



Service Delivery Committee	Tuesday, 21 March 2017	Matter for Information
---------------------------------------	-----------------------------------	-------------------------------

Title: Corporate Enforcement Update

Author: Paulette Samuels (Environmental Health Team Leader)

1. Introduction

There are a broad range of environmental standards and legislation enforced by Environmental Health either independently or inter-dependently with other sections of the Council. This Report seeks to inform Committee of the responsibilities and the enforcement outcomes achieved in the last two months.

2. Recommendations

Members are asked to note the contents of the report.

3. Information

3.1. Asbestos Case - Marstown Avenue, South Wigston

Following positive action by the Council and in cooperation with the site owner the site has been cleared of asbestos containing material at his expense. We are just awaiting final confirmation that the gardens are now safe for residents to use in order that the control measure implemented by PHE (Public Health England) can be reviewed.

Residents are regularly updated by letter on the current situation the last correspondence being on the 10th February 2017. PHE are also aware of the action being taken on the site.

3.2. Dog-Fouling

Over the last two months the main focus of activity has been the provision of advice and proactively stencilling and placing additional signage where necessary across the Borough. Regular monitoring is still being done in the parks and open spaces across the Borough. Eighteen (18) monitoring visits have been undertaken evenly across the Borough's Parks and open spaces and is seemingly acting as a deterrent.

Timber Street has been a problem area in particular during these Winter months. This was due to 'opportunistic' dog owners who were allowing their dogs to foul the street during the darker evenings.

Reliable intelligence has led to letters being sent to alleged perpetrators and the complainants being advised of this action so as to encourage further reporting, where necessary. Educational signs have also been erected in the area to further encourage responsible dog ownership by owners cleaning up after their dogs.

A visit on 6th March 2017 confirmed the success of this intervention as there was a noticeable improvement in the standard of cleanliness in this street.

There were 26 dog related cases reported during January and February. Just over

half of the complaints were directly related to dog fouling on the streets leading to advice; stencilling and signage. 10 stray dogs were picked up and taken to Kennels. Others reported incidents were of dogs being aggressive to neighbouring households.

3.3. **Pest Control**

44 initial requests regarding pests in domestic settings were received during January and February and the breakdown is shown in the table below:

Pest Type	Numbers
Rats	29
Mice	10
Cockroaches	0
Squirrels	3
Fleas/bedbugs	2
Birds	0
TOTAL	44

3.4. **Enforcement of Litter, Fly-Tipping and Accumulations**

These three areas tend to merge in terms of how they are classified, how they differ and what action can be taken and by whom.

Presently, there is a shared responsibility between Environmental Health and the Clean and Green Team.

3.5. **a. Fly-tipping and Accumulations**

Environmental Health received 8 reports of fly tipping during the period which were investigated and progressed within the stipulated response times. In addition to this the Borough is regularly monitored for any nuisances in line with the requirements of the Environmental Protection Act 1990 section 79 (1).

Under the Anti Social Behaviour Crime and Policing Act 2014 (ASBCP 2014) s.43-58., Four Community Protection Warning Notices have been served since January 2017. This is a new power used by the Council in pursuing ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible.

No Fixed Penalty Notices were served in this period due to the new approach by Officers resulting in a more effective and longer lasting outcome.

1 Simple Caution was administered for a fly tipping offence.

3.6. **b. Litter**

In the Oadby and Wigston leaflet prepared for residents entitled 'Litter and the Law – a guide for the public' it states that "Litter can be as small as a sweet wrapper, or as large as a bag of rubbish, or it can mean lots of items scattered about. The legislation also specifically clarifies that discarded gum products, cigarette ends, and matches are types of litter."

Section 87 (1) of the Environmental Protection Act 1990 states the offence of 'leaving litter' as such:

"A person is guilty of an offence if he throws down, drops or otherwise deposits any litter in any place to which this section applies and leaves it."

Further in that section it refers to litter being left in the open air in the area of a principal litter authority to which the public has access with or without payment.

3.7. **c. Fly Tipping**

Fly tipping is the illegal deposit of waste on land contrary to Section 33(1)(a) of the Environmental Protection Act 1990. The types of waste fly tipped range from 'black bag' waste to large deposits of materials such as industrial waste, tyres, construction material and liquid waste. Fly tipping is a significant blight on local environments; a source of pollution; a potential danger to public health and hazard to wildlife. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.

Local Councils and the Environment Agency (EA) both have a responsibility in respect of illegally deposited waste. Local Councils deal with most cases of fly tipping on public land, whilst the EA investigates and enforces against the larger, more serious and organised illegal waste crimes.

