

Lichfield District Council
Environmental Crime Strategy
2018 to 2021

DRAFT



Forward

The district of Lichfield is one of the most desirable places to live or visit in the West Midlands. Part of its attraction is undoubtedly down to the history of the area but a significant draw is the way the area looks.

Some of the aesthetics comes from the historic buildings, of which Lichfield Cathedral is undoubtedly the most famous. Some of the charm is down to the rural countryside which surrounds our urban areas and make up the vast majority of the district. On a day to day basis, however, a big part of the attractive nature of the area is down to how clean, neat and tidy it is, and the council plays the most significant role in ensuring this is maintained.

Cleaning up environmental crime, such as dog fouling, littering and fly tipping, are examples of some of the council's work to make sure the local area remains attractive. However, none of this work would be necessary were it not for those anti-social individuals who carry out these crimes.

In reality, those who commit environmental crime are in the minority and individuals can be responsible for a great deal of the problems we see. For example, when it comes to dog fouling on our streets, one dog owner may walk their dog daily and if each day the dog fouls the pavement that equates to seven piles of dog mess to be cleared each week, often in the same few streets. This will be a serious concern for residents who live on the same streets but it can be down to just one irresponsible dog owner.

This strategy aims to improve two things: Firstly, it's about educating the public on how everyone can help us tackle these environmental crimes and how to prevent an unwelcome knock at their door by a council enforcement officer (such as by checking waste companies are licenced). Secondly, it's about how we will use our powers to enforce the law in these areas, taking a zero tolerance approach to the perpetrators.

The overall aim is to reduce the amount of environmental crime that occurs and the knock on effect from this should be a reduced cost to the council and local tax payers.

Ashley Yeates
Cabinet Member for Regulatory Services, Housing & Wellbeing



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Introduction

One of Lichfield District Council's key strategic aims is for the district to be a *clean, green and welcoming places to live*. We want to protect our heritage and ensure our green spaces, streets and public areas are well looked after and managed.

A vital part of this is reducing the amount of environmental crime which takes place in the district. Issues such as dog fouling, littering, fly tipping, graffiti and fly posting may be considered minor by some, but they can have a huge impact on people, wildlife and the way an area looks. There are also theoretical links between such low level crime within a community and subsequent occurrences of more serious crimes.

It is our aim with this strategy to tackle these issues through education and enforcement on the perpetrators, as well as engagement with law abiding residents to ensure we get as much information as possible on the culprits.

We will use new powers now available to us to tackle these areas and set out a consistent and fair approach.

Overall, it is our aim to create a cleaner and safer environment which will help improve the quality of life for all those living, working and visiting the district.

Dog Fouling

Dog fouling is an emotive issue and residents, not just in the Lichfield District but across the country, see it as a problem which councils should prioritise. It's easy to see why. Not only is dog fouling on streets and in public parks unsightly, it is a hazard when walking as well as potentially very dangerous, especially in areas where children are likely to be playing or adults are engaging in sports.

Failing to pick up after your dog is now such a socially unacceptable thing to do that those who commit this crime are in the extreme minority. While this can sometimes make it difficult to catch the culprits, it does at least mean that if we can change the ways of any such dog owners and make them more responsible so that they do pick up, then we can make a significant difference to the amount of dog fouling in an area.

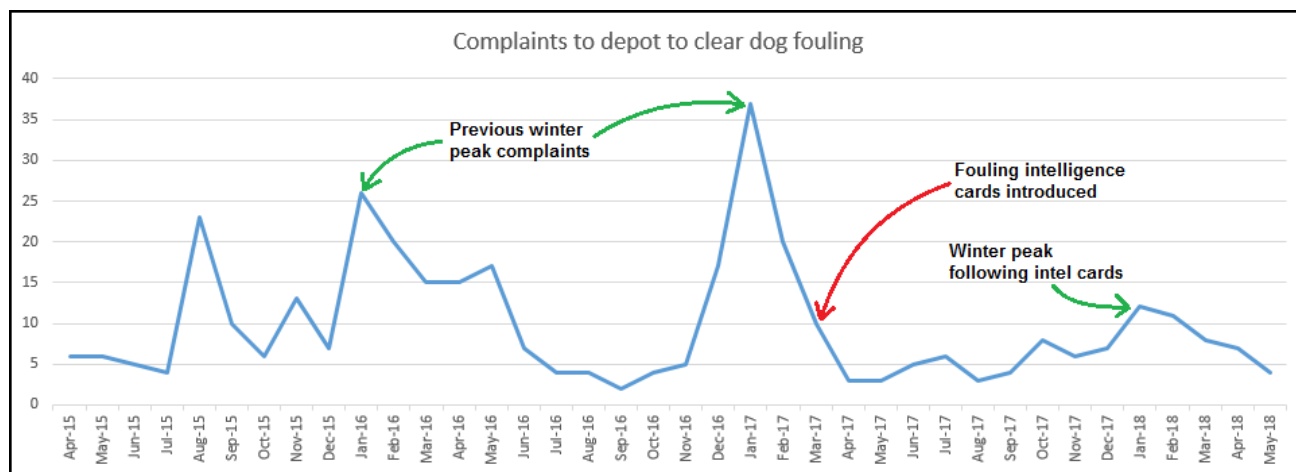
There are two aspects to our strategy to reduce the levels of dog fouling in the district. These can be simply described as education and enforcement.

