

Environmental Crime Strategy for Lichfield

Ashley Yeates, Cabinet Member for Regulatory Services, Housing & Wellbeing

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Key Decision? **YES NO (delete as appropriate)**

Local Ward Members Affects all Wards



REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 Environmental Crime covers a range of offences, including dog fouling, fly tipping, littering, graffiti and fly posting.
- 1.2 This report covers the introduction of a new Environmental Crime Strategy which has the aim of tackling these issues through education and enforcement on the perpetrators, as well as engagement with law abiding residents to ensure we get as much information as possible on the culprits.

2. Recommendations

- 2.1 That the Committee agrees the draft Environmental Crime Strategy at Appendix 1 prior to consultation with the public, businesses and other stakeholders.
- 2.2 That the Head of Regulatory Services, Housing and Wellbeing be given delegated authority to amend the Environmental Crime Strategy, in consultation with the Committee Chairman and Vice Chairman, should this be necessary following consultation. Changes of a significant nature shall be brought back to this Committee.
- 2.3 That the Committee agrees the proposed new fixed penalty notice charges as outlined in Appendix 2.
- 2.4 That the Committee considers entering into a public consultation exercise in relation to the introduction of a new Public Space Protection Order to cover a requirement for dog walkers to carry an appropriate receptacle so they can pick up any dog waste, the results of the consultation to be brought back to this committee.

3. Background

- 3.1 At the July 2017 Regulatory and Licensing Committee it was agreed that a Members Task Group was set up to consider our approach to Environmental Crime and look at ways in which we might reduce it, thus reducing costs to the Authority.
- 3.2 At the time, consideration was also to be given to the need, if any, to create a new Public Space Protection Order to deal with any matters which could not easily be dealt with by way of current legislation. The Dog Control Order for dog fouling would turn into a Public Space Protection Order from October 2017 so it was considered an opportune time to look at this. Rather than take a separate report, this was added to the remit of the Members Task Group for consideration.

- 3.3 The Task Group, consisting of Councillor Jon O'Hagan (Chairman), Councillor David Salter and Councillor David Leytham, has had regular meetings to consider issues around the development of the Strategy. This has included consideration of a need for any new Public Space Protection Order (PSPO), reviewing the current approach to enviro-crime enforcement, identifying areas for improvement in relation to Council policies and practices that impact negatively on the environment and reviewing the level of resources to deal with environmental crime.
- 3.4 When considering PSPOs, it is worth noting that as of October 2017, the Council's then current Dog Control Order for fouling automatically became, in effect, a PSPO. This was simply down to a legislative change and has no bearing on the enforcement of the same, though it does introduce a time limit of 3 years, beyond which the PSPO for fouling must be reviewed to remain in force.
- 3.5 The Task Group considered areas for which a further PSPO might be appropriate. Consultation took place with Council Departments to determine what, if anything, could be considered for a new PSPO, prior to consideration as to whether anything was appropriate.
- 3.6 Feedback from other Departments did not reveal any specific issues beyond that of dog fouling, which in spite of recent improvements remains a problem which most residents are concerned about. In consideration of this, and having looked at what other local authorities were doing across the country, the Task Group considered it appropriate to recommend a new PSPO which would require dog walkers to carry an appropriate receptacle so they can pick up any dog waste. Failure to carry such a receptacle will enable Fixed Penalty Notices to be issued and failure to pay the fine would result in a court summons for the original breach of the PSPO. Whilst this is a recommendation of the Task Group, it will need approval at this Committee to progress to a public consultation.
- 3.7 The approach to education and enforcement in relation to environmental crime has been considered by the group. The consensus of opinion being that the current practice is generally following the right path. Limited resources mean that where previously a team involved in environmental crime enforcement may have undertaken education campaign work, the level of resource currently available means that this must be limited, the focus being on enforcement. This approach, together with targeted information gathering via the use of measures such as the dog fouling or fly tipping intelligence cards, were commended by the group. The group also accepted that should there be a desire to expand on the proactive education side or provide further support in relation to enforcement, then this would have to be met with additional resource.
- 3.8 There are some areas which will see efficiency improvements such as the introduction of a new mobile working IT system into Environmental Health, and it is proposed that the Strategy is given 12 months to bed in along with these efficiencies prior to a further report to this Committee to determine if a recommendation is to be made to the relevant Cabinet Members that resources are appropriate.
- 3.9 The Task Group also considered the Council's policies and practices, specifically looking at how we deal with public open space on new developments. The concern here is that the Council chooses not to adopt these areas as a matter of course and as part of a planning section 106 agreement with the developer on the basis that the s.106 monies fall short of supporting the maintenance of the spaces in the longer term. The knock on effect of this can be that such areas cease to be maintained, perhaps as a result of a developer or management company going into liquidation. This then ends up being a problem for Environmental Health or Planning Enforcement and the matter can end up being dealt with by the street scene teams in spite of not being adopted.
- This is an area which is being considered in relation to an official council policy within Leisure and Operational Services and Environmental Health are to be consulted on their views prior to the formulation of the policy so that all aspects can be considered.
- 3.10 The Task Group considered our current fixed penalty notice charges. The group considered that charges ought to be set at maximum levels to act as a strong deterrent to offenders, but with a significant (40%) discount for early payment. In this way, anyone who does not have the funds to pay what may be a large fine would have the option of paying a significantly lesser amount with an

additional benefit that early payment of fixed penalties would reduce the workload of the enforcement teams. The two exceptions to this are: the fixed penalty for fly tipping which is not proposed to be changed from the current arrangement of £400 with no reduction for early payment, reflecting the more serious nature of this crime; and the fixed penalty for dog fouling, for which it is proposed that there is no discount for early payment because the maximum fine permissible is only £80, which is £70 less than the maximum for littering.

3.11 The draft Environmental Crime Strategy is attached at Appendix 1.

3.12 The proposed fixed penalties are attached at Appendix 2.

Alternative Options	<ol style="list-style-type: none"> 1. Provide no environmental crime strategy. Discounted due to the need to set a direction for this work and enable the evaluation of its success. 2. Not to implement a Public Space Protection Order for dog walkers to carry an appropriate receptacle for dog waste. Discounted due to the public perception of this crime and the need for the Council to show a strong line in preventing dog fouling. 3. To leave the current fixed penalty notice charges as they are. Discounted due to the need to send a message out to those who commit these crimes that they will not be tolerated. The high discount levels for early payment were set due to the acceptance that in some areas, residents may struggle to pay a large fine. Failure to pay the fine, be that at the discounted level or in full, would result in the matter going to court and it would be likely that a court fine would exceed the fixed penalty – another reason for increasing fixed penalty levels.
Consultation	<ol style="list-style-type: none"> 1. Consultation has taken place with some Members, relevant Council departments and others. Further consultations are proposed if the recommendations are approved.
Financial Implications	<ol style="list-style-type: none"> 1. There is currently no intention to increase budgets to cover this work. This is to be reviewed after 12 months as outlined in the report.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The proposals impact upon the District Council’s Strategic Plan 2016 -20 objectives of Clean, Green and Welcoming Places to Live and Healthy and Safe Communities.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. No implications.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. As suggested in the Strategy, this work will deal with lower level environmental crime which research shows can impact upon levels of more serious crime within a community. It is hoped, therefore, that it will have a positive effect.

Risk Description	How We Manage It	Severity of Risk (RYG)
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A	Environmental Crime Increases	Monitor the levels of Environmental Crime and the effectiveness of the current strategy and review where necessary.	Green (tolerable)
B			
C			
D			
E			