

# Executive

## ENVIRONMENTAL CRIME & ENFORCEMENT

6 April 2009

### Report of Head of Environmental Services

#### PURPOSE OF REPORT

To consider an increase the areas of environmental enforcement, to introduce a reduced fine for early payment of litter fixed penalty notices and to increase the number of staff able to issue fixed penalty notices

This report is public
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#### Recommendations

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The Executive is recommended:

- (1) To note the achievements of the enforcement team
- (2) To authorise the issuing of Fixed Penalty Notices for smoking related litter following a publicity campaign during the Summer 2009
- (3) To reduce the fixed penalty notice fine for litter to £50 if paid early (within 7 days)
- (4) To authorise additional staff able to issue Fixed Penalty Notices

#### Executive Summary

##### Introduction

- 1.1 In 2007/08 as part of the Council's increased investment in the Cleaner Greener Cherwell, an additional £55,000 was allocated for litter enforcement activities. In November 2007, two litter enforcement officers were recruited to join the Environmental Services enforcement team.
- 1.2 Since December 2007 regular enforcement litter patrols have taken place in all three urban centres as well as in some residential areas. These patrols have not only taken place Monday – Friday during office hours but have also included early morning, early evening and Saturday patrols.

- 1.3 Since introduction of these patrols 82 fixed penalty notices have been issued and 5 successful prosecutions for littering have taken place.
- 1.4 The introduction of two litter enforcement officers to the enforcement team has allowed the flexibility of the team to increase enforcement in a number of other areas including dog fouling, abandoned vehicles and fly tipping.
- 1.5 Since dog fouling is an area of concern raised in Annual Customer Satisfaction surveys, the litter enforcement officers now also target dog fouling in known problem localities with some early morning and early evening patrols in residential areas.
- 1.6 Payment of fixed penalty notices has been a problem with many people looking to pay by instalments. This often has proved time consuming and by introducing a reduction to £50 if paid within 7 days, some of these problems are likely to be overcome.
- 1.7 One area which has not been addressed is that of cigarette litter. Since the smoking ban, cigarette litter has become a problem in certain areas. Some offices, public houses and night clubs have installed cigarette litter bins. However, following a publicity campaign to raise awareness during the coming summer, fixed penalty notices are proposed for cigarette litter.

### **Proposals**

- 1.8 It is intended to develop an intensive media campaign aimed at informing the general public of the issues surrounding smoking related litter and fixed penalties notices. Enforcement in this area will target hot spot areas, for example seating areas outside coffee shops, public houses and places of work where there is a build up of smoking related litter.
- 1.9 Approximately 25% of all the littering Fixed Penalty Notices issued require follow up action. This includes up to three reminder letters and on occasions phone calls and meetings. By reducing the level of fine to £50 from £75 for early payment, it is hoped that much time consuming activity will be avoided, will bring the Council in line with many other authorities and it is also anticipated that it will help reduce confrontation on the street.

### **Conclusion**

- 1.10 The performance of the Enforcement team has been good and the overall enforcement capability is contributing towards a Cleaner Greener Cherwell. By making some amendments further performance improvements in enforcement can be expected.

## Background Information

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- 2.1 Over the past few years the Council have invested significant additional sums in the street cleansing service. The overall strategy to keep the District clean is based on a balance between a high performing street cleansing team, educating the public regarding litter issues and taking enforcement action.
- 2.2 The Council has increased investment in the street cleansing service during 2005/06, 2006/07 and 2007/08. This investment has included increasing the hours of street cleansing cover into the early evening, increasing the staffing levels, investing in new vehicles and equipment, graffiti removal and the introduction of neighbourhood blitz events.
- 2.3 In November 2007, two litter enforcement officers were recruited to carry out litter patrols and issue fixed penalty notices for litter. This addition meant that enforcement action has been taken against litter, dog fouling, abandoned vehicles and fly tipping. In addition enforcement action has been taken involving partnership working with Oxfordshire County Council on trade waste abuses at Alkerton and Ardley Waste sites and with the Environment Agency on businesses transporting waste without a Waste Carriers licence.
- 2.4 **Litter enforcement** – Since December 2007, 82 fixed penalty notices have been issued for litter of which 95% of these have been paid. In addition, 5 successful prosecutions have been made for littering resulting in total fines and costs of £1,982.
- 2.5 **Dog Fouling** – With the introduction of the litter enforcement officers, some early morning and early evening patrols in known dog fouling problem localities have taken place resulting in 7 fixed penalty notices (In comparison only 1 was issued in 2007/08). One prosecution for dog fouling is currently underway.
- 2.6 **Fly tipping** - In 2007/08, 4 successful prosecutions for fly tipping were achieved as well as 4 cautions. In 2008/09 2 successful prosecutions have been achieved with 6 cases in the process of going to court and 2 cautions issued.
- 2.9 **Abandoned Cars** – Although the number of cars which have been removed for being abandoned has fallen to around five per month, the number of reports of abandoned vehicles are still around 45 per month. In 2008/09, 76 fixed penalty notices for abandoned vehicles have been issued. In addition two successful prosecutions for abandoned vehicles have been achieved, and a further prosecution is pending.
- 2.10 **Partnership working with Oxfordshire County Council** – The County Council do not hold the enforcement powers for business trade waste problems at Ardley & Alkerton waste sites. These powers sit with the District Council. The enforcement team have worked closely with Oxfordshire County Council on a number of operations and respond to requests from the waste site staff to deal with allegations of trade waste being deposited as domestic waste. The enforcement officers also spend time on both sites monitoring the activities of the site.

