

REPORT TO: Safer Halton Policy and Performance Board
DATE: 18th November 2008
REPORTING OFFICER: Strategic Director - Environment
SUBJECT: Addressing Problems of Litter and Dog Fouling
WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To enable Members to consider proposals to address the issue of litter and dog fouling by adopting a three pronged approach of enforcement, communication and education.

2.0 RECOMMENDATION: That

2.1 The Board note, comment upon and support the development of Litter Action Initiatives as proposed within this report; and,

2.2 A report be presented to the Executive Board Sub-Committee containing proposals and recommendations in relation to adopting the following policies:

- a) To take a minimum tolerance approach to environmental crime and to apply the maximum penalty appropriate in each case**
- b) Where a fixed penalty fine is available for an offence, it will normally be applied at each opportunity.**
- c) Where fixed penalty fines or advice are ignored, further action will be considered.**
- d) These policy statements will apply to juveniles and where any formal action is taken the young persons parents will be involved in the process**
- e) A person who drops litter in a public place will be issued with a fixed penalty notice and may face prosecution if the penalty is not paid.**
- f) A person in charge of a dog who fails to remove faeces deposited on public land will be issued with a fixed penalty notice and may face prosecution if the penalty is not paid.**

3.0 SUPPORTING INFORMATION

- 3.1 An integral aspect of meeting the Government's Liveability Agenda is the prevention of environmental crime and enforcement of illegal activity such as littering, flytipping and other forms of environmental nuisance. Local environmental quality is important as it impacts on the whole community and is consistently rated as the most important issue for local people.
- 3.2 Cleaner, greener environments support each of the Council's corporate priorities and contribute towards meeting specific objectives on improving health, employment, education and the local environment. For instance, if parks are cleaner, greener and safer, more children will use them, thereby increasing their social networks and helping them to become more active and therefore healthier. Additionally, a cleaner well-used area creates a perception that it is 'cared-for' and safe, and helps discourage anti-social behaviour and serious crime. Cleaner, greener environments also encourage investment and economic development, support regeneration and help areas to thrive, providing more local jobs and facilities.
- 3.3 The Environmental and Regulatory Services (E&RS) Department was created with the purpose of co-ordinating a number of key services that share, as part of their wider objectives, improving the environmental quality of the borough. In particular, the department aims to support and deliver the corporate objective/vision of providing a modern and high quality urban environment, which is safer and more attractive and which provides for a better quality of life for the boroughs residents.
- 3.4 The E&RS department now delivers a more coordinated approach to addressing cleaner, greener open spaces through the 'streetscene' services and through waste management and planning enforcement and environmental protection. Officers within the department are working together to develop the Litter Action Plan, and the main issues the Plan aims to address are:

Litter

- Litter caused by pedestrians or residents
- Litter from Commercial Premises

Dog Fouling

- Owners failing to remove faeces

- 3.5 The desired outcomes and outputs from both the implementation of the Plan, and the continuing development of internal and external partnership working, include;

Outcomes

- Improved quality and appearance of the local environment
- Cleaner, greener and safer public spaces with real and sustainable improvements
- Increased level of community awareness, involvement and participation in the protection and enhancement of the environment and the management of open space
- Enhanced operational responses to environmental issues
- Enhanced enforcement by maximising powers available
- Reduction in the number of reported incidents of litter and dog fouling and an increase in community satisfaction and pride in residential areas

Outputs

- More focus on pro-active prevention rather than merely clearing away the results of environmental crime
- Improved links between environmental enforcement and operational initiatives
- Enhanced and continuously developed expertise throughout the W&RS department in resolving environmental crime
- Enhanced community involvement through presentations and similar initiatives, including schools programmes.
- Improved research into identifying problem areas and increased understanding of causes of anti-social behaviour and environmental crime in order to target areas or particular problems, linked in with national initiatives
- Enhanced links to other partners to address associated crime and disorder issues such as anti social behaviour in streets, underage sales and alcohol abuse.

Litter Action Plan Framework

- 3.6 The Litter Action Plan will contain pledges to deliver a combination of increased education and awareness raising and improved enforcement activities as a means of reducing litter and other forms of environmental nuisance. Arising from the Plan will be a number of campaigns and initiatives that will be targeted and timed to meet specific needs. Below are examples of the campaigns and initiatives to be delivered;

Education and Awareness Raising

- Campaigns against specific types of litter will be considered including chewing gum, smoking related litter and 'food on the go'
- Working in partnership with businesses and relevant officers (eg Town Centres Manager) to reduce litter and waste problems from commercial premises, and to ensure waste is properly contained and all 'duty of care' issues addressed
- Persuading businesses to adopt the voluntary codes of good practice for reducing litter
- Advertising and awareness raising of 'duty of care' requirements for businesses and householders
- Ensuring householders are aware of the Council's waste collection policies and their requirements to comply with those policies.
- Development of an 'environmental' schools education programme
- Agreeing protocols with businesses and private landlords for the swift removal of graffiti and fly posting from buildings, street cabinets and other street furniture.

