

# WIRRAL COUNCIL

## SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

29<sup>TH</sup> JANUARY 2013

<b>SUBJECT:</b>	<b>STREETSCENE ENFORCEMENT CAMPAIGNS UPDATE</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>INTERIM DIRECTOR OF TECHNICAL SERVICES</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 1.0 EXECUTIVE SUMMARY

1.1 This report details progress and outcomes from a number of Streetscene Enforcement Campaigns undertaken in 2012.

### 2.0 BACKGROUND AND KEY ISSUES

2.1 In relation to Streetscene enforcement, the vision set out in the Corporate Plan is for a clean society with a rubbish and graffiti free environment and responsible dog owners. One of the goals for this year is to have high standards of environmental quality across Wirral through a reliable street cleansing service and reduction of the levels of fly-tipping through targeted environmental education and enforcement. To help deliver this vision and goals the Council has adopted a set of policies for dealing with a wide range of highway and environmental issues including licensing and enforcement. These policies set out general standards and principles that are applied by the Streetscene Enforcement team when undertaking regulation or enforcement activity. A list of the current enforcement policies is shown at **Appendix A** to the report.

2.2 The Streetscene Enforcement teams primary role is to investigate, respond and take action in relation to the many complaints, reports and enquiries which are received through Streetscene on a daily basis.

2.3 Since April 2012 the enforcement team has dealt with more than 2260 individual enquiries across a range of enforcement activities including fly tipping, abandoned vehicles, littering, cars for sale on the highway, untidy land and buildings, domestic and trade waste issues, street trading, fly posting, unregulated skips and unauthorised items on the highway. A large majority of enquiries related to fly tipping and domestic waste issues.

2.4 In the same period the team undertook the following actions;

Investigations undertaken (inc desktop reviews)	1167
Fixed penalty notices issues	66
Formal notices issued	24
Court Prosecutions	16
Abandoned and nuisance vehicle investigations	208
Licences and permits issued, skips etc.	3098

- 2.5 In addition to the reactive responses to these enquiries the dedicated team, comprising four enforcement officers (3.5 FTEs), undertake a number of proactive campaigns either in isolation or together with other associated partners. These proactive activities or campaigns include litter enforcement, fly tipping investigations, domestic and trade waste matters, street trading and skip regulation. Proactive enforcement sends a message to those who flout the rules and regulations that such activity will not be tolerated, and also sends a positive message to Wirral citizens that the Council take such matters seriously.
- 2.6 Where possible the team have engaged with other partners to deliver these campaigns in particular staff from the Waste team and the Council's appointed parking enforcement contractor NSL. Additionally the dog fouling team and community patrol staff are trained and equipped to undertake litter enforcement.

### 3.0 PROGRESS

- 3.1 Proactive campaigns or activities undertaken since April 2012 are set out below:
- 3.2 **Litter Campaigns** – a total of 10 scheduled litter patrols targeting town centres and other locations where littering has been identified as an issue have been undertaken. The Council's Parking Enforcement contractor NSL has provided the resource for eight of these events, the other two being undertaken by officers in the streetscene enforcement team. Typically the patrols have included two officers patrolling around a specific target area, officers wear a uniform, liveried as "Working for Streetscene" or in the case of NSL a hat band indicating Litter Enforcement. The timings of patrols is aimed to target the most likely period for littering, typically morning rush hour or lunchtimes.
- 3.3 Outcomes from the litter events have, in relation to FPN's issued, been slightly disappointing but maybe not entirely unexpected given the highly visible presence of the enforcement officers. Over the 10 events only two Litter FPN's have been issued. It is harder to quantify the visible deterrent effect, although officers have commented on the generally high standards of street cleanliness observed during their patrols. A number of enforcement officers have received positive comments in relation to the litter patrols from passing members of the public.
- 3.4 In addition to the above, the dog fouling team and community patrol staff have issued or provided information leading to the issue of 64 Litter FPN's. The subsequent administration, dealing with appeals and recovery of amounts due is undertaken by the Streetscene Enforcement team. Recovery levels of fixed penalty amounts are very good at over 80%.

- 3.3 **CCTV Fly tipping investigations** – the enforcement team undertake covert CCTV investigations at fly tipping hotspots. The legislation regulating this type of enforcement activity requires that written authority is obtained for each and every operation and this is only given after consideration of the potential outcomes and proportionality of the operation in relation to any intrusion or potentially private information obtained. From November 2012 the legislation was amended further such that only the most serious offences can be investigated in this manner and only after authority from a Magistrates Court has been received. Large scale fly tipping including commercial dumping can still be investigated in this manner but use of covert CCTV for domestic waste related issues and littering is not appropriate.
- 3.4 Since April 2012 one covert CCTV operation has been undertaken, this was at a location in Bidston which had been subject to repeated fly tipping incidents. The operation began early in the year and during the period of the operation a major Police incident occurred. Images captured on the Council's equipment were used in the Police investigation and subsequent prosecution. During the Police investigation the operation had to be suspended but was resumed a number of weeks later. Subsequently, two instances of fly tipping were captured on camera but unfortunately following investigation neither led to a case for prosecution. One of the fly tipping incidents did however provide evidence for another unrelated Police incident. CCTV operations are resource intensive to plan, implement and follow up any outcomes but have in the past provided some very strong evidence which has led to a number of successful prosecutions. Although no new operations have been undertaken under the new legislation it is proposed that future operations will be planned in 2013.
- 3.5 **Waste Duty of Care visits** – in response to intelligence that suggested a possible future increase in the number of tyres being illegally dumped an initiative to target tyre and garage business was started in September 2012. Over a period of four separate days, enforcement officers made 79 visits to garage/tyre businesses primarily within the wider Birkenhead area. During the visits various checks were made for correct documentation in relation to the storage and disposal of tyres and other commercial waste. A total of 24 advice letters were issued together with two formal notices to produce documentation. One £300 FPN was issued. It was noted that the majority of the business were aware of their waste responsibilities, and whilst there were some who were not fully compliant, they had put into place corrective measures by the time of the follow up visits.
- 3.6 **Skip Checks** – it is a requirement that skip companies obtain a permit from the Council when placing a skip on the highway, skips must also comply with minimum standards in relation to markings and reflectors. In order to ensure that companies are complying with these requirements periodic site checks are made. Typically checks are made immediately prior to a weekend as companies are aware that the Council does not undertake enforcement at weekends. Three operations involving officers visiting streets across the borough have been undertaken since April 2012. Five unauthorised skips were detected and one with no markings. The unauthorised skips attracted an increased retrospective permit fee and the unmarked skip, which can have serious implications for other road users, has been listed for prosecution.

- 3.7 **Street trading checks** – street trading in the borough is controlled by consents granted by the Council. Some streets within the borough, for example Grange Road, Birkenhead are classed as prohibited streets and no trading is allowed. A total of eight planned checks were made at various locations including Grange Road during the festive season. It should be noted that Pedlars are exempt from street trading legislation, and many of those suspected of or seen to be trading claim to be pedlars. Pedlars are not regulated by the local authority, but should have a certificate obtained from the Police, although this does not have to be from the area in which they trade. Pedlars are allowed to sell goods on the highway but should move from place to place rather than operating from a fixed permanent location.
- 3.8 Resulting from the operations seven Pedlars have been spoken to and either verbally warned or given information and advice. One unauthorised street trader was moved on and three unauthorised street traders were successfully prosecuted.
- 3.9 **Domestic Waste checks** – in conjunction with colleagues from the Waste Team residential locations with issues around domestic waste not being correctly presented for collection have been targeted for action. Following the issuing of warning letters and household visits, if no improvements are forthcoming the Council may issue a formal notice under Section 46 of the Environmental Protection Act 1990. This notice is served on a household and sets out requirements and minimum standards for the presentation of waste for collection, 24 such notices have been served since April. If further problems are encountered the Council may in certain circumstances issue a fixed penalty notice to the individual responsible. The penalties for such offences have recently been reduced in new government legislation and the burden of proof necessary before a penalty can be issued is such that no S.46 FPN's have been issued in Wirral to date. In the two most recent operations nine individual households have been visited to determine the next most appropriate course of action.
- 3.10 **Premises Cigarette Litter** – a number of businesses with cigarette related litter problems have been targeted for action to reduce the level of cigarette litter in their vicinity on the highway. In total 22 businesses were visited and information and advice offered. The Council also provided six businesses with butt bins for them to place on external walls and has entered into a litter control agreement with one business.

#### **4.0 RELEVANT RISKS**

- 4.1 Not taking enforcement action sends the wrong message to those that flout the rules that their behaviour is acceptable. It may over time lead to an increase in litter and fly tipping and an overall reduction in the quality of the streetscene environment.

#### **5.0 OTHER OPTIONS CONSIDERED**

- 5.1 None

#### **6.0 CONSULTATION**

- 6.1 A substantive consultation exercise was undertaken when developing and preparing the policies under which these enforcement activities are undertaken.

## **7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

7.1 There are none arising specifically from this report

## **8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

8.1 There are none arising specifically from this report.

## **9.0 LEGAL IMPLICATIONS**

9.1 There are none arising specifically from this report. Legal Services provide advice, guidance and representation as required and are a vital component of the enforcement process.

## **10.0 EQUALITIES IMPLICATIONS**

10.1 There are none arising specifically from this report although enforcement relating to misuse of the highway will benefit the less able bodied and sight impaired highway users.

10.2 Equality Impact Assessment (EIA)

- |                                       |               |
|---------------------------------------|---------------|
| (a) Is an EIA required?               | Yes           |
| (b) If 'yes', has one been completed? | Yes, Feb 2012 |

## **11.0 CARBON REDUCTION IMPLICATIONS**

11.1 There are none arising directly from this report.

## **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

12.1 There are no planning implications arising directly from this report.

## **13.0 RECOMMENDATION/S**

13.1 Committee are requested to note the contents of this report.

## **14.0 REASON/S FOR RECOMMENDATION/S**

14.1 The report is an information item to inform Members of the activities and actions of the Streetscene Enforcement team.

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## **APPENDICES**

Appendix A: List of Enforcement Policies

## **REFERENCE MATERIAL**

None

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Cabinet - Streetscene Enforcement Strategy and Policies	16 <sup>th</sup> October 2008
Cabinet – Review of “A” Boards and Shop Displays on the Highway	15 <sup>th</sup> April 2010
Cabinet - Streetscene Enforcement Policy Review	15 <sup>th</sup> March 2012

## TECHNICAL SERVICES ENFORCEMENT POLICIES

<b>REF</b>	<b>ENFORCEMENT POLICY</b>
GEN01	Processes and procedures common to all policies
LEQ01	Fly tipping investigations and enforcement
LEQ02	Litter Dropping enforcement
LEQ03	Abandoned Vehicle removal
LEQ04	Enforcement of Litter Clearing Notices
LEQ05	Enforcement of Street Litter Control Notices
LEQ06	Fly posting and graffiti
LEQ07	Control of Distribution of free literature
LEQ08	Obstructions on the highway and Pavement Café licensing, "A" boards and shop displays
LEQ09	Nuisance vehicles (cars for sale and vehicle repairs on the highway)
LEQ10	Skips, storage containers and building material on the highway
LEQ11	Licensing of Street Trading
LEQ12	Overhanging hedge, trees or shrubs
LEQ13	Miscellaneous highway enforcement
WTD01	Enforcement of Waste Transport legislation
WTD02	Enforcement of Trade Waste legislation
WTD03	Enforcement of domestic waste and recycling policy
PLE01	Untidy property and land
HPE02	Unauthorised Vehicle Crossing (over footway)