Actions - Education

There are many potential strands to the education side. However, as those who don't realise it's illegal not to pick up would be in the absolute extreme minority, we consider it is not so much about educating people on the law, but more about educating people on how they can assist us in locating the culprits. With this in mind we have developed and will continue to use dog fouling 'intelligence cards' in areas where fouling is reported as a problem, delivering them to properties in the vicinity.



These cards assist in not only signposting residents to us with details on offenders, they also highlight to offenders that they may be seen and reported. As can be seen from the graph below, these cards have seen a significant drop in one indicator of fouling in the district – complaints to the street scene team to clear fouling. The use of the cards started in March 2017 and have clearly blunted the usual winter spike in fouling (caused primarily by the longer nights providing the cover of darkness). Fouling is down 46% overall when compared to previous years since the introduction of the cards.



Education also takes place via discussions with dog walkers on the streets and in parks and other public areas. Furthermore, if we are aware of a potential offender and have had their address reported, we will speak to them about the legal requirement to pick up after their dog(s) and make them aware that others in the vicinity have reported them for not doing so; the hope being that this alone will be sufficient for them to stop their criminal behaviour.

We will also consider how we advise the public on responsibilities for dog fouling bins as many assume the bins are the responsibility of the district council when they are paid for by parish councils. To do this we will look at our website information and consider markings on the bins themselves so that residents can report problems such as a damaged or full bin.

Actions - Enforcement

We will take a zero tolerance approach where people are caught not picking up after their dog. This means that in all cases where there is sufficient evidence to take the matter to a magistrates court, we will take enforcement action and not just offer advice or educate the offender. Enforcement action in relation to dog fouling may take the form of a fixed penalty notice and ultimately a court prosecution. Further information can be found in the 'Enforcement Actions and Offences' section of this strategy.

It is accepted that sometimes juveniles will be in control of a dog when it fouls and they will be committing the crime if they don't pick up. Whilst our Enforcement Policy covers enforcement action against juveniles, it is worth noting that in the context of dog fouling enforcement 'appropriate action' may include discussions with the child's parent(s) or guardian in relation to appropriate penalties.

