

**Decision Maker:** PORTFOLIO HOLDER FOR PUBLIC PROTECTION AND SAFETY

For Pre Decision Scrutiny by the Public Protection and Safety PDS Committee on

**Date:** 10<sup>th</sup> September 2013

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** INCREASE IN ENFORCEMENT ACTIVITY INITIATIVE

**Contact Officer:** Jim McGowan ,Head of Environmental Protection  
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**Chief Officer:** Nigel Davies, Executive Director of Environment & Community Services

**Ward:** All

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1. Reason for report

To consider options for funding increased enforcement activity against those who commit Enviro Crime type offences within the borough.

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2. RECOMMENDATIONS

The Portfolio Holder is asked:

2.1 To agree to the increased enforcement activity set out in paragraph 3.7 – 3.25

2.2 To agree to allocate £20k from the Safer Neighbourhood Development Grant budget to fund the additional activity

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Quality Environment, Safer Bromley
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### Financial

1. Cost of proposal: £20k
  2. Ongoing costs: n/a:
  3. Budget head/performance centre: Safer Neighbourhood Development Grant budget within Community Safety
  4. Total current budget for this head: £53,530, with an uncommitted balance of £33,530 available
  5. Source of funding: Existing revenue budget for 2013/14
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### Staff

1. Number of staff (current and additional): Current staff
  2. If from existing staff resources, number of staff hours: n/a
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### Legal

1. Legal Requirement: Primarily relates to statutory functions
  2. Call-in: Applicable:
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 300,000+
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not applicable

### **3. COMMENTARY**

- 3.1 The Enforcement Concordat provides guidance to Councillors, Officers, businesses and individuals on the range of options that are available to achieve compliance with legislation enforced by the London Borough of Bromley.
- 3.2 A wide range of enforcement mechanisms are available, ranging from informal action, such as, verbal warnings to formal action with Notices and prosecution.
- 3.3 In all instances an enforcement method that is relevant and proportionate to the offence or contravention will be used and this will include taking into account the past history of an individual or a business. The policy is built around a process of escalation and prosecutions will only take place in circumstances where a defendant has acted willfully, where they have ignored written warnings or formal notices or obstructed an officer in the course of their duties.
- 3.4 Officers from both the Public Protection and Environment Portfolio currently engage in numerous enforcement activities to catch and prosecute those companies and individuals who act in an anti social or criminal manner. Many of these acts are classed as Enviro crime and have a detrimental and negative effect on the physical environment. Enviro crime activity such as fly tipping, littering, graffiti and dog fouling cost the London Borough of Bromley a significant amount of money per annum. The collection and disposal of fly tipped material alone cost LBB over £130k in 2012/13.
- 3.5 This report proposes an increase in action to tackle Enviro Crime activity and to combat the irresponsible and anti social behaviour of a minority number of individuals. The proposed programme of activity would supplement existing functions and would run during the six months from October 2013 until 31 March 2013.
- 3.6 The activities would cover a coordinated effort to catch and prosecute those acting in an anti social way or committing Enviro Crime, and subsequently publicise both the actions, the individuals and the punishments. The following commentary describes the proposed activities with an indication of the associated costs.

#### **PROPOSED ACTIVITIES**

##### **Multi-agency Clean ups**

- 3.7 A programme of multi-agency clean ups will fit in with the MPS Policing Plan and the LBB Safer Neighbourhood aims. It is proposed to have six operations with support from Street scene contractors to remove fly tipped waste; the estimated £3000 costs does not allow for officers existing time to organise and liaise with Police, Affinity Sutton, Probation and other partners. During these clean up operations enforcement officers will be tasked with searching the fly tips to try and find evidence of who has dumped the rubbish and proceedings will be instigated against any perpetrators who are identified.

- estimated cost £3,000.

##### **Surveillance of Fly-tip Hot Spots**

- 3.8 Following extensive fly-tipping around the recycling area in the car park at Cotmandene Crescent, a CCTV surveillance operation was carried out. From the CCTV coverage it has been possible to identify over 100 cases of fly-tipping, ranging from one black sack to a pile of old furniture. It was necessary to employ an additional administrative resource for one week to view the CCTV coverage, make DVLA enquiries and prepare documentation for processing the formal actions.

- 3.9 Notices are sent to the registered keepers of the vehicles to determine who was in charge of the vehicle at the time of the offence taking place. From this information it is then possible to go forward with enforcement action, which will include issuing of FPNs and prosecutions, dependant on the severity of each case. It is hoped the income received from the FPNs will go toward funding some of the additional resource required.
- 3.10 Other sites are being identified across the Borough, where fly-tipping has increased and it is intended to carry out similar operations to these sites as those used at Cotmandene Crescent but using mobile surveillance and recording systems. Where practicable, CCTV equipment can be deployed to sites where there are high instances of fly-tipping.
- 3.11 The viewing of CCTV tapes and the logging of details is very time consuming and the cost of this exercise alone amounts to £750 per week. If a contractor was deployed to provide a manned surveillance operation, the cost of this would be in the range of between £15 and £20 per hour per officer.
- 3.12 Where vehicles are involved there is a requirement to serve a Notice on the vehicle's registered keeper to provide details of those in charge of the vehicle at the time of the offence. On receipt of this information it is then possible to start enforcement action. Additional administrative support is necessary for this process. It is hoped the income received from the FPNs will go toward funding some of the additional resource required.
- 3.13 It is estimated that the mobile CCTV equipment cost will be £2,300; review of tapes will cost £1,500 and additional manned surveillance £1,200

