

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Overview and Scrutiny Committee
<b>Date of Meeting:</b>	14 January 2020
<b>Subject:</b>	Enviro-Crimes Update
<b>Report of:</b>	Head of Community Services
<b>Corporate Lead:</b>	Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	1

## **Executive Summary:**

It was agreed at Overview and Scrutiny Committee on 18 June 2019 that an update on the Enviro-Crime Action Plan be brought to this Committee. The majority of the actions within the plan are progressing well and on target. A robust approach continues to be taken against offenders, a number of prosecutions have been taken and fixed penalties issued resulting in over £3,625 plus costs. Tackling enviro-crime is now an established priority within the Council and procedures and experienced officers continue to ensure it is a priority.

## **Recommendation:**

- 1. To CONSIDER the progress being made tackling enviro-crimes across the borough.**
- 2. To AGREE that, as tackling enviro-crime is now fully embedded within the day to day operations of Environmental Health, no further reports will be brought unless there is any change in this position but any significant matters of information will be included on the Member Update Sheet and performance will continue to be monitored in the quarterly performance tracker.**

## **Reasons for Recommendation:**

The Overview and Scrutiny Committee requested an update on enviro-crime activities but, as this work is now embedded into the day to day activities of the section, it is suggested that any further significant matters of information be included on the Member Update Sheet.

## **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 on a quarterly basis via the performance tracker. Progress on tackling enviro-crime has been 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 on 18 June 2019 that an update on the 2019/20 Enviro-Crime Action Plan be brought to this Committee. A copy of the updated plan detailing progress made is attached as Appendix 1.
- 1.2** Members will note there has been consistent and steady progress against the majority of actions. This confirms that the tackling of enviro-crime is firmly embedded within the day to day operations of the Environmental Health section. Officers are all now well trained and experienced in investigating and prosecuting those that besmirch the borough through their enviro-crimes.
- 1.3** The areas where limited progress has been made includes re-establishing a countywide Enviro-Crime Group. Discussions with other authorities have indicated that there is no enthusiasm for a specific enviro-crime focused group; however, there is a desire to re-instate the broader Gloucestershire Pollution Group. Discussions are ongoing regarding arranging a meeting of this group in early 2020.
- 1.4** Four joint initiatives were programmed to be carried out throughout the year. Visits to Parish Councils have, however, proved to be extremely useful and popular creating closer ties with local communities. As such, to date, one joint initiative has been carried out with another programmed for Q4 2020.

## **2.0 ENFORCEMENT ACTION**

**2.1** A robust approach continues to be taken to enforcing enviro-crime. So far this year 14 fixed penalty notices have been served, two successful prosecutions obtained, one hearing scheduled for January 2020 and two sets of case papers presented to One Legal for prosecution.

**2.2** Of particular note is the fly-tipper who attracted the ire of the Magistrate after admitting that the reason they fly-tipped was because they did not have time to wait at the civic amenity site. This resulted in a £1,000 fine plus costs.

## **3.0 WASTE AWARE WEBPAGE**

**3.1** A new waste webpage has been created on the Council's website aimed at promoting the Council's approach to tackling enviro-crime. The page provides information relating to the responsibilities of waste producers, carriers and disposers. It also provides links to the Council's waste and recycling services. The page can be found at <https://www.tewkesbury.gov.uk/waste-aware?rq=waste%20aware> .

## **4.0 OTHER OPTIONS CONSIDERED**

**4.1** None

## **5.0 CONSULTATION**

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

## **6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**6.1** Overview and Scrutiny Environmental Crime Report 2014  
Environmental Health Enforcement Policy

## **7.0 RELEVANT GOVERNMENT POLICIES**

**7.1** N/A

## **8.0 RESOURCE IMPLICATIONS**

**8.1** Contained within existing resources.

## **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, 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.

**11.1 RELATED DECISIONS**

**11.2** None

---

**Background Papers:** Overview and Scrutiny Committee report – October 2017.

**Contact Officer:** Environmental Health Manager (Acting)  
01684 272175 [alastair.low@teWKesbury.gov.uk](mailto:alastair.low@teWKesbury.gov.uk)

**Appendices:** Appendix 1 – Enviro-Crime Action Plan 2019/20