving the issues. Over 40 residents engaged, with 12 expressing a strong willingness to get involved. A drop-in event was subsequently held at the Community Hub and this was attended by 15 residents who provided further feedback and support for the project. A series of follow-up meetings have been held and an action plan is currently being developed for the area, with a view to putting in place sustainable community-based measures that will result in an overall improvement to that area.

5.0 OTHER OPTIONS CONSIDERED

5.1 None

6.0 CONSULTATION

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

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 Environmental Health Enforcement Policy

8.0 RELEVANT GOVERNMENT POLICIES

8.1 N/A

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 Within existing.

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

10.1 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.

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

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

12.0 RELATED DECISIONS

12.1 None

Background Papers: None

Contact Officer: Environmental Health Manager
01684 272117 gordon.buchanan@tewkesbury.gov.uk

Appendices: Appendix 1- Enviro-Crime Action Plan 2018/19
Appendix 2 – Enviro-Crime Action Plan 2019/20
Appendix 3 – Enviro-Crime Annual Report Metrics