

TITLE OF REPORT: Progress report on Environmental Enforcement

REPORT OF: Strategic Director, Communities and Environment

SUMMARY

This report provides the Committee with an update on the progress made with Environmental Enforcement in the Borough.

Background

1. The Enforcement Team in Development, Transport and Public Protection has been operating in its current form since April 2016. From the very start the Team which emerged from a review of Environmental Enforcement in the former Waste and Grounds Maintenance Service has at its heart, the principles of systems thinking and a clear purpose of protecting people and the environment. Appendix A contains an explanation of some of the terms used in this report.

Progress made

2. The new team absorbed all Environmental Enforcement functions into the existing structure of the Planning and Highways Enforcement Team in Development, Transport and Public Protection and has subsequently expanded adding new Enforcement Officers and an administrator.
3. The approach taken by the team to tackle environmental issues has four streams:
 - Reactive work dealing with the antisocial issues
 - Proactive work dealing with the antisocial issues
 - Reactive work dealing with the criminal issues
 - Proactive work dealing with the criminal issues

Reactive work dealing with antisocial issues

4. The bulk of the work carried out by the team in this area involves issuing Fixed Penalty Notices (FPNs) to the perpetrators of small scale flytipping. The Team started issuing FPNs towards the end of 2016 and since then 114 FPNs have been issued bringing in an income of around £15K. In the vast majority of cases FPNs are paid however if they are not then the perpetrator is prosecuted.
5. Adopting this approach has proved to be an effective means of dealing with small scale flytipping incidents. It is a low cost and proportionate response that can be carried out swiftly and simply and carries a deterrent effect. To date there have been no repeat offenders.

6. The Team are also trialing the use of other similar powers such as the Prevention of Damage by Pests Notices and Community Protection Notices for accumulations of waste which require ongoing actions by perpetrators. Early evaluation is showing that these are also effective.

Proactive work dealing with antisocial issues

7. Proactive work to deal with environmental antisocial behaviour is gaining momentum in the Team. There have been a number of street and area based actions carried out since April 2016 which have demonstrated that while resource intensive, this is an extremely effective way of tackling problems and preventing recurrences. Some examples include:
 - **Coatsworth Road Project** An Enforcement Officer was assigned to work exclusively in the Coatsworth Road area in 2016/2017 for a trial period. He provided advice to individual businesses and residents, attended forums and community groups, challenged non-compliance, prosecuted perpetrators and provided a presence in the area which heightened awareness. It was extremely well received by the community and made a significant impact.
 - **Lobley Hill & Bensham/Saltwell Waste Pilot** This scheme which is starting this month will focus on 320 houses in these two wards which will form part of the Council's next Landlord Licensing Scheme. It will involve a team of officers visiting each house in each street, identifying issues such as accumulations of waste in yards and back lanes, missing bins and contaminated bins. Landlords, tenants and owner occupiers will be given face to face advice and support and will be required where necessary to take immediate action to dispose of their waste lawfully for example by arranging for the collection of waste accumulations or the cleaning or purchase of bins. This approach was developed from an evaluation carried out in 2016 which showed that the biggest cause of dissatisfaction amongst residents in the area was waste issues. This learning influenced the introduction of a number of new conditions aimed specifically at controlling and preventing waste problems in licensed properties. This work is being carried out jointly by the Enforcement Team and Private Sector Housing Team.
 - **Landlord Licensing Scheme Start up Meetings** The Landlord Licensing Scheme will extend across a further 1300 properties in Saltwell ward over the next three years. As this progresses, as in the Pilot described above, meetings will take place to ensure that landlords and tenants understand their responsibilities with respect to waste and recycling and every property will have the requisite number of bins. Again this work is being carried out jointly by the Enforcement Team and Private Sector Housing Team.

Reactive work dealing with criminal issues

8. Inevitably the Team have come across serious criminal activity on many occasions. The officers in the team have developed and enhanced their skills and confidence in criminal investigation and procedure and they carry out interviews under the Police and Criminal Evidence Act (PACE) several times

a week. The Enforcement Team have prosecuted more than 20 individuals and businesses for waste offences in the last year. Two of these individuals were prosecuted on more than one occasion and penalties included fines, suspended custodial sentences, curfews and forfeiture of several vehicles.

Some examples include:

- Tony Smith of Pensher Street, Gateshead was convicted on 10 July 2017 of failing to provide waste transfer notes and a waste carrier licence
- Nathan Stokoe of Pontop View, Rowlands Gill was convicted of failing to produce authority to transport controlled waste on 20 March 2017 for which he was fined over £1000 and then pleaded guilty to four counts of flytipping in Ryton and other waste offences in June 2017 and was sentenced on 14 July 2017 to a community order, curfew, a fine and costs.



