

Report for:	Overview and Scrutiny Committee
Date of meeting:	16th June 2020
Part:	1
If Part II, reason:	

Title of report:	Environmental Enforcement Performance Review 2019-20
Contact:	Cllr Julie Banks, Portfolio Holder for Community & Regulatory Services Emma Walker – Group Manager ECP Dawn Rhoden – Team Leader Operations Ben Stevens – Lead Officer Environmental Enforcement Author/Responsible Officer
Purpose of report:	1. The purpose of this report is to give members a general summary of the work carried out by the Environmental Enforcement Team 2. To show the 2019-20, performance in that fiscal period and future improvements to the service.
Recommendations	For information only
Corporate objectives:	Enhanced consistency in service delivery across all operations services.
Implications:	<u>Financial</u> None.
'Value for money' implications	Environmental Enforcement Team supports the Council in achieving Value for Money for its citizens.
Risk implications	N/A
Community Impact Assessment	N/A
Health and safety Implications	N/A
Consultees:	None
Background papers:	None

<p>Historical background <i>(please give a brief background to this report to enable it to be considered in the right context).</i></p>	<p>To give members a general summary of the work carried out by the Environmental Enforcement Team in 2019-20 with comparisons to previous year and other LA's</p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	<p>EEO – Environmental Enforcement Officer PCO – Pest Control Officer ECP – Environmental & Community Protection OP's – Operations Team PSPO – Public Space Protection Order AV – Abandoned vehicle RVK – Registered vehicle keeper EP – Environmental permit FPN – Fixed penalty notice LA – Local authority</p>

1. Purpose of Report

The purpose of this report is to give members a general summary of the work carried out by the Environmental Enforcement Team in 2019-20, performance in that fiscal period and future improvements to the service.

2. Background/Team

The enforcement team consisted of 3 officers for the majority of 2019-2020. Enforcement was part of a larger team which also included the ASB team.

Prior to December 2019 the enforcement team was under the then Team Leader for Anti-Social Behaviour. During this time there were 3 officers who undertook environmental enforcement across the entire borough. During this time, it became clear that the service needed to be reviewed so that targets were met more consistently and working practices could be improved to increase productivity and to meet service demand. This process became part of the review that looked at the whole of the Environmental & Community Protection department.

In December 2019 following the review a restructure took place, this saw the EEO's move under the Operations team leader Dawn Rhoden and a Lead Officer post was created.

There are now 2 permanent Environmental Enforcement Officers (EEO), One temporary EEO and one Lead EEO, this restructure will in time enable more joint working with the other work areas in the Operations Team. Making the officers increasingly multi skilled adding the benefit of enhanced consistency in service delivery across all operations services.

Structure plan June 2020;

Operations Team Leader

Dawn Rhoden

Environmental Enforcement Lead Officer

Ben Stevens

EEO's

Chris Briancon

Paul Coats

Animal Welfare & Public Health Lead Officer

Vacant

Animal and PCO's

Colin Lee-Dade

Daniel Newcombe

Dog Warden

Louise Ablitt

***Gemma Reid (Temp to assist
with pest control delivery)***

3. Main duties & responsibilities;

- Investigation and removal of abandoned & dangerous vehicles
- Investigation of fly-tipping offences
- Investigation of other waste crime including duty of care, waste transfer and illegal disposal offences (burning)
- Littering and PSPO enforcement

4. Abandoned Vehicles

- A statutory duty under the Refuse Disposal (Amenity) Act 1978 to remove motor vehicles unlawfully abandoned on any land in the open air (inc private land)
- EEO's are required to attend all reports of abandoned vehicles within 3 working days. 24 hours for dangerous vehicles' which are removed immediately.
- Authorised officers use various indicators to determine whether in their opinion a vehicle has been abandoned anywhere in the open air.
- Officers will investigate/carry out further checks and actions (affixing a notice/writing to Registered Vehicle Keeper /contacting police) to determine whether a vehicle has in their opinion been abandoned.
- When an officer is satisfied that a vehicle has been abandoned they will arrange for removal and destruction. Storage will be considered in certain circumstances.

Abandoned Vehicle actions;

In 2019 – 2020 the enforcement team investigated 1391 reports of abandoned and/or dangerous vehicles that were made to the council. This figure is a slight decrease on reports made in the previous year (1431).

Of the 1391 reports, 46 vehicles were removed and destroyed after investigation (3.31% of the total)

The Hertfordshire County Consortium procured a new vehicle removal contractor (ASM Autos Ltd) in December 2019. This has seen a much improved level of service

in terms of vehicle collection performance targets and communication between the council and contractor.

5. Fly-tipping & Waste Crime

The Enforcement team investigate all reports of Fly-tipping and other waste crime within the borough, such as producer duty of care, commercial waste complaints, illegal burning of waste and waste on private land.

Fly-tipping is the deposit of controlled waste not in accordance with an Environmental Permit or to keep or dispose in a manner likely to cause harm to environment or human health. Where controlled waste is deposited from a motor vehicle, the person who controls or is in a position to control the use of the vehicle can be held responsible. Persons committing offences for fly-tipping can be issued a Fixed Penalty Notice and/or be liable to prosecution - fine up to £50,000 and or up to 12 months imprisonment if found guilty (Magistrates) or an unlimited fine and up to 5 years (Crown).

The duty of care (Household Waste Duty of Care Regulations 2005) requires householders to take all reasonable measures available to them in the circumstances to ensure that they only transfer household waste produced on their property to an authorised person (outside of the council collection service). Householders can be issued a Fixed Penalty Notice and/or be liable to prosecution – fine up to £5,000.