- Estimated cost £5,000

### **3.14 Investigation of Advertised Services for Waste Removal**

- 3.15 A "desk-top" exercise could be carried out to determine all the companies that operate in the Borough that carry out waste and rubbish removal service are properly licensed and acting within current legislation.
- 3.16 Companies advertised in the local press, on the internet and other advertising media could be investigated and their details checked against the Environment Agency's web site to determine whether they were a licensed waste carrier.
- 3.17 Those companies not licensed could be used in a "sting" operation by offering them work to determine what they do with the waste.
- 3.18 Additional resources would be required to carry this whole process at a cost of between £15 and £20 per hour per officer. To review the local media for companies and check waste carrier licences over a 4 week period is estimated to be £1,500 and the additional organisation and delivery of an appropriate Sting Operation £3,500

- Estimated cost £5,000

### **Dog Fouling**

- 3.19 Delegation for surveillance operations, fixed penalty notices and prosecutions for dog fouling offences could be extended to SDK, who is the Council dog warden contractor and to the Council's other contractor, Kingdom Security for enforcement in Parks.

- Estimated costs £4,000

### **Fly tipping on private and unregistered land eg alleyways**

3.20 There are a number of protocols to deal with residents and contractors who fly tip in private areas where Public Protection will serve Notice on the perpetrator or the owner/occupier of the land. This is normally covered by the officers in Public Protection, however, where the land is unregistered, then Notices may be served on the households that front on to or otherwise abut the land that has been tipped. Public Protection can then arrange for costs to be recovered from those people but this process does not cover normal Council costs and would need to be supplemented in order to pursue this option.

- Estimated cost:- £3,000

### **Targeted Stop & Check Vehicle Operations**

3.21 Cooperation from the Police and other such Partners as Customs & Excise, Environment Agency and Trading Standards to be sought to carry out joint-operations that are targeted at regular monthly intervals. These operations are to be carried out at no additional cost to the Council.

3.22 Establish a list of 'top ten' locations, taken from the Policing Plan and the Council's MOPAC targets, to carry out these operations over a six month period.

3.23 Confirmation sought to use their Police ANPR (Automated Number Plate Recognition) system and ANPR interceptor car for enviro crime operations. Public Protection to arrange.

### **Enviro crime reward scheme**

3.24 It is proposed that Bromley should re-establish the enviro crime reward scheme whereby our residents are asked to help keep our streets safe and clean by reporting these crimes to us for a reward. If their information helps us to successfully prosecute an offender, then they could receive up to £500 as a 'thank you', depending upon the seriousness of the offence and resultant punishment.

3.25 Under this scheme, if a resident sees an envirocrime being committed, they report it to the Police and contact us with the information. They provide a description of the offender, vehicle registration, photograph or any other detailed information which could be used as evidence and may enable us to prosecute. Their personal details are treated as confidential but sometimes it may be necessary for witnesses to give evidence in court.

- Estimated cost - It is expected that this will be less than £2,000 and will be funded from the Street scene and Green Space budgets within the Environment Portfolio.

## **4. POLICY IMPLICATIONS**

4.1 Tackling and reducing the level of the various types of enviro and providing reassurance to the people of Bromley are key elements of the PPS and ECS portfolio plans and of the Council's commitment to Building a Better Bromley.

## 5. FINANCIAL IMPLICATIONS

5.1 The six month enforcement activity programme is estimated to cost £20,000 and the table below summarises the costs: -

<b>Additional enforcement activities</b>	<b>£'000</b>
Multi-agency Clean-ups	3
Surveillance of fly tip hot spots	5
Sting operation re unauthorised waste removal services	5
Dog fouling	4
Flytipping on private & unregistered land eg alleyways	3
<b>Total estimated cost</b>	<b>20</b>

5.2 The 2013/14 Community Safety Budget has an amount of £53,530 allocated for Safer Neighbourhood Development Grants. An uncommitted balance of £33,530 is currently available. This report is requesting Portfolio Holder approval to contribute £20,000 from this budget to fund the additional enforcement activities proposed in this report.

5.3 The enviro crime reward scheme is expected to cost less than £2,000 and it will be funded from the Street Scene and Green Space budget within the Environment Portfolio.

## 6. LEGAL IMPLICATIONS

6.1 There is a wide range of legislation available to the enforcement officers of the Council in tackling the various elements of enviro crime. The legislation is primarily based around the various Public Health Acts and the Environmental Protection Act 1990. The legislation allows for prima facie prosