

TEWKESBURY BOROUGH COUNCIL

Report to:	Overview and Scrutiny Committee
Date of Meeting:	8 January 2019
Subject:	Environmental Crime Interim Update
Report of:	Head of Community Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	None

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. It was agreed that a report be provided to the Committee on a six monthly basis with an update on the progress being made in tackling enviro-crime.

This is an interim report and details the actions taken from April 2018 until end of September 2018. As agreed at the June Committee, a more detailed annual report will be reported to the Committee in June 2019.

Recommendation:

To CONSIDER progress being made in tackling enviro-crime across the borough

Reasons for Recommendation:

The Council's performance in respect of enviro-crimes is monitored by the Overview and Scrutiny Committee. The Environmental Health Team has built on the previous year's good progress by continuing to develop 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 formal action is proportionate, consistent and transparent.

Risk Management Implications:

Enviro-crimes cause an area to be unsightly and can besmirch 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, with a detailed annual report due to be presented to Committee in June 2019.

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 that, given the enviro-crime action plan was complete, 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 a more detailed annual report to be presented to Committee in June 2019. The following is a summary of progress, achievements and challenges in the first six months of this financial year.

2.0 STATISTICS

2.1 A summary of the metrics that are currently recorded are included in the table below:

	Quarter 1	Quarter 2	Total
Fly Tipping Incidents	128	177	305
Fly Tipping Investigations	30	14	44
Littering	3	1	4
Dog Fouling	13	7	20
Abandoned Vehicles	64	43	107
Noise	85	56	141
Deployment of Noise Recording Equipment	17 weeks	17 weeks	34
Fixed Penalty Notices	1	1	2
Warning Letters	1	1	1
Notices Served	1	1	2
Referred For Prosecution	1	1	2
Interviews Under Caution	2	1	3
Cautions	0	0	0

2.2 Fly Tipping

2.2.1 There has been a notable increase in fly-tipping from quarter 1 to quarter 2. Analysis of the waste indicates that there is a significant increase in the amount of construction and demolition waste that is being fly-tipped in quarter 2. This represents a typical seasonal variation as more construction/demolition projects tend to occur in the summer months. The difficulty with construction/demolition waste is that it generally does not contain any personal information so, without a witness to the actual offence taking place, it is difficult to identify the offender. This is reflected in the reduction in the number of investigations that took place in quarter 2 (14) compared with quarter 1 (30).

2.3 Littering

2.3.1 The number of littering complaints remains relatively constant and is generally at a low level. This in part reflects the rural nature of the borough. City centres and densely populated urban areas tend to report higher littering figures. As advised in the previous briefing however, new powers that came in this year now hold the registered keeper of the vehicle responsible for any littering coming from that vehicle, whether the registered keeper of the vehicle is present within the vehicle or not. In order to maximise the chances of catching those throwing litter from their vehicles across the borough, it is the intention to seek the assistance of other officers and Members when they are out and about. A procedure is currently being formulated, once this is complete in Q3/Q4 a series of messages will be circulated across the Council via News 4 U and the intranet advising officers and Members of how to report anyone they see littering from a vehicle.

2.4 Dog Fouling

2.4.1 There is a slight drop in the number of dog fouling incidents in Q2 compared with Q1. This reflects a typical seasonal trend with more dog fouling issues generally reported during the darker winter months. Now that the Public Space Protection Order (PSPO) is in place it is the intention to carry out a publicity campaign in Q3/Q4 making the public aware of the requirements of the order.

2.5 Abandoned Vehicles

2.5.1 There has been a slight drop in the number of abandoned vehicles that were reported in Q2 (43) compared with Q1 (64). Discussions with the Police have confirmed that they have been running an initiative which specifically targets abandoned vehicles. As a result, a number of vehicles that would normally be referred through to Environmental Health have been identified and removed by the Police.

2.6 Noise

2.6.1 The number of noise complaints received by the Council has dropped significantly in Q2 (56) compared with Q1 (85). This follows expected seasonal trends. July through to September generally tends to be when people go away on holiday and less complaints are received.

