

<b>ENVIRONMENT CAPITAL SCRUTINY COMMITTEE</b>	<b>Agenda Item No. 6</b>
<b>19 JANUARY 2012</b>	<b>Public Report</b>

## Report of the Executive Director of Operations

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## ENVIRONMENTAL ENFORCEMENT PERFORMANCE

### 1. PURPOSE

- 1.1 To provide members with an overview of regulatory performance in the field of Environmental Enforcement in order to facilitate debate, enable challenge, and help identify new opportunities to deliver better outcomes to improve and support local communities.

### 2. RECOMMENDATIONS

- 2.1 Members of the committee are asked to note the contents of the report, and confirm their support or otherwise for work streams identified within it.
- 2.2 Members are in addition asked to consider whether there are initiatives that have not been identified within the report that Council Officers should also explore, and if so to highlight them.

### 3. LINKS TO THE SUSTAINABLE COMMUNITY STRATEGY

- 3.1 Our communities, their sense of pride and aspiration, is directly affected by the condition of our streets and open spaces. Evidence of litter, fly tipping, graffiti etc can give the impression that the community is not loved or that the public sector are not efficient.

However, such evidence of poor environmental condition also has a direct relationship to the volume of crime and anti-social behaviour in an area, previously described to this Committee as the 'broken window theory'.

For this reason the work carried out to tackle environmental crime cuts across the entire Sustainable Community Strategy, and has a very direct link to the Strong and Supportive Communities strand more specifically.

### 4. BACKGROUND

- 4.1 In March 2011 a paper was brought before this committee outlining the opportunities recent integration of regulatory services into one team within Neighbourhoods presented with regards to delivering better outcomes for communities.

Integration was also seen as signifying a start of a journey in which regulatory services would, through stronger engagement with communities, increasingly align services to local community needs and priorities. Breaking down historical professional boundaries between teams to prevent working in silos was considered key if the council was to maximise the effectiveness of service delivery.

- 4.2 At the time of the previous report to this committee officers engaged in Environmental

Enforcement undertook regulatory activity in the following areas:

- Flytipping
- Accumulations
- Business Waste
- Flyposting
- Littering
- Graffiti
- Dog fouling

Since March 2011 in order to meet service demands placed on the Council in other areas officers were also asked to take the lead with regards to abandoned and untaxed vehicles, section 215 of the Planning Act relating to loss of amenity, as well accompanying the Traveller liaison officer on visits to unauthorised Traveller encampments.

A regulatory functional area sometimes linked to environmental regulatory matters is that of statutory nuisance, the most common of these being noise pollution. This area is picked up by other officers due to a very different statutory framework underpinning it, although they work closely with environmental enforcement staff.

4.3 Due to the very nature of environmental crime, it being very visible to communities when there is a problem, a significant amount of the work of the team is reactive. Appendix 1 shows service requests in this area for the period 1/11/10 to 8/12/11, fly tipping with 1530 incidents being the biggest category.

4.4 Providing sufficient capacity to deal with the volume and variety of environmental crime issues within the city does present a constant challenge to Regulatory Services, and as a result a number of measures have been implemented this year to add resilience. In April 2011 Peterborough City Council entered into a contract with Rutland County Council to deliver their statutory regulatory services. As part of this arrangement nine staff TUPE transferred from Rutland to Peterborough. Having a wider pool of staff has provided more flexibility, and the city has benefited from using new staff to support service delivery in Peterborough.

Earlier this year, three parking enforcement staff received training to enable them to issue Fixed Penalty Notices (FPN's) to deal with littering offences; the vision is that all in the team will be developed in this way. Though this multi-skilling approach will not make a huge difference to the overall enforcement capacity due the service demands within parking, it does however enable action to be taken where littering is blatant. Maximising the potential of staff to be able to deal with a broad range of regulatory matters remains a priority within the service, to support this a skills matrix has been produced across regulatory services providing the platform from which to drive change.

With regards to noise nuisance the service identified that significant numbers of complaints related to housing association tenants, and as a consequence we have developed new processes and procedures through work initially with Cross Keys that will rebalance the distribution of work to investigate cases so that the housing association does more before any potential Council involvement. When the Council do intervene the transition is now more customer focused. Similar arrangements will be rolled out with the other housing associations across the city. The investment in better noise recording equipment, the implementation of a triage system to handle requests for service, and improvements to web based information and advisory literature has all resulted in improvements in this area.

4.5 Regulatory Services have been proactive in exploring, implementing and supporting measures aimed at improving regulatory outcomes, a number of these are outlined below.

