

ENVIRONMENT PDG

14th JANUARY 2020

UPDATE ON THE STREET SCENE EDUCATION AND ENFORCEMENT POLICIES

Cabinet Member(s): Cllr Luke Taylor, Cabinet Member for the Environment and Climate Change

Responsible Officer: Vicky Lowman, Environment & Enforcement Manager
Stuart Noyce, Group Manager - Street Scene and Open Spaces

Reason for Report: To provide an update on current policies and to adopt new policies to enable the Street Scene and education enforcement team to educate and enforce new available powers. This report outlines the amendments to existing gives members an opportunity to comment on policies.

RECOMMENDATIONS:

- 1) To increase in fixed penalty notices from £200 to £400.00 for fly tipping and to have the powers to use CCTV footage to assist with fly tipping fixed penalty notices. (Appendix A)
- 2) To adopt the Littering from vehicles regulations 2018 policy (Appendix B)
- 3) To adopt changes to the Compulsory recycling policy to follow government guidelines (Appendix C)
- 4) To seek authority to consult on a Public Space protection order to enable the District Officers to issue fixed penalties and prosecutions under the Anti-social behaviour, Crime and Policing Act 2014. (Appendix D)
- 5) To adopt amended Abandoned Vehicle policy which will enable the District Officers to investigate vehicles within 'open air' (Appendix E)
- 6) To seek authority for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990. The officer appointed under section 149 is required to keep the public register which contains the prescribed particulars of or relating to dogs seized under this section. (Appendix F)

Financial Implications:

Increase in fines for any fixed penalty notice issued

Legal Implications:

The updated policies will enable the District Officers to use the following acts.

Environmental Protection Act 1990

Clean Neighbourhood Act 2005

Refuse Disposal (amenity) Act 2014

Anti-social behaviour, crime and policing act 2014

Littering from vehicles regulations 2018

Compulsory recycling section 46(1) of the Environmental Protection Act 1990

Risk Assessment: If legalisation changes and our policies are not updated this may be at risk of being unenforceable, which would result in reputational damage for not taking appropriate action.

Equality Impact Assessment: No equality issues identified for this report.

Relationship to Corporate Plan: The Street Scene Enforcement Service is a frontline service which works throughout the District ensuring cleanliness and attractiveness of our public realm through both education and enforcement.

Impact on Climate Change: By ensuring all residents are recycling and increasing the fixed penalty charges for Environmental offences this is hopefully deter members of the public for committing Environmental crime reducing mileage incurred for investigations and collections.

1.0 Introduction

The Street Scene Enforcement Team has undertaken an internal review of its current policies in line with current government legalisation. Having the ability to issue fixed penalty Notices are a means of punishing offenders for unlawful behaviour and offer a quick, flexible means of dealing with certain offences.

Fly tipping - The Government have introduced new financial penalties to help fight against waste crimes. The majority of householders already dispose of their waste responsibly, however from the 7 January 2019 powers were made available any householder who fails to pass their waste to a licensed carrier, and whose waste is found fly-tipped, could face penalties of up to £400. The District Officers will be required to take photographic evidence of the fly tipping in situ or use CCTV footage to issue enforcement notices to individuals who commit this offence.

Littering from Vehicle - The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 introduced the new fixed penalties for littering from vehicles from powers conferred by inserting section 88A of the Environmental Protection Act 1990 which came into force on 1 April 2018. Adopting these Regulations and introducing these powers to issue a fixed penalty notice to the owner of a vehicle when a District Officer of Mid Devon District Council is able to show that litter was thrown from a vehicle onto public or private land. A Penalty can either be issued on the spot or through the post depending on the circumstances and type of offence. District Officers will observe offences whilst on patrol, on a pure chance basis whilst engaged on other duties, following an approach by members of public willing to stand as witness in any subsequent Court action, or using CCTV footage.

Compulsory recycling policy of the Environmental Protection Act 1990
Compulsory Recycling- Under section 46 of the Environmental Protection Act 1990 Mid Devon District Council may by notice require occupiers of premises to present their household waste for collection in a specified way. Failure, without reasonable excuse, to comply with such a requirement is an offence under section 46(6) of the EPA. Under section 47ZA of that Act, a fixed penalty may be offered as an alternative to prosecution. This section amends the current policy.

Updating the Mid Devon District Council Bye-Laws

Due to new legalisation, in October 2020 the current by-laws for issuing FPN's under Clean Neighbourhoods and Environment Act 2005 for dog offences will expire and will need be replaced by a Public Space Protection Order by October 2020.

Abandoned vehicles

The current policy does not allow abandoned vehicles on private land to be investigated, the amendments to the new policy will allow Mid Devon District Council to investigate any 'abandoned' vehicle within the open air under section 3 of the refuse disposal (amenity) act 1978. Any motor vehicle abandoned on private land may be removed in accordance with the Council's procedure, unless the cost in so doing is deemed to be unreasonably high, the only exception will be if the vehicle is situated on a carriageway.

2.0 Street Scene Enforcement Policy

During the review it was identified that in addition to the amended policies there is also a policy which complies with legalisation that needs reviewing. The following policies are included within the document.

Appendix F – Stray dog policy

Contact for more Information: Vicky Lowman Environment and Enforcement
Manager (01884 244601 vlowman@middevon.gov.uk)

Circulation of the Report: Cllrs, Management Team