It is worth noting that in 2015/16 the estimated cost to Local Authorities in England was £49.8 million.¹

3.8. **d. Accumulations**

This describes any collection of waste material(s) in a specific location and could be as a result of the act of littering or fly-tipping. In section 79 (e) of the EPA1990 an accumulation is included in the list of statutory nuisance as:

"any accumulation or deposit which is prejudicial to health or a nuisance"

This essentially deals with the residue left from littering or fly-tipping whether it contains organic, putrescible matter such as food items or inert material such as concrete, metal and wood. If the accumulation attracts vermin due to its content, the period of time it has been in situ or its proximity to a site known to experience such infestations, it could be removed under Section 5 of the Prevention of Damage by Pests Act 1949. Environmental Health have powers to serve statutory notices for sites to be cleared and will enforce site clearance to the default of the site owner, if the notice has not been complied with.

3.9. **e. Current Operational Practices**

The quantity, location and content of deposited waste, determines who could be responsible for removing it to a licensed waste site. Currently Oadby and Wigston operate a 'fluid' arrangement between Environmental Health and the 'Clean and Green Team', who are the Duty Body (as defined by section 89 of EPA 1990) responsible for keeping the public land and certain highways, which they are responsible for within the Borough, clear of litter and refuse.

Refuse would be the waste arising from a private household, or, by contractual

¹ Gov.uk website. "Fly tipping in England" Extract from the details of document produced 2nd March 2017.

arrangement or commercial premises. At the moment, household refuse is presented for collection in black bin bags and recycled waste in orange bags. This often leads to confusion when being reported as a problem of deposited waste. Sometimes bags presented for collection are not collected (usually because households have placed more than 3 bags of rubbish for collection on one day). These are sometimes reported as 'fly tipping'. Initial investigation by either Environmental Health or the Clean and Green Team will extract evidence from the bagged waste to identify the name and address of the perpetrator. If no such identifiable information is found then, the next point of consideration is where the waste is located. If identifiable information is retrieved from bagged waste then a visit would be made to that address and the occupants advised to remove their waste immediately. The opportunity is also seized to educate householders on what materials within their waste are recyclable or advised to make a request for additional bags to be collected based on the size of the household, to avoid future missed collections from that address. The non-collection of extra bags is often cited as the 'reason' for fly tipping.

The Clean and Green Team conduct daily patrols of the district and items such as Sofas or Fridges and Freezers dumped in the district are now routinely picked up the following Monday after the notification. Other items are collected daily.

This approach is designed to maximise the use of resources on the day when residents can also pay for their 'Bulky' items to be collected, and access is granted to the local refuse disposal site. (Exemptions and subsidised prices are available for residents in receipt of benefits, and/or classed as disabled or OAPs as detailed on the Council Website.)

Depending on the location of where the items are dumped, enquiries are made to try to identify the culprit. If successful, then formal action can be taken by the Environmental Health Team by virtue of the service of statutory warnings or notices under either, the EPA1990 or Anti-Social Behaviour, Crime and Policing Act 2014, where Community Protection Warnings or Notices can be served on occupants or responsible individuals. This latter process is followed where waste is reported and situated on private land and where 'Repeat Offenders' have been identified for referral.

Routine monitoring of 'hotspots' is done daily and/or in response to customer complaints or referrals from Members. Two particular areas currently being monitored are Welford Road (lay-by) and the 'country lane' section of Newton Lane.

3.10. Abandoned Vehicles

There have been 19 reports received of abandoned vehicles during the last 2 months, all of which were investigated and progressed. In several cases, the reported vehicle did not meet the criteria for an abandoned vehicle so no formal action could be taken. In all such cases, the complainant was advised of the outcome of our investigation.

Further work is being done with the Customer Contact Centre to improve the quality of referrals, this includes gathering additional information from the complainant as to potential ownership, why is the vehicle abandoned and the duration the vehicle has been in the location, this has reduced the number of complaints of illegal or nuisance parking being reported as 'abandoned vehicles'.

3.11. The Regulation of Investigatory Powers Act (RIPA) 2000

The Regulation of Investigatory Powers Act 2000 is designed to properly manage the

process of collecting intelligence when investigating potential crimes.

The authorisation of directed surveillance is covered in section 28 and would be applied for under subsection (3) if it is:

(b) for the purpose of preventing or detecting crime or of preventing disorder.

This allows Officers to conduct monitoring and erect where deemed necessary, closed circuit television (CCTV), to collect evidence which may result in criminal conviction, such as for reports of fly tipping across the Borough. Overt surveillance does not require the same level of authorisation.

Monitoring

There have been no RIPA applications made in the last 4 months.

Background Documents:-

None.

Email: paulette.samuels@oadby-wigston.gov.uk

Tel: (0116) 257 2613

Implications	
Financial (CR)	CR1: - Decrease in Financial Resources.
Legal (AC)	No significant implications.
Risk (SG)	CR6: Regulatory Governance CR4: Damage to Council's Reputation - By failing to take action.
Equalities (SG)	No significant implications.
	Equality Assessment:- <input type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input checked="" type="checkbox"/> Not Applicable