- 2.11 **Partnership working with the Environment Agency** – The enforcement team have worked with the Environment Agency, Trading Standards and the Police in operations against businesses carrying waste without a Waste Carriers licence, and were successful in issuing 6 Fixed Penalty Notices for trade waste offences. Further operations are also planned over the next 12 months.
- 2.12 Payment of fixed penalty notices has been a problem with some 25% of notices requiring a number of reminder letters and/or phone calls being made. Additionally some payments are requested to be paid by instalments and the administration can be quite costly. By having a reduced payment of £50 if paid within 7 days, there is a greater incentive for these notices to be paid quickly.
- 2.13 Currently there are two litter enforcement officers. However, there are other staff with suitable training and support who are able to issue fixed penalty notices. The Value for Money Review for Street Cleansing identified this in the action plan. It is proposed that the Street Cleansing Manager Brendan Bodger and the Street Cleansing Supervisor Paul Devine are authorised to issue fixed penalty notices.
- 2.14 Since the smoking ban, smoking related litter has been a problem in some areas. Cigarette related litter is classed as litter and can be covered by litter fixed penalty notices. However our enforcement officers have concentrated on other litter issues and smoking related litter has not being a priority.
- 2.15 To act as a deterrent for cigarette litter, fixed penalty notices should be issued. However since many people may not be aware that cigarette ends are classed as litter it would be sensible to carry out publicity work before commencing issuing fixed penalty notices. It would also be appropriate in some cases to install a small number of cigarette litter bins in known problem public areas. This would have the primary effect of improving cleanliness but would also aid the prosecution process should that be necessary.

### **Key Issues for Consideration/Reasons for Decision and Options**

- 3.1 Enforcement activity is an important element in improving levels of cleanliness across the District. Working in conjunction with schools and public awareness campaigns and the continued improvement in the performance of our Street Cleansing team, has lead to increased cleanliness standards. Enforcement activities in the current areas seem to be producing results and raising awareness of cleanliness issues.
- 3.2 No Enforcement resources have been allocated to the waste and recycling service. Problems have been overcome through education and information rather than enforcement. This approach is unlikely to be as effective for littering, dog fouling, abandoned vehicles and fly tipping because of the nature of the offences which means that greater emphasis needs to be placed on enforcement. However education and raising awareness has been used in conjunction with enforcement.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** To increase the number of staff able to issue fixed penalty notices and to reduce the fixed penalty notice charge for littering for early payment.
- Option Two** To keep the status quo

### **Consultations**

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**Oxfordshire Waste Partnership** The proposed plans have been discussed with the OWP Co-ordinator and other OWP partner councils

### **Implications**

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- Financial:**
- The financial effects of increasing the number of staff able to issue fixed penalty notices and to give a reduced charge for early payment are very small and not significant.
  - Issuing fixed penalty notices for cigarette litter will increase overall fixed penalty notice income.

Comments checked by Karen Muir 01295 221545

**Legal:** Successful prosecutions of environmental crime are necessary to maintain confidence in the system

Comments checked by Nigel Bell 01295 221687

**Risk Management:** There are publicity and risks regarding reputation from increasing the range of enforcement activity. However the introduction of litter fixed penalty notices have been well received by the local media.

Comments checked by Rosemary Watts 01295 221566

### **Wards Affected**

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All

### **Corporate Plan Themes**

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Cleaner Greener Cherwell

### **Executive Portfolio**

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**Councillor George Reynolds**  
**Portfolio Holder for Community, Health & the Environment**

### **Document Information**

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<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
None	
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**Contact  
Information**

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