



**Service Delivery
Committee**

**Tuesday, 27 June
2017**

**Matter for
Information**

Title: Corporate Enforcement Report

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Licensing Team Leader)**

1. Introduction

This report seeks to inform Committee of enforcement actions taken and general outcomes achieved in the last quarter.

2. Recommendations

Members are asked to note the contents of the Report.

3. Information

3.1 Asbestos Case - Marstown Avenue, South Wigston

This site has been actively monitored and the overall case progressed by the relevant case officer to achieve the final level of site verification. Regular contact has been made by Officers of the Environmental Health Team to ascertain the level of confirmation by scientific analysis of the site. We are informed the work has been done and a visual assessment confirms this, however, the level of clearance required has not yet been forthcoming.

The options for progressing the acquisition of this information are being explored in relevant legislation and with the advice of our in-house Legal advisers.

At all points, colleagues at Public Health England are being updated. Residents affected by this delay are also being briefed by the case officer.

3.2 Dog Fouling

Regular patrols and ongoing monitoring of the open green spaces in the Borough are still being implemented. It is believed that the presence of Council Enforcement officers in high visibility attire acts as a deterrent to 'would-be' offenders. Additionally, signage, stencilling and the provision of advice to dog owners and any concerned individuals still continues to challenge the behaviour of those who may consider not cleaning up after their dogs.

Future activities will centre on improving signage to direct dog owners to receptacles suitable for the receipt of dog waste generally across the Borough and anywhere that may emerge as a particular 'hot-spot'. Targeted 'letter drops' and the raised profile of enforcement officers, has quickly led to improvements in problem areas, as was reported at Timber Street. So, this approach will be adopted as a successful example of good practice going forward.

Committee is reminded that the effectiveness of deterrents designed to prevent dog

fouling is one of the enforcement tools Officers have used confidently and effectively. However, the full range of enforcement options will always be considered in each case and there will be no hesitation to present suitable cases for prosecution where this is deemed necessary.

The range of complaints related to dogs are as follows:

Complaint	No.
Dangerous dog(s)	9
Dog - Collection	1
Dog fouling	1
Dog microchip	1
Monitoring of parks	1
Noise from a dog barking	9
Other dog related problems	2
Signs/stencilling etc.	8
Total	32

3.3. **Accumulations, Litter and Flytipping**

Both Environmental Health and Client Services engage in the management of waste across the Borough using a range of enforcement options and practical remedies, such as collection and disposal of waste that is abandoned on public land containing no identifiable details of who may have deposited the waste.

Client services report their performance against the criteria contained in NI 195 (a national indicator that monitors 'improved street and environmental cleanliness – by the levels of (a) litter, (b) detritus, (c) graffiti and (d) fly-posting.'). However, Environmental Health enforces in all situations where there is sufficient evidence to identify a potential perpetrator, whether a resident or business in the Borough.

For example, section 34 of the Environmental Protection Act 1990 (EPA 1990) as amended by the Clean Neighbourhoods and Environment Act 2005, allows action to be taken on the owners/occupiers of commercial premises where it is evident they have not fulfilled their 'duty of care' by, for example, not ensuring they use a licensed waste carrier to remove their waste, or maintaining the appropriate documentation and records describing their waste by type or amount. Further to this, section 47 of the EPA 1990, allows action to be taken when a business has inadequate storage for their waste prior to its collection/disposal. Contravention can lead to the service of a fixed penalty notice or a fine not exceeding level 3 (currently £1000.)

Enforcement activity across these three areas is reported as follows:

Activity	No.
Accumulation - animals	1
Accumulation - commercial premises	8

Accumulation - domestic premise	21
Flytipping	10
Litter	5
Abandoned vehicle	27
Total	72

In all cases early intervention by Officers within the Environmental Health Team has achieved compliance and negated the need for Prosecutions.

3.4. **Abandoned Vehicles**

As detailed in the above table there were 27 reports of abandoned vehicles and, where appropriate, the relevant procedure was implemented to serve the required notices. Several vehicles were removed once these notices expired and there had been no contact from the designated owner.

The robust enforcement of this responsibility within the Refuse Disposal (Amenity) Act 1978 conveys a 'zero tolerance' message to residents, giving confidence to those negatively affected by the presence of such vehicles and a clear message to would-be offenders of the action we will take.

3.5. **Enforcement Options (Prosecution)**

(a) Dog Owners

In these cases full consideration of all options available to Officers of this Council is considered against the public interest test. Within this Officers are obliged to be proportionate and balanced in the decisions they make and the options they choose when taking action against any confirmed perpetrator. In these cases officers are obliged to discuss each case on its merits with the Environmental Health Team Leader and seek guidance where necessary from the Legal Team. From these considerations options are chosen to progress the case and prosecution is always considered at the appropriate stage in an investigation, usually, after every other attempt has been unsuccessful in gaining the required change in behaviour or circumstance.

(b) Publicity

Every successful prosecution case should be publicised locally to achieve at least two positive outcomes:

- (i)** A clear message is sent to all of the Councils stance on investigating offenders of environmental legislation, and
- (ii)** That we take such complaints seriously from the outset, and with a view that it may take all the enforcement interventions to be applied to a case before it is effectively dealt with

3.6. **Regulation of Investigatory Powers Act (RIPA) 2000**

There have been no RIPA applications made in the last 3 months.

3.7. **Public Space Protection Orders (PSPOs)**

The replacement of Dog Fouling byelaws with the introduction of PSPOs is detailed within the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014. The power to make such orders is detailed in Chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014 and the process is being reported via the Licensing and Regulatory Committee.

Details of the public consultation are in the process of being concluded to ensure residents within the Borough are made aware of the forthcoming changes which are due to be implemented in the Autumn of 2017.

Background Documents:-

None.

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Implications	
Financial (CR)	CR1 - Decrease in Financial Resources
Legal (AC)	No significant implications.
Risk (PS)	CR4 - Damage to Council's Reputation - by failing to take action. CR6 - Regulatory Governance
Corporate Priorities (PS)	CP2 - Effective Service Provision CP4 - Green and Safe Places
Vision and Values (PS)	VV4 - Innovation VV5 - Customer Focus
Equalities (PS)	No significant implications.
	Equality Assessment:-
	<input type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input checked="" type="checkbox"/> Not Applicable