#### **Neighbourhood Window**

The Neighbourhood Window (NW) is a repository that has been developed to hold locality based data. Since its launch it has grown from strength to strength as more data sets are added to it from both Council Services and our partners. With regards to Environmental Enforcement requests for service made through Peterborough Direct have been added enabling hotspot

environmental crime areas to be identified. Enterprise data is currently being added to the NW to build an even more comprehensive picture.

### **Abandoned Vehicles**

Due to legal restrictions regarding the obtaining of data from the DVLA, it was necessary post the contract award to Enterprise to set up new arrangements to enable abandoned vehicle and untaxed vehicle cases to continue to be dealt with. The team removed what had become a barrier to enforcement and have taken on a new role regarding evidence gathering and removal authorisation.

### **Dog and Pest Service Retendered**

In retendering the contract to provide this service, provision was written into it to allow for some dog fouling enforcement and education activities. In retendering the contract efficiencies have enabled these to be provided at no additional cost. The contract consolidates several separate contracts into one.

### **Officer/Member Walkabouts**

Walking the streets with ward councillors has enabled them to highlight to officers those matters which their communities would most like to see addressed, following which a number of wards have seen some quick successes as alleyways are quickly cleared of rubbish, fly tipping removed, measures arranged to prevent unauthorised encampments. In addition to these environmental enforcement staff are regularly undertaking their own patrols, a number of which are along with partner agencies. These are helping to ensure that the Council increasingly identifies and can respond to problems before they are reported by the public.

### **Littering Summit**

At the request of the Deputy Leader a summit took place in November on the subject of littering, bringing together interested parties across the city to help facilitate closer working arrangements. Officers from Neighbourhoods played a key part in this summit, during which a number of opportunities were identified which could help reduce environmental crime within the city. It was recognised by attendees that in order to reduce crime levels enforcement alone was not the answer, education and other measures to influence behaviour would have to be utilised as well.

### **Gating Orders**

Enforcement officers have played a significant part in gaining the required evidence to show that alleyway facilitated crime or ASB would be reduced by gating specific alleys. As a consequence three gating orders have been put in place, these being in Stanground, Orton Goldhay, and Dogsthorpe.

### **'Operation CAN-do' Environmental Solution Clinic**

The first of a number of solution clinics took place in November the first being on the topic of environmental crime. The clinic brought together partner agencies that together have an ability to make a significant impact on tackling environmental crime in the 'Operation CAN-do' area. The clinic resulted in the identification of a number of additional measures that could if implemented improve the locality. The measures which range from short to long term initiatives have been put to a resident forum made up of representatives from the community, and agreed priorities identified.

### **'Operation CAN-do'**

Though a Solution Clinic has taken place regarding environmental crime in this area, a number of initiatives were already being implemented to tackle environmental crime; the clinic has however helped to identify new opportunities. A number of current measures are identified below:

Fly tipping has and remains a problem in this area and across other parts of the city. Working with the Fire Service, fly tipping which presents a fire and or public safety hazard will be prioritised to ensure its swift removal. The Council and partners will be flagging fly tipping with notices so that the public are aware that the council is dealing with the matter. Where fly tipping

or accumulations occur on Council land Enterprise through their contract are required to remove it. Officers from the Environmental Enforcement team have been working with Enterprise staff to ensure that we get any evidence that exists at the scene which will support taking enforcement action against the offenders. Officers have accompanied two refuse crews as they go about their early morning rounds. This not only enabled training to be given to the crews on evidence gathering but also helped build a productive team work approach amongst staff.

A further initiative with Enterprise will see a targeted approach at a part of the Lincoln Road which suffers from significant amounts of fast food packaging waste. By linking evidence back to specific premises businesses can through legislative means be required to clear up an area within the vicinity of their premises.

With the number of licensed premises recognised as being a contributory factor to environmental crime in the locality tackling those premises which have a flagrant disregard for the law is important. Through the flexibility that a joined up Regulatory Services offers, work by the Trading Standards Team along with the HMRC and the police have through seizures of non- duty paid goods enabled premise licences to be revoked following licence reviews.

### **Dedicated littering Enforcement**

Councillors may remember that three years ago the Council employed a contractor this being Xfor at the time to undertake littering enforcement in the city, this enabled Council staff to concentrate on the more complex environmental crime offences. This approach resulted in a significant number of FPN's being issued but became uneconomical after a while as a self financing model. Based on a new financial model this arrangement is thought viable again and discussions have been taking place with regards to procuring a contractor to deliver littering enforcement again.