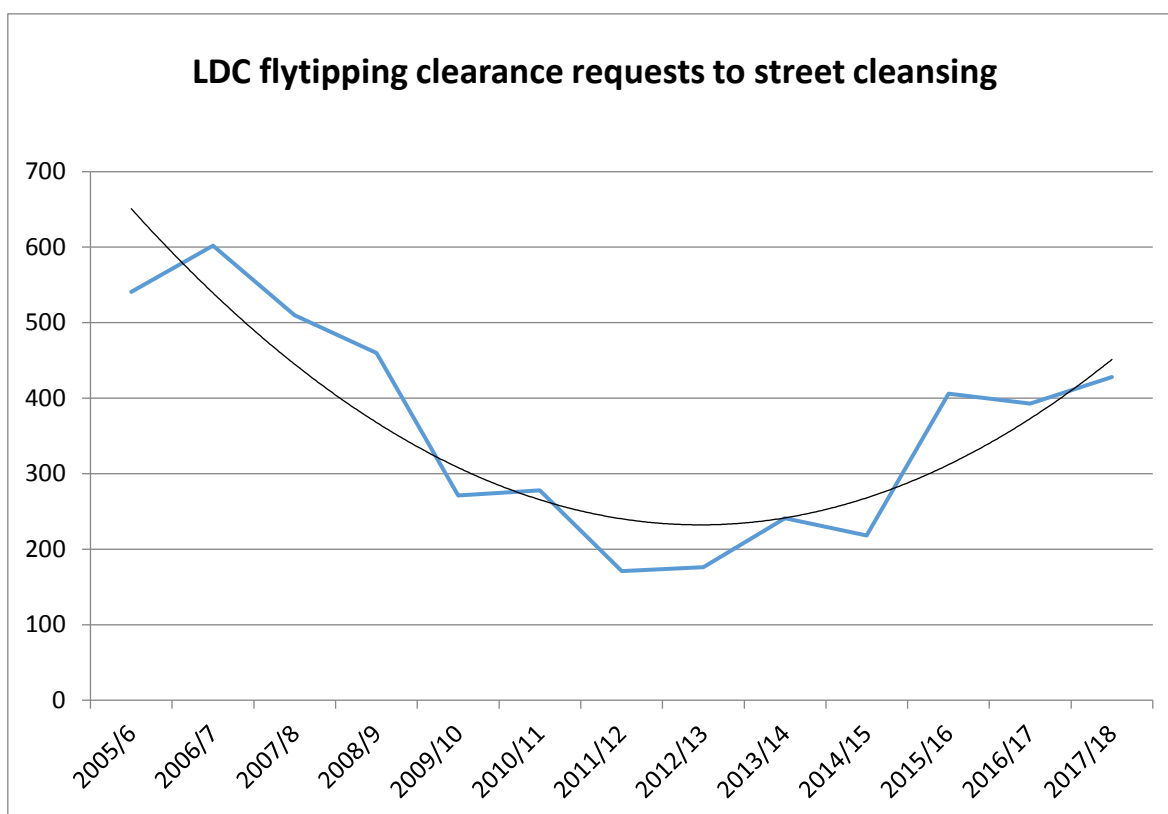
Summary of proposals in relation to dog fouling:

What we will do	What we hope to achieve
Continue to use dog fouling intelligence cards to get feedback on those who don't pick up.	Continued reduction in fouling levels on the streets near residents' homes and reduced clean-up costs.
Prioritise patrol in areas where intelligence is received.	Increased numbers of culprits being caught not picking up whilst maximising the use of our resources.
Patrol in parks for at least 20% of the time spent patrolling.	Reduce the amount of fouling in parks and reduce clean-up costs.
Ensure signage in parks and on our streets is kept up to date and prominently displayed.	Reduce the amount of fouling in parks and on the streets and reduce clean-up costs.
Review our website information to make it easier for residents and businesses to find the information they require and report anyone they see not picking up. We will also liaise with parish councils so that they can upload similar information to their websites if required.	Improved communications and understanding on the council's role.
Review our fixed penalty notice fine levels to ensure they remain a deterrent and publicise.	Reduce the amount of fouling in parks and on the streets due to the deterrent, thus reducing the clean-up costs.
Consider the use of dog fouling bins and how the maintenance and emptying of the same can be better publicised, such as via our website or by signage on the bins themselves.	Signposting residents to the correct authority to ensure problems with fouling bins are actioned in the shortest possible time.

Fly Tipping

Fly tipping is a nationwide problem with a range of causes. Some unscrupulous people make money from disposing of other people's waste in an apparently legal business venture, only to dump it illegally. Others want to save on the cost of disposal for themselves. Then there are others who are simply lazy or who have the attitude that somebody else can clear up their waste. Whatever the reasons, local authorities in England dealt with just over one million fly-tipping incidents in 2016/17 and it is estimated that this cost almost £58 million to clean up.

As a relatively rural district, Lichfield can be prone to incidents of fly tipping on country roads, lay-bys, farm tracks and other similar locations, though fly tipping also occurs in more urban areas. The council has estimated that the costs of fly tipping clearance across Lichfield District are around £70,000 per annum. This alone is sufficient to warrant significant efforts to reduce fly tipping in the district, but perhaps more worrying is that the trend is upwards, and has been since around 2012/13. This follows a similar trend across the country.



The fly tipped waste which is cleared across Lichfield District generally consists of household waste from property or shed clearances, old furniture, carpets and waste from small scale DIY works. There is another, more serious type of waste crime which is becoming more commonplace, however, and this is the use of out of the way or enclosed business addresses to dump large amounts of waste, often bailed suggesting it originated from a legitimate waste business source. While this is a national problem, there are a number of sites across Staffordshire which have been the target of this extreme level fly tipping, one of which is in Lichfield itself. This is an area we have and will continue to work with partners in the Environment Agency, Police and Staffordshire Fire and Rescue Service to minimise the risks.