- EEO's have the power to stop, search, seize and destroy vehicles if necessary. These powers are often used in conjunction with the police, in operations like Tip Stop.
- EEO's rely on witnesses, physical evidence, PACE interviews, surveillance, stop markers, intelligence sharing & operations with Police to identify offenders
- Prevention; Signage/Publicity/Education/CBO's

6. Fly-tipping enforcement actions/achievements 2019 - 2020;

In 2019 – 20 the enforcement team issued 48 FPN's for waste crime including 31 fly-tipping (amount £380 each) and 14 duty of care offences (amount £300 each). This was an increase of 85% of Fixed Penalty Notices served in the previous year.

The enforcement team successfully prosecuted 5 offenders of waste crime in 2019-20, with a total of £2220 (£444 average) in fines, £3263 (£652.60 average) in costs and 120 hours of community service ordered. This compares with an overall average of £365 in fines and £520 in costs awarded across the Hertfordshire Fly-tipping Group.

During 2019-20, the enforcement team obtained RIPA (Regulation of Investigatory Powers Act) authorisations for directed covert surveillance. To compliment this, there was also a significant investment in new surveillance equipment in Q3. As a result, the enforcement team have captured a number of fly-tipping offences in rural areas where evidence is harder to gather. This has resulted in 1 prosecution to date relying on evidence provided by cameras and there are a number of on-going investigations where prosecution is the potential outcome.

In comparison to other Hertfordshire authorities (The Herts Flytipping Group), DBC continues to be the leading LA in the county for issuing waste crime FPN's in 2019-20 (figures as above). As was the case in 2018-19 with 26 waste crime FPN's. 23 for flytipping, 1 duty of care and 2 other offences. The average FPN's issued by the 10 LA's reporting to FTG in 2018-19 was 11 and 18.2 in 2019-20.

The enforcement team have designed, procured and erected new anti-fly-tipping signage in hotspot areas within the borough which acts as a deterrent.

Officer Paul Coates was awarded the 'Excellence in Enforcement' Award at the 'Keep Britain Tidy' National Network Conference & Awards Ceremony in February 2020 at the Hilton Birmingham Metropole. The winning nomination included details of the numbers of FPN's issued by Paul, thorough investigation technique and examples of his thinking 'outside of the box' mentality to obtain successful outcomes.

In 2019-20 waste services recorded 1269 fly-tips removed within the Borough. Although fly-tipping remains a significant increasing environmental problem nationally, this represents over an 8% decrease on 2018-19, when 1381 flytips were removed by waste services in Dacorum.

Fly-tipping prosecution case example 2019-20 – WITNEY case;

An unlawful deposit of controlled waste made on 5 October 2019 at Coles Lane, Flamstead. Video evidence obtained by surveillance equipment identified the offending vehicle used to deposit waste for which William Witney is the registered keeper.

Mr Witney was interviewed by EEO's on 29 October 2019 when he was shown video evidence captured by the Council enforcement team showing the vehicle pulling into an empty layby and when the vehicle moves off there is a deposit of builder type waste.

Mr Witney stated during interview that he and his colleague had noticed a bag of rubbish which they rummaged through to extract waste timber that had been left and the deposit photographed is the remainder from that bag of rubbish. Officers informed the suspect that the layby is frequently inspected and pointed out to Mr Witney that video showed that the layby was clear before the vehicle pulled into the layby. Mr Witney continued to deny the offence. Following interview, the decision was made to prosecute and the case was heard at St Albans Magistrates Court on 12 February 2020.

Judgment - Guilty

A guilty plea was entered despite his interview submissions and the defendant was ordered to pay;

Order

Fine: £640

Victim Surcharge: £64

Costs: £848.68

NB. Costs are awarded to the Council once the court has collected everything, fines are paid into a general fund and the surcharges go towards victim support schemes.

7. Town Centre Public Space Protection Order enforcement

Dacorum Borough Council introduced a Public Space Protection Order in a designated area of Hemel Hempstead town centre in July 2019. The town centre is regularly patrolled by Police Officers, PCSO's and/or Police Accredited Council Officers. Any identified persons found to be in breach of the prohibitions of the PSPO are dealt with accordingly. Depending on the age of the individual, this can include being issued a warning, Community Protection Notice Warning or a Fixed Penalty Notice for a breach and/or prosecution.

In 2019-20, 18 warnings were issued, 4 FPN's issued and 1 Community Protection Notice FPN issued for breaches of the town centre PSPO. There are also a number of court prosecutions pending for non-payment of FPN's.

8. Ways we are improving/expanding the service 2020-21;

Fees & Charges - Following a review of Enforcement fees & charges for 2020-21, there has been an increase in the amount for fly-tipping fixed penalty notices. This means that FPN's for fly-tipping offences will now be £400 which is the statutory maximum.

There were also increases in FPN amounts for householder duty of care offences (£306) and commercial waste offences (£110).

Single Justice Procedure – The enforcement team will start processing simple case prosecutions through the single justice procedure. These cases will be resolved by a guilty plea and written mitigation which will be considered by a Magistrate without a formal hearing saving time spent by officers and legal services on such cases.

New actions & procedures – If approved in 2020-21, the enforcement team will review ways of working. A new policy for dealing with abandoned vehicles within the Borough will be brought in front of the Committee in Q4.

New normal – The enforcement team have been actively involved with the New Normal project and have been participating at the remote working workshops. It is hoped that in the near future EEO's will have access to equipment that will enable them to carry out their work without the current limitations, which will aid efficiency and help meet public expectations in the time it takes to remove fly-tipping.