## **5. KEY ISSUES**

### **5.1 Performance statistics**

The customer focused drive from within the Neighbourhoods Division, supported by partner agencies, and aided by Neighbourhood Committees and other community forums has led to greater customer engagement and consequently an increased understanding of customer need. The Neighbourhood Window has been used to support service managers in the alignment of services to customer need.

One of the impacts of increased customer engagement is greater accessibility to Council services; this has the potential in conjunction with increased foot patrols by Council staff and wider reporting by partner agencies to raise the level of reported environmental crimes. Appendix 1 shows the number of reported crimes through Peterborough Direct, and via the Neighbourhoods Flare operating system by officers for the period 1/11/10 to 8/12/11. Having also compared the previous year's figures some areas of environmental crime have increased while others have fallen. Those that have decreased are accumulations, down by 2%, littering 30%, fly posting 42%, while the following are up, fly tipping by 13%, graffiti 40%, and littering from vehicles by 350%.

Appendix 2 show details of formal enforcement action taken for the above period, along with comparator information regarding the previous year. It can be seen that enforcement action increased last year.

There are a number of factors to be aware of when considering the level of enforcement action, in order to understand the relationship with the number and nature of sanctions. By far the majority of environmental crime offenders are faceless, in other words the activity is committed without either witnesses that are prepared to come forward to give evidence, or the crime scene does not contain evidence linking an offender to it. This scenario is more common in fly tipping and accumulation cases as against littering and business waste.

Legislation, codes of practice, and the Councils own Enforcement Policy require a proportionate approach to enforcement, as a result prosecution in most cases should be the last resort, there being other measures ranging from warnings, FPN, statutory notices, and cautions that must be considered first. Where measures prove ineffective in changing the behaviour of an offender subsequent enforcement sanctions become more severe.

Though costs of enforcement and removal of rubbish can not be the basis of determining the nature of enforcement sanctions to be applied, the Council nevertheless remains mindful of them. Issuing a Caution while at the same time recovering the costs associated with the removal of the rubbish from the offender has proven to date to be more beneficial in financial terms than seeking costs associated with legal proceedings which have not covered costs in the past.

## **6. IMPLICATIONS**

6.1 There are no specific implications relating to this item.

## **7. CONSULTATION**

7.1 No formal consultation is required; the Cabinet Member for Housing Neighbourhoods and Planning oversees regulatory activity in this area.

## **8. NEXT STEPS**

8.1 Feedback from the committee will help inform future service delivery.

## **9. BACKGROUND DOCUMENTS**

None used.

## **10. APPENDICES**

10.1 Appendix 1 Service Requests  
Appendix 2 Enforcement Action

## APPENDIX 1 SERVICE REQUESTS

<b>1/11/10 – 8/12/11</b>	<b>Number of calls received</b>
Flytipping	1530
Accumulations of Waste on Private Land	751
Littering	205
Abandoned Vehicles	288
Flyposting	138
Duty of Care (Waste Carriers/Transfer Notes)	136
Section 46/47 (Residential/Commercial Misuse of bins)	135
Littering From Vehicle	66
Dog Fouling Enforcement	23
Noise Pollution requests	870

## APPENDIX 2 ENFORCEMENT ACTION

### Outcomes

#### Fly tipping:-

- Warning Letters – **129**
- Cautions with costs – **54**
- FPN (Offence reduced to Littering) – **36**
- Prosecutions – **7**, 3 others due in court, with 7 being processed
- Section 46 Notices Served as a result of investigation – **131**

10% of investigations result in positive outcome compared to 3% in same period the previous year. (figures do not include warning letters, although deemed an outcome they are often used as information letters also.)

#### Accumulations:-

- First Stage Warning Letter – **632**
- Prevention of Damage from Pests Act served - **206**
- Number Cleared in Default – **16**

31% of cases had a notice served to ensure waste was removed compared to 16.5% previous year.

#### Littering (inc from Vehicle):-

- Littering FPN – **211**
- Vehicle Littering FPN – **74**
- Prosecutions – **43**

36% increase on previous year for Littering and an 89% increase in vehicle litter investigations undertaken.

#### Fly posting:-

- 48 Hour removal notice – **142**
- Fly posting FPN – **7**
- Fly posting Prosecution – **5**

7% increase on previous year.

#### Dog Fouling:-

- Dog Fouling FPN -**3**

#### Noise Nuisance:-

- Notices served – **57**
- Improvement Notice Letters – **606**
- Resolved Informally - **725**

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