Prevention and Enforcement

- Enforcement using fixed penalty notices, or of prosecution
- Where attempts fail to encourage co-operation, Issuing of Street Litter Control Notices under sections 93 &94 of EPA
- Monitoring of 'hot spots'
- Increased use of CCTV surveillance

Methods of communication

- Articles in the Council's In Touch and Inside Halton magazines
- Local press releases
- Advertising
- Leaflets,
- Web pages on Council website and social networking sites
- Radio advertising
- Education packs for schools
- Competitions

3.7 The Litter Action Plan will contain;

- Further details of the above initiatives,
- The Council's partners that will be supporting the delivery of the Plan,
- Timetable and Milestones
- Targets and Performance and Improvement Measurement Method

- Details of the authority's statutory duties in relation to maintaining a clean environment
- The Council's legislative powers (including the preventative and enforcement measures)
- Details of the Council's current operational services for dealing with litter and environmental nuisance
- Details of community engagement activities, including clean up campaigns delivered in conjunction with local citizens and representatives.

3.8 Members are advised that current and new initiatives that are continuing to be developed and implemented whilst the Plan is being drawn up include;

- 3.8.1 A new dedicated 'litter hotline' telephone number and email address, have been set up and a 'Text the Council' facility is being considered as a novel and innovative way by which members of the public, particularly young people and children, will be encouraged to report instances of litter fly posting, fly tipping, abandoned vehicles, etc., using a text message.
- 3.8.2 The Visual Message Signs now installed at various locations within the borough will be used to display 'anti-litter' and other environmental messages.
- 3.8.3 A Community Pride Campaign is currently being developed to increase local awareness and encourage members of the local community to help keep clean neighbourhoods. The campaign will deliver greater co-ordination of the Council's activities to improve cleanliness standards and provide an increased level of service in areas identified as litter 'black spots'. An integral aspect of the Campaign is to raise awareness of environmental issues in order to effect behavioural change. The aim is to develop a culture of respect and a feeling of community pride and areas will be leafleted and residents' will be encouraged to work with officers to help prevent nuisance by identifying problems and reporting incidents and offenders. Planned activities in the campaign include community 'litter picks' and 'clean up' days, involving local schools, communities groups, elected members and private landowners.
- 3.8.4 A review of the provision of receptacles for litter, particularly at high profile and high litter generation sites is continuing and through a combination of capital funding and monies from Area Forums and Neighbourhood Management. Further numbers and improved types of litter bin are currently being installed.
- 3.8.5 An Environmental Enforcement Officer has been appointed to support the Council's increased enforcement activities.

Fixed Penalty Notices

- 3.9 The Clean Neighbourhoods and Environment Act 2005 provides local authorities with new powers to clamp down on environment crime, such as abandoned vehicles, fly tipping and litter. Of particular significance is the extension of the use of Fixed Penalty Notices (FPNs), which is seen as an integral aspect of the Council's measures to reduce environmental crime where education and encouragement measures have failed.
- 3.10 Halton Borough Council is a Litter Authority and as such can enter into arrangements to enable 'any person' (or the employee of any such person) to issue FPN's for specific environmental offences on behalf of the Council. At its meeting of the 25th June 2008, the Council's Executive Board Sub-Committee approved that suitable individual persons could be authorised to issue Fixed Penalty Notices for the authority (minute ES6/2008 refers).
- 3.11 Officers from the Environment Directorate have been working closely with the Safer Halton Partnership Police Inspector in recent months and an agreement that Police Community Support Officers (PCSO's) be authorised to issue Fixed Penalty Notices (FPNs) has now been reached.
- 3.12 The agreement between the Police and the Council will significantly increase the number of authorised officers throughout the borough and will strengthen further the current partnership working in tackling environmental crime and anti-social behaviour. During September and October all PCSO's have received training in the issuing of Council FPN's, as did officers from the Council's Environment Directorate and, subject to final approval, it is anticipated that the Council and the PCSO's will be in a position to issue FPN's as from mid-November. A Public Relations Strategy has also been developed and provides a framework for education and awareness raising activities across the borough. Information on the Council's plans for using FPN's as a deterrent to environmental crime will be fully communicated prior to their issue.
- 3.13 Officers from the Environment Directorate have delivered training to PCSO's and designated Council officers in the issuing of Council FPN's and currently 27 officers from the council and 42 PCSO's have been trained and will form a core resource to deliver programmed enforcement initiatives.