- Casey Embleton of Pendle Close Washington, a Director of ACC House and Rubbish removals Ltd was prosecuted on 4 September 2017 for failing to produce waste transfer notes and a waste carrier licence
- John Jackson of Ennerdale Drive, Crook was prosecuted for flytipping in Blaydon and other waste related offences on 15 September 2017



- Joseph Johnson of Pensher Street, Gateshead, whose garden was full of scrap, was prosecuted on 22 November 2017 for failing to have a

scrap metal dealer's licence, a waste carrier's licence and any waste transfer notes

- Anthony Rowland of Eslington Villas, Gateshead was prosecuted on 6 December 2017 for failing to produce waste transfer documentation
- Laura Richardson of Balfour Street, Bensham was prosecuted on 22 March 2018 for dumping rubbish in a back lane close to her home. Her actions were caught on CCTV. She failed on multiple occasions to respond to invitations to be interviewed by Enforcement Officers and failed to attend court. She was subsequently arrested and brought before the Magistrates
- Paul Bain, the Director of Horizon Flat Roofing was prosecuted on 28 March 2018 for disposing of his commercial waste at the Council's Household Waste Recycling Centre in Wrekenton.

Proactive work dealing with criminal issues

9. The Enforcement Team carries out regular enforcement exercises targeting waste crime, alongside other enforcement agencies. Some recent examples include:
 - **Home Office Scrap Metal Week of Action** a multi agency exercise targeting waste carriers
 - **Operation Axle** a multi agency exercise concentrated on a small geographical area of Gateshead targeting waste carriers and scrap metal collectors
 - **Operations Axle Roads** a multiagency exercise focusing on taxis, scrap metal collectors and waste carriers in the east of Gateshead

Partnership Working

10. The Enforcement Team is continuing to evolve and develop new processes and practices. Working in partnership with other Council services and partner agencies has enhanced the range of activity and the impact it is having in the Borough.
11. There has been an increase in the amount of joint work carried out within the Development, Transport and Public Protection Service and as well as carrying out joint enforcement for highway, planning offences and waste related offences the Team is linked closely to the Environmental Health and Licensing Teams. Officers right across the service have greater awareness of waste issues and share information and intelligence with the Enforcement Team.
12. There are also established and effective links with other services within the Council including Customer and Financial Services and the Street Scene Service. In particular the Team have strong links with officers in Street Scene dealing with trade waste – dealing with premises that aren't complying with the duty of care to dispose of their waste legally.

13. The Enforcement Team also play a significant role working alongside partners including Northumbria Police, HM Revenue and Customs, the Driver and Vehicle Standards Agency and the Environment Agency to tackle organised crime

Improvements in technology

14. The Enforcement Team have access to an increasing number of data systems across the Council which has greatly enhanced officers' ability to gather clean data and corroborate intelligence.
15. The Enforcement Team has worked with the Digital Team in the Office of the Chief Executive to develop an enhanced reporting platform for flytipping for the public for Members and officers to quickly and efficiently report flytipping with increased accuracy, to upload photos and identify locations and reporters to track progress.

On-Street enforcement

16. Environmental Enforcement will be further enhanced within the Borough with the establishment of a new team carrying out highly visible on-street enforcement tackling environmental issues including dog fouling and littering. It is anticipated that this will be in place by August 2018.

Recommendation

17. The Committee is asked to comment on the progress that has been made.

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GLOSSARY OF TERMS

Fixed Penalty Notices

Fixed penalty notices may be issued as an alternative to prosecution in respect of a range of offences. An offender who is issued with a penalty notice may nevertheless be prosecuted for the offence if he or she fails to pay the penalty within the period stipulated in the notice. Further information can be found at:

<https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils>

Prevention of Damage by Pests Notices

Under the Prevention of Damage by Pests Act 1949, if it appears to the local authority, that on any land rats or mice should be destroyed or the land should be kept free from rats and mice, they may serve a notice on the owner or occupier requiring him to do so within a specified period

The works normally required will be the removal of waste but could also require the application of treatment or structural repairs.

Community Protection Notices

A Community Protection Notice (CPN) is aimed to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life.

Waste Carrier Licence

You must register for a Waste Carrier Licence if you do any of these things as part of your business:

- transport waste
- buy, sell or dispose of waste
- arrange for someone else to buy, sell or dispose of waste

Waste carrier, broker or dealer registration helps businesses meet their duty of care to ensure that controlled waste is transported and disposed of legally and safely.

This includes transporting waste whilst travelling from job to job, to a storage place for disposal later, or to a waste disposal company or waste site. Controlled waste means commercial, industrial or household waste.

Registration also helps us clamp down on fly-tipping by illegal operators who harm human health and the environment whilst also undercutting legitimate businesses. Failure to register is an offence.

Further information can be found at:

http://webarchive.nationalarchives.gov.uk/20140328095212/http://cdn.environment-agency.gov.uk/LIT_7806_7221d9.pdf

Waste Transfer Notes

A **waste transfer note** (WTN) is a document that details the **transfer** of **waste** from one person to another. Every load of **waste** received or passed to others must be covered by a WTN. WTNs ensure that there is a clear audit trail from when the **waste** is produced until it is disposed of.

Both businesses and businesses taking away their waste need to:

1. Complete the waste transfer note
2. Sign it.
3. Keep a copy for 2 years
4. Show it to an enforcement officer from your local council or the Environment Agency if asked.

Failure to produce a waste transfer note is an offence.