

ENVIRONMENT PDG
10 March 2020

UPDATE ON THE STREET SCENE EDUCATION AND ENFORCEMENT POLICIES

Cabinet Member(s): Cllr Luke Taylor, Cabinet Member for the Environment
Responsible Officer: Vicky Lowman, Environment & Enforcement Manager
Stuart Noyce, Group Manager - Street Scene and Open Spaces

Reason for Report: To update the current policies and to adopt new policies.. This will enable the Street Scene Education & Enforcement Team to educate and enforce, by making use of the new powers available to them.

RECOMMENDATIONS:

That the PDG recommends to Cabinet:

- 1) To increase Fixed Penalty Notices for fly tipping from £200 to £400 and to adopt the powers to use CCTV footage to assist with fly tipping Fixed Penalty Notices and include within Council policy (Appendix A).
- 2) To adopt the new powers set out in the Littering from Vehicles Regulations (Policy) 2018 and include within the new Council policy (Appendix B).
- 3) To adopt changes to the Council Compulsory Recycling Policy following government guidance (Appendix C).
- 4) To adopt the amended Abandoned Vehicle (Act) legislation and include within the Council Policy (Appendix D) which will enable Officers to investigate vehicles within the 'open air'.
- 5) To update the Stray Dog Policy (Appendix E) and to seek authority for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to dogs seized under, this section.

Financial Implications: Increase in fines paid for any Fixed Penalty Notice issued.

Budget and Policy Framework:

Legal Implications: The updated policies will enable Officers to use the following Acts:

Environmental Protection Act 1990

Clean Neighbourhood Act 2005

Refuse Disposal (amenity) 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 leave the Council at risk of not being able to enforce infringements which could result in reputational damage for not taking appropriate action against offenders.

Equality Impact Assessment: There are no equality issues identified for this report.

Relationship to Corporate Plan: The Street Scene Enforcement 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 will hopefully deter members of the public from committing environmental crime, reducing any additional carbon footprint incurred while undertaking investigations and collections.

1.0 Introduction

1.1 The Street Scene Education & Enforcement Team, together with the Legal Services, have undertaken an internal review of its current policies in line with existing Government legislation so that they up to date and fit for purpose.

2.0 Fly Tipping Policy (Appendix A)

2.1 The Government has introduced new financial penalties to help fight against 'Waste Crime'. The majority of householders already dispose of their waste responsibly however, from 7 January 2019, powers were made available where 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 Officers will be required to take photographic evidence of the fly tipping in situ and/or use CCTV footage to issue enforcement notices to individuals who commit this offence. These changes have been included within the updated policy.

3.0 Littering from Vehicles Policy (Appendix B)

3.1 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 (into the regulation). This came into force on 1 April 2018. Adopting these regulations and introducing these powers will allow the Council Officers to issue Fixed Penalty Notices if they are able to show that litter was thrown from a vehicle onto either public or private land.

3.2 A Penalty Notice can be issued on the spot, or through the post, depending on the circumstances and type of offence. Officers could observe offences whilst on litter patrols, engaged on other duties or following an approach by members of the public willing to stand as witness in any subsequent Court action, or by using CCTV footage. These powers have been included within the new policy.

4.0 Compulsory Recycling Policy (Appendix C)

4.1 Under Section 46 of the Environmental Protection Act 1990, the Council may, by notice, require occupiers of a 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 the same Act, a Fixed Penalty may be offered as an alternative to prosecution. This section is an amendment to the current policy. The policy has several stages so education is used first before enforcement is considered. Some changes to the current policy have been made to reflect government guidance.

5.0 Abandoned Vehicles Policy (Appendix D)

5.1 The current policy does not allow for abandoned vehicles on private land to be investigated. The amendments to the policy will allow the 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 procedures, unless the cost in so doing is deemed to be unreasonably high. The only exception to this will be if the vehicle is situated on a carriageway where cost cannot be a contributing factor.

6.0 Stray Dog Policy (Appendix E)

6.1 The policy has been updated to include the microchipping and 'collar & tag' procedure. The policy also requires authority for a designated officer to be appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to, dogs seized under this section.

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Circulation of the Report: Cllr Luke Taylor, Cabinet, Leadership Team