4.0 POLICY IMPLICATIONS

- 4.1 Adopting the recommendations contained within this report can be accommodated within existing policies. In enforcing environmental laws the Council will take account of good practice in enforcement, which means:

- Taking account of the seriousness of any offence
- Ensuring that our officers deal with each offence in a consistent way
- Ensuring that the public understands what the law means and the Council's approach to it
- Targeting the Council's enforcement activities to the most important areas
- Keeping the public informed about the Council's enforcement activities

A policy statement is attached to this report as an appendix.

4.2 The Council's approach to enforcement in respect of this element of environmental crime affecting the streetscene and public spaces can be summarised as follows:

- Litter in our public places has a detrimental effect on the appearance and perception of Halton. A person who drops litter in a public place will be issued with a fixed penalty notice and may face prosecution if the penalty is not paid.
- Dog excrement is unsightly, unhygienic and can transmit diseases. It must be bagged and placed in a dog bin. A person in charge of a dog who fails to remove faeces deposited on public land will be issued with a fixed penalty notice and may face prosecution if the penalty is not paid.

4.3 There are no identified implications in respect of the Human Rights Act 1998 arising from this report. If enforcement action results in interference with the human rights of an individual, then the Council must be satisfied that the interference is necessary and proportionate to what it seeks to achieve.

4.4 There are no identified implications in respect of the Data Protection Act arising from this report.

5.0 OTHER IMPLICATIONS

5.1 There can be considerable costs involved in prosecuting individuals. Whilst the Council would still instigate criminal proceedings in certain cases, there are many actions of individuals, which do not warrant prosecution but do nonetheless warrant some other sanction. The use of FPNs provides Councils with a viable and effective alternative to prosecution in such circumstances.

5.2 Dependent upon the use of fixed penalty notices particularly for commonly occurring offences like depositing litter there could be implications of

resourcing enforcement, particularly the impact upon legal services, if there is a high level of non payment of fixed penalty notices resulting in prosecution.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

There will be close co-operation with schools and colleges in Halton to promote a clean borough.

6.2 Employment, Learning and Skills in Halton

No direct impact.

6.3 A Healthy Halton

No direct impact, but improving the environment and the appearance of the borough shall have an overall beneficial affect on wellbeing.

6.4 A Safer Halton

Adoption and utilisation of the new powers under the Clean Neighbourhoods and Environment Act 2005 will demonstrate that the Council is committed to dealing with environment crime. It is hoped that the use of FPN's will act as a deterrent and assist in the improvement of the local environment.

The development of the Councils strategy for improving environmental standards and reducing environmental crime will have a positive impact upon the Safer Halton Priority, and contribute towards the 'Cleaner, Greener, Safer' agenda.

6.5 Halton's Urban Renewal

No direct impact, but overall environmental benefits should make the borough a more attractive location for investment. Planning controls will be utilised to ensure adequate receptacles are provided in appropriate circumstances.

7.0 RISK ANALYSIS

The Clean Neighbourhoods and Environment Act 2005 has made new powers available to the Council and the Government has made it clear in guidance that they expect these new powers to be fully utilised. Failure to

do this may lead to criticism of the Council thereby damaging its reputation. Effective training of authorised staff and practical enforcement protocols will ensure a sensible and proportionate approach. National guidance exists and will be followed for dealing with juveniles.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 The Council's regulatory services aim to be consistent and even-handed in all regards and as such the service does not apply differently to any particular group. The enforcement of this piece of legislation is not intended to have either a positive or negative impact upon equality and diversity. The service invites and seeks feedback on its regulatory activities and would respond to any suggestion of differential impact.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

- 9.1 There are no background papers within the meaning of the Act.

APPENDIX

LITTER AND DOG FOULING OFFENCES

HALTON BOROUGH COUNCIL

DRAFT ENFORCEMENT POLICY STATEMENT

1.0 Introduction

1.1 The purpose of this document is to create a clear and consistent Policy for use by all departments involved in the enforcement of issues related to litter and dog fouling. The issues for this Policy are:

- Dog fouling
- Litter

The condition of our environment affects our lifestyles and quality of life. Halton Council's aim is to ensure pleasant safe and secure neighbourhood environments, with attractive, safe surroundings, good quality local amenities, and the ability of people to enjoy life where they live.

It has also been shown that there are strong links between antisocial behaviour and the quality of the environment. Environmental improvements are thought to lead to a decline in anti-social behaviour.

