

TITLE OF REPORT: **Managing the environment – progress update**

REPORT OF: Strategic Director, Communities and Environment

SUMMARY

This report provides an update on progress made with environmental enforcement across the borough.

Background

1. The Council has been developing its approach to environmental enforcement in recent years. This has included the activity of both the established Enforcement Team and, more recently, the setting up of a dedicated environmental enforcement function within the Parking Services Team. Both teams operate within the Development, Transport and Public Protection Service within Communities and Environment.

2. This report provides an update on recent activity relating to the above.

New Environmental Enforcement Team

3. Following agreement at Cabinet in December 2017 a small team of dedicated environmental enforcement officers (EEOs) has been recruited. They are located within the Parking Services team within Communities & Environment in order to take advantage of similarities in process and technology with the parking enforcement function. This service went live from 8th January 2019.

4. EEOs have the power to issue Fixed Penalty Notices (FPNs) for the following offences:

- Dog Fouling
- Littering
- Littering from vehicles
- Fly posting
- Graffiti

5. Unlike parking contraventions, environmental offences are criminal offences. As a result any alleged offender may, instead of paying an FPN, elect to have the matter heard in the Magistrates Court. However the maximum fine upon conviction at Court is significantly higher than the amount of the fixed penalty, which in all of the above cases is £75.00.

6. Operations are intelligence led and members of the new team have been in contact with ward councillors in order to build a clear picture of where the hotspots across the Borough are for the type of offences they will be dealing with.

7. Councillors are encouraged to email the *CE Environmental Enforcement* mailbox with requests for service. Priorities will then be set based on the nature of the issue and availability of resources. It is important to note that environmental offences are dealt with under criminal law. The standard of evidence required for prosecution is therefore quite high and there are processes to follow which cannot be varied at a local level.

8. Whilst the primary duty of officers is to issue and deal with offences by the issue and enforcement of an FPN, the team are mindful of the Council's desire to seek behaviour change. A team of three Environmental Enforcement Assistants (EEAs) is working alongside the EEOs to help achieve this by means of complementary guidance and education.

Flytipping and Waste

9. The Enforcement Team in Development, Transport and Public Protection carries out a wide range of functions including Planning and Highways Enforcement and more recently since 2016, Environmental Enforcement.

10. As last reported in April 2018 the approach taken by the Enforcement team in Development Transport and Public Protection to tackle environmental issues has four streams:

- Reactive work dealing with antisocial issues
- Proactive work dealing with antisocial issues
- Reactive work dealing with criminal issues
- Proactive work dealing with criminal issues

The volume of work dealt with by the team is extremely high with over 6000 complaints about waste related issues being received since April 2018.

Reactive work dealing with antisocial issues

11. The bulk of the work carried out in this area involves issuing Fixed Penalty Notices (FPNS) to the perpetrators of small scale flytipping. Adopting this approach has proved to be extremely effective, offering a low cost and proportionate response carrying a deterrent effect and to date there continues to be no repeat offenders.

12. Since April 2018 60 further FPNs have been issued bringing the total to 174 since the team started issuing FPNs at the end of 2016. In the vast majority of cases FPNs are paid however if they are not the perpetrator is prosecuted.

13. The team are continuing to trial the use of other powers such as the prevention of Damage by Pests Notices and Community Protection Notices which are proving to be effective.

Proactive work dealing with antisocial issues

14. Proactive approaches to dealing with antisocial behaviour now have an established place in the team. The Lobley Hill & Bensham/Saltwell Waste Pilot, focussing on 320 houses in the two wards has now been completed and an evaluation is being prepared. This work involved teams of officers from the Enforcement Team and Private Sector Housing Team visiting every house and identifying issues such as accumulations of waste in yards and back lanes, missing bins and contaminated bins. The approach taken was to engage face to face with landlords, tenants and owner occupiers and ensure that immediate action was taken.

15. Landlord Licensing Scheme start up meetings have now commenced with a scheme extending across a further 1300 properties in the Saltwell ward.

Reactive work dealing with criminal issues

16. The Enforcement Team regularly come across serious criminal activity and since April 2018 a further 24 individuals and business have been prosecuted for waste offences. Penalties include fines totalling £13,237, costs totalling £5,609, 2 community orders and vehicles used to commit offences have been seized Warrants have been issued for more than 10 persons who have failed to attend court when summonsed.

Some examples include:

- William Cottingham of Falsgrave Place, Whickham, the director of J & B Properties Management Ltd was fined £800 for being involved in fly-tipping a broken fridge in Coatsworth Court in Bensham
- Christopher Hall of Hadrian Drive, Stella was convicted of failing to ensure that waste from his home was disposed of by an authorised person after it was flytipped in Gateshead. He was fined more than £600.
- Glenn White of Shelley Avenue, Easington Lane had his vehicle seized by enforcement officers and was subsequently prosecuted for not having a waste carrier licence or a scrap metal licence. He was fined £1,000 and ordered to pay £200 costs.
- Andrew Harrison of Dennison Crescent, Birtley who operated as Harrison House Clearances and who was paid by customers to dispose of their waste but then simply flytipped it in Birtley was convicted of flytipping and operating a waste business without a waste carrier licence. He was sentenced to 160 hours of unpaid work, a 12 month community order and costs of £150
- Dennis Bryan of Henley Avenue, Pelton Fell was paid by customers to remove waste and flytipped it in a garage block in Longhirst, Gateshead. He was fined £760, ordered to pay £150 to have the waste cleared and ordered to pay costs of £100.
- Emma Bell of Dryden Road Gateshead cleared her garage of rubbish and left it in the rear lane. She was fined £300 and ordered to pay £250 costs.

- John Watson of Front Street, Swalwell was paid to collect waste from a property in Swalwell and subsequently fly-tipped it in Wardley Lane, Gateshead. He was convicted and given a 24 month Community Order, with 15 hours rehabilitation activity requirement and 200 hours unpaid work.

Proactive work dealing with criminal issues

17. The Enforcement Team carried out regular enforcement exercises targeting waste crime in partnership with other enforcement agencies including Northumbria Police, HM Revenue and Customs, the Driver and Vehicle Standards Agency and the Environment Agency. Some recent examples include:

- **Operation Car Wash** a joint exercise with Northumbria Police, UK Border Agency, the Health and Safety Executive targeting a number of issues including employing illegal immigrants, human trafficking, health and safety the disposal of waste from car wash premises
- **Operation Itinerant** a joint operation with Northumbria Police and the Enforcement Team targeting illegal scrap collectors operating in Gateshead
- **Home Office Scrap Metal Week of Action** another multiagency exercise targeting waste carriers

Technology

18. The online reporting platform developed with the Digital Team in the Office of the Chief Executive is proving to be an efficient and effective process for the public, Members and Officers to report flytipping with increased accuracy, including uploading photos and pin pointing locations.

Recommendations

That the progress with Environmental Enforcement as set out above is noted, and that further progress reports are provided in due course.

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