Investigating fly tipping offences can be very difficult as there is often a lack of evidence to link a waste tip to anybody. Often the best evidence comes from witnesses but sometimes they don't know who to report suspicious activity to. To try to address this, in a similar manner to the dog fouling intelligence cards, we have recently produced fly tipping cards which we will deliver to properties and business addresses close to any fly tipping to ensure we get information from witnesses if possible.



The law and subsequent guidance around how we go about investigating fly tipping and other offences has tightened in recent years. Changes to the Regulation of Investigatory Powers Act (RIPA) guidance means there are now more legal checks to get through in relation to covert surveillance of fly tipping hot spots. We must first get authorisation from the magistrates' court before undertaking any such surveillance.

Actions – Education

Despite householders having had a legal duty of care in respect of the waste they produce for several years now, it is accepted that many are still unaware of this, or don't know how to go about checking that the person who is taking their waste is legally permitted to carry it. We will carry out regular publicity on this issue, highlighting the need to check that any waste collectors have a waste carrier's licence with the Environment Agency and also revealing other ways in which the public can prevent the need for a council officer to knock at their door. It is hoped this will help to reduce the supply of work to unlicensed waste carriers and thus reduce the more common house clearance / household waste fly tipping incidents.

We will also educate businesses about their duty of care in relation to the waste they produce themselves. Furthermore, we will continue to promote to business premises owners the need to check their tenants are using their premises for the purpose which they rented it for, especially large industrial premises or locations in secluded areas. This should prevent business premises landlords becoming the victims of crime themselves and reduce the chances of a premises being rented by organised waste criminals.

We will also offer advice and assistance to any landowners who find themselves the victim of fly tipping on their land, including how they might prevent the same from happening in the future. Many landowners don't realise the council only clears fly tipping from public land and private landowners are themselves responsible for clean-up if fly tipping occurs on their land. We will of course investigate the crime itself and should the perpetrators be found and prosecuted, we will add the clean-up costs to a claim for costs which we will pass on to the landowner.

Actions – Enforcement

We will use new fixed penalty notices for fly tipping in cases where there is enough waste tipped that it cannot reasonably be considered as ‘litter’ and where there is no history of similar offences and / or there are no aggravating circumstances. The fixed penalty amount for fly tipping is set at a level commensurate with its increased seriousness over littering (currently £400).

We will undertake more authorised surveillance operations, ensuring that the procedure for gaining authorisation via the magistrates’ court is well developed, to enable us to act swiftly in relation to fly tipping on our roads and verges.

We will continue our work with partners in relation to the investigation of large scale fly tips and take enforcement action where possible.

We will continue to carry out ‘duty of care’ inspections on businesses, including food businesses when carrying out food hygiene inspections. These duty of care inspections essentially involve us checking that businesses have the correct waste disposal contracts in place and they are sufficient for the purpose. Some unscrupulous businesses will save money by disposing of waste illegally and with some businesses being a significant source of waste, tackling them proactively in this should prevent fly tipping from occurring.

Summary of tackling fly tipping proposals:

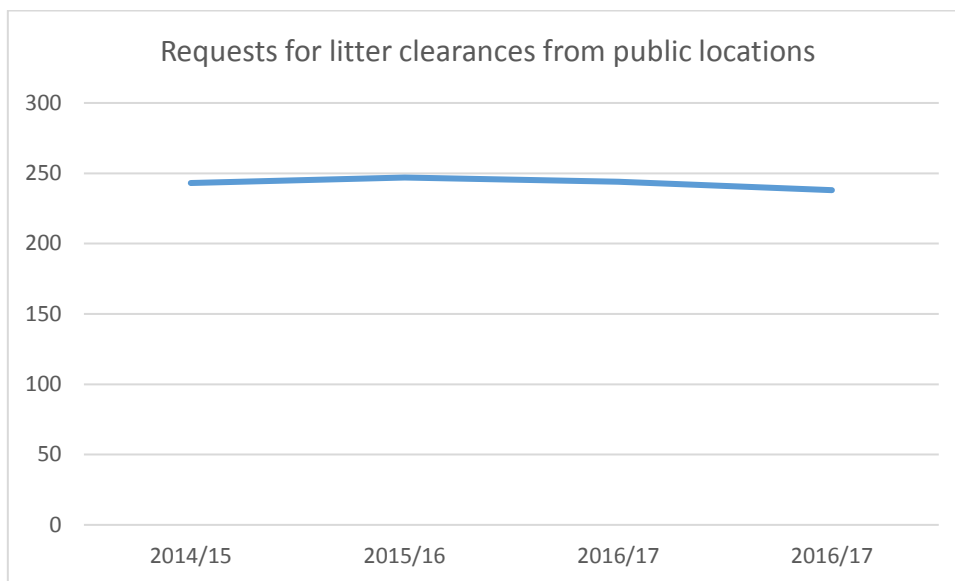
What we will do	What we hope to achieve
Utilise RIPA authorisations from the magistrates’ court to enable the increased use of covert surveillance cameras.	Catching fly tippers in the act to enable enforcement action. This can then be publicised to send a message out to others and in turn reduce fly tipping.
Educate the public on their duty of care and how they can ensure they only employ lawful waste disposal companies.	Reduce the supply of waste disposal work to unlicensed operators thus reducing the amount of fly tipped waste from this source. This will also reduce the costs of clean-up.
Attend the Civil Contingencies Unit’s Risk and Response Sub Group meetings with partners in relation to organised waste crime across the county, co-ordinating work in relation to large fly tips within Staffordshire.	Prevent large scale organised waste crime fly tipping and deal with it in a co-ordinated approach when it may happen.
Continue to publicise the need for business premises landlords to consider who they renting their property to.	To prevent large scale organised fly tipping.
Publicise ways in which private land owners can protect their property from fly tippers and ensure that land owners realise that the costs of disposal would be borne by them should they become a victim of this crime.	Better understanding of the role of the council in relation to where we do and do not clear up fly tipping and waste.

What we will do	What we hope to achieve
Review our website information to make it easier for residents and businesses to find the information they require and report anyone they seen fly tipping. We will also liaise with parish councils so that they can upload similar information to their websites if required.	Improved communications and understanding on the council's role.
Review our fixed penalty notice fine levels to ensure they remain a deterrent and publicise.	Reduce the amount of fly tipping, thus reducing the clean-up costs to both the council and private land owners.
Carry out 'duty of care' inspections of each food business on every food hygiene inspection. Also carry out these inspections on other businesses where complaints occur or information is brought to our attention that a business may not have a waste contract in place.	Reduce the amount of fly tipped business waste, thus reducing clean-up costs.

Littering

Littering is perhaps not seen as being as big a problem in Lichfield District as dog fouling or fly tipping. This is probably because the council and others are so good at cleaning up the streets, roads and public spaces, meaning they are not considered to be particularly littered.

The reality is that programmed street and public space cleansing operations will deal with the majority of litter clearance. Additional litter clearance requests are logged, and the numbers of requests for litter clearances on top of the usual proactive work is static, showing no significant improvement or worsening of the number of requests in the last four years, as can be seen from this graph.



Actions associated with litter problems tend to fall into two types. There are the normal patrols which are done in conjunction with patrols for other environmental crimes just as dog fouling enforcement. Then there are patrols and actions associated with specific litter problems in a specific area, such as around a particular shop or takeaway.

Enforcement powers are available to not only tackle those littering, such as the use of a littering fixed penalty notice, but also to tackle the shops, takeaways and other premises whose customers may be prone to throwing away litter associated with purchases made. We will ensure that where the evidence shows problems are associated with specific premises, we will insist that those premises clear litter which originated from their premises in the vicinity.

Actions – Education

As with dog fouling, it is accepted that the majority of people will know that it is against the law to drop litter. National campaigns regularly take place and are coordinated by other organisations such as Keep Britain Tidy, the Chewing Gum Action Group, and others. We will endeavour to get involved in events to promote the reduction of littering and other environmental crimes. We will also review the information on our website to ensure it is relevant and up to date.

While limited resources prevent us from doing school education visits, we will develop littering information packs which we can send to schools for them to incorporate into their curriculum where possible.

Actions - Enforcement

As with dog fouling, we will take a zero tolerance approach where people are caught littering. In all cases where there is sufficient evidence to take the matter to a magistrates' court, we will take enforcement action in line with our Enforcement Policy. Such actions may take the form of a fixed penalty notice and ultimately a court prosecution. Further information can be found in the 'Enforcement Actions and Offences' section of this strategy.

Due to the nature of this offence, it can sometimes be committed by juveniles. While the our Enforcement Policy covers enforcement action against juveniles, it is worth noting that in the context of litter enforcement 'appropriate action' may include discussions with the child's parent(s) or guardian in relation to appropriate penalties.

New powers to deal with littering from vehicles came into force in 2018 and this enables the council to serve a fixed penalty notice on the registered keeper of a vehicle from which litter has been thrown. These powers will be used and publicised to reduce roadside littering from vehicles.

Summary of proposals in relation to littering:

What we will do	What we hope to achieve
Review the council's website pages in relation to littering.	Improved information on the law and actions we undertake.
Participate in events to promote activities of the team in relation to littering enforcement.	Raise awareness of our enforcement role.
Create environmental crime information packs for schools.	Raise the profile of littering as a problem and educate school pupils to reduce littering on the streets and thus reduce clean-up costs.
Use new fixed penalties for litter thrown from vehicles.	Reduce littering from vehicles and thereby reduce roadside clean-up costs.

Other Environmental Crimes

Matters such as graffiti and fly posting are not seen as significant problems in Lichfield District. That said, officers are authorised to take enforcement action against perpetrators where found and those patrolling in relations to dog fouling, littering and other offences will of course take action where this type of environmental crime is seen.

Should any problem areas for graffiti come to light then we will work with the police to tackle them. Similarly, if any problems occur in relation to fly posting then we will investigate and take action where possible.

Public Space Protection Orders

Public Space Protection Orders (PSPOs) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and they are designed to stop individuals or groups committing anti-social behaviour in a public space. A PSPO can be issued by the council following a consultation process and must meet the following test criteria:

- Behaviour being restricted must be having a detrimental effect on the quality of life of those in the locality;
- it must be persistent or continuing in nature; and
- it must be unreasonable.

In terms of the restrictions and requirements which can be set by the Council, these can be:

- Blanket restrictions (e.g. no sale of vehicles on specified land);
- blanket requirements (e.g. removal of dog faeces);
- targeting certain behaviours (e.g. no drinking of alcohol on specified land);
- targeting certain groups at certain times (e.g. no unsupervised juveniles in the area after 11pm or before 6am); or
- restricting access to public space (e.g. failing to leave a park at closing time when required to do so by an Authorised Officer).

PSPOs, once created, can be enforced by police officers, police community support officers and council officers.

Breach of a PSPO is a criminal offence and enforcement officers can issue a fixed penalty notices and ultimately prosecute with the maximum fine currently being £1000. The maximum time a PSPO can be in force for is three years, beyond which it must be reviewed if it is to remain in force.

Currently the council has just one PSPO and this relates to picking up dog fouling. We will therefore consider any appropriate need for any PSPOs in the future, as well as considering any request from stakeholders such as parish councils, local organisations, elected members and the public.

The council will always consult widely on any proposed PSPO prior to one being introduced.

Enforcement Actions and Offences

The principle powers which the council will use in relation to environmental crime enforcement are fixed penalty notices and prosecutions. There are other powers which are available such as the ability to give a simple caution (formerly known as formal cautions) instead of prosecuting. As considered above, the council also has the power to create Public Space Protection Orders.

The council will always carry out enforcement action, in relation to the use of these powers, in line with our Enforcement Policy. This policy includes the criteria which we consider when deciding what the most appropriate response is in relation to an offence.

Reference can be made to the council's Enforcement Policy for the detail but it is worth stating that in relation to fixed penalty notices, the revenue generated from fines is ring fenced for use in support of work around environmental crime.

Consultation on this Strategy

This strategy, once approved by Lichfield District Council's Regulatory and Licensing Committee, will be put out to public consultation and feedback will be used to make improvements where necessary.

Monitoring and Review

To assess the effectiveness of this strategy in meeting its aims, several measures will be evaluated and reported on. This will highlight where measures have made an improvement and also provide further information on areas which may be failing.

Evaluation measures are:

- Numbers of dog fouling clean up requests
- Numbers of street scene litter clean up requests
- Numbers of fly tipping clean up requests
- Numbers of graffiti and fly posting clean up requests
- Number of complaints to the enforcement team (Environmental Protection) in relation to dog fouling, litter and fly tipping.
- Numbers of fixed penalty notices issued in relation to dog fouling, littering and fly tipping.

Reviews will take place annually and where new powers are introduced or where significant changes are required to the strategy it will be brought back to the relevant committee for approval.