1.2 Responsibility for maintaining a quality environment rests both with the Borough Council and the Public (i.e. residents, visitors and businesses) in the following ways:

- a) The Council – will provide the physical infrastructure that helps to create a cleaner environment such as litterbins, dog bins and a Public Amenity Site. The Council will also provide a level of enforcement through its trained and authorised staff. In addition, the Council will promote educational messages to both children and adults through a variety of sources. The Council will also provide a regular cleansing regime for all of our street scene and public spaces.
- b) Public – In response to the provision made by the Council, the public are asked to manage waste in a responsible way. Individuals are advised NOT to approach people who are not adhering to this policy, but to inform the council's officers with as much detail as possible about the incident. The public is also encouraged to keep their immediate

environment safe and clean to prevent the attraction of pests and keep the neighbourhood looking clean and tidy.

- 1.3 This policy takes into account the environment directorates existing Enforcement Policy Statements and the Enforcement Concordat created by the Cabinet Office.

2.0 Underlying Principles

- 2.1 In our enforcement of this aspect of environmental crime the underlying principles are the following:

Proportionality: Any action that the Council takes will relate to the seriousness of the risk to health, safety or the environment, deliberate fraud or carelessness and to the seriousness of any breach of law

Consistency: The Council will try to ensure that our Officers act in a similar way when faced with similar circumstances.

Transparency: the Council will help people to understand what the law requires of them and make clear what needs to be done, and not done, to comply. The Council will also make clear what businesses and the general public should do if they are not happy about any action we have taken or are proposing to take.

Targeting: The Council's enforcement efforts will normally be directed against those whose activities pose the most serious risks or those who have a history of non-compliance

Informative: Enforcement effort will be given to providing information which is timely, relevant and helpful to each situation

3.0 Common approach

- 3.1 To ensure that a strong enforcement approach is adopted, this policy will be enforced with the following principles in mind:

- Where a fixed penalty fine is available for an offence, it will normally be applied at each opportunity
- This policy will apply to all including juveniles and where any formal action is taken the young persons parents will be involved in the process
- Where fixed penalty fines or advice are ignored, further action will be considered.

- 3.2 All officers involved in enforcing this policy will be given adequate training.

3.3 The health and safety of such officers is of primary concern when dealing with offences.

3.4 In relation to problems with private property, the Council will always seek the owner's co-operation in clearing/improving sites. However, where evidence permits us or there is no co-operation the Council will use whatever powers are available to it to bring about an improvement of an area.

4.0 Dog Fouling

4.1 Dog mess is aesthetically unsightly and potentially transmits diseases particularly to young children, one of which, *Toxocara*, can cause blindness. Dog mess should be bagged and placed in a dog bin.

4.2 The Dogs (Fouling of Land) Act 1996 states:

If a dog defecates at any time on designated land and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

(a) He has reasonable excuse for doing so; or

(b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

4.3 If a person in charge of a dog is found to be allowing the dog to foul on land which is open to the air and to which the public have access, in contravention of the Act, the following actions will be taken;

- The person in charge of the dog will be offered a fixed penalty notice. If the fixed penalty is not paid legal proceedings will be commenced for the original offence.
- They will be asked to remove the offending material and given advice on how they should deal with their dog's faeces.
- If a person in charge of the dog is persistently allowing a dog to foul on public land, then they will be investigated further and legal proceedings will be considered.

5.0 Litter

5.1 Litter leaves residential and commercial areas looking unsightly and has a negative impact on the image of the borough. Litter bins are strategically placed for public use, more so in commercial areas. If a litter bin is not available then the individual should retain all litter until one is found.

- 5.2 The Environmental Protection Act 1990, states the following on the Offence of Leaving Litter;

S87 – (1) If any person throws down, drops or otherwise deposits in, into or from any place to which this section applies, and leaves anything whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place to which this section applies, he shall...be guilty of an offence.

- 5.3 If any person is seen to be dropping litter or found illegally depositing waste out onto the public highway, in contravention of the Act, the following actions will be taken;

- The offender will be offered a fixed penalty notice
- If the offender fails to pay this, then legal proceedings will be considered for the original offence
- The offender will be asked to remove litter that has been dropped. They will also be informed of the impact litter has on the environment and advised as to how they should legally deal with their litter.

6.0 Human Rights

- 6.1 If enforcement action results in interference with the human rights of an Individual, then the Council must be satisfied that the interference is necessary and proportionate to what it seeks to achieve. Any covert surveillance requires approval through the Regulation of Investigatory Powers

7.0 Equality and Diversity Issues

- 8.1 The Council's regulatory services aim to be consistent and even-handed in all regards and as such the service does not apply differently to any particular group. The enforcement of this piece of legislation is not intended to have either a positive or negative impact upon equality and diversity The service invites and seeks feedback on its regulatory activities and would respond to any suggestion of differential impact.