2.6.2 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 officer time, although an investigation still requires a significant input of officer time to listen back and analyse the noise that has been recorded. The noise equipment that was being used was over 10 years old and cost of repairing and maintaining it was approaching the cost of replacing the equipment.

2.6.3 At the start of this financial year, new equipment was purchased. This new equipment has a number of advantages over the older equipment. The new equipment, whilst having greater analytical capabilities, is significantly simpler to deploy. This allows Environmental Health officers who are not as technically competent in acoustics to deploy the equipment, allowing the more acoustically competent officers to concentrate on analysis of the recordings. The new equipment now comes with a remote control so that recordings can be initiated remotely from the recording device. This has proved particularly useful for customers who have mobility issues. There are two sets of recording equipment and, as can be seen from the deployment frequency above, both sets of equipment spend a lot of time in complainants' properties.

3.0 ENFORCEMENT ACTION

- 3.1** In July 2018, an individual was charged with carrying waste without a waste carriers licence and was summoned to appear before Cheltenham Magistrates Court. This was in connection with a fly-tip on the Brookfield Road. The gentleman did not attend court and a warrant has been issued for his arrest.
- 3.2** In September 2018, a gentleman appeared at Cheltenham Magistrates Court in connection with a fly-tipping incident in Maisemore. The gentleman pleaded not guilty. Unfortunately, the Council was unable to take this to trial as the key witness was no longer available.
- 3.3** 26 November 2018 has been set for an individual to appear at Cheltenham Magistrates Court in relation to a case that involved a number of waste offences, including failure to provide waste transfer notes and transporting controlled waste in the absence of a waste carriers licence.
- 3.4** There are currently five ongoing waste and littering investigations which are likely to result in enforcement action.
- 3.5** In the first six months of 2017/18 the Council issued 14 fixed penalty notices, this compares with two that were served in the first six months of this year. A large number of the fixed penalties served last year related to incidents that occurred in and around the recycling centres at Morrison's in Tewkesbury and Tesco's in Bishop's Cleeve. Due to ongoing problems at Morrison's, the Store Manager has 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.
- 3.6** Analysis of the nature of fly-tipping complaints received in Q1 and Q2 indicates that there has been a notable drop-off in fly-tipping evidence being provided by Ubico. It is not clear at this stage whether this is due to the nature of the fly-tips, and there being less personal information amongst the waste, or whether the evidence is simply not being collected and forwarded. Discussions are currently being held with Ubico to try to identify the reason for a reduction in the evidence being forwarded. It is also planned to introduce in Q4 of this year, refresher training for Council and operational staff relating to evidence identification, retrieval and handling.
- 3.7** On 1 June 2018, a complaint was received relating to shouting and loud music from a neighbouring domestic 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 the 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
- 3.8** 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

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 through the Parish Council. This proved to be very successful and popular with the local community.

4.2 The Environmental Health Manager gave a presentation at the Town and Parish Council Seminar. Through this presentation, the Environmental Health Manager was able to update Town and Parish Councils 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 also agreed to assist with replacing the old dog fouling signs with new signs, which reflect the requirements of the Public Space Protection Order. It is intended to cover the old signs with new signs.

4.3 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 anti-social issues such as fly-tipping, littering, overgrown gardens, illegal parking, vehicle repairs on the highway, and 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. An action plan is now 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 COMMUNITY SERVICES SERVICE REVIEW

5.1 Following the internal Community Services review, a new structure for Environmental Health has been agreed and will be introduced in November 2018. The new Environmental Health structure is based on three geographically based teams. It is the intention that, by associating the teams with specific geographical areas, officers will become more familiar and invested in the particular issues that exist in their areas, and therefore be better placed to link into local communities. There are currently a number of vacancies in the new structure and these will be recruited to in Q3 & Q4.

6.0 OTHER OPTIONS CONSIDERED

6.1 None

7.0 CONSULTATION

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

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 Overview and Scrutiny Environmental Crime Report 2014.

8.2 Environmental Health Enforcement Policy

9.0 RELEVANT GOVERNMENT POLICIES

9.1 N/A

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 Within existing.

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, 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.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 None

Background Papers: Overview and Scrutiny Report – October 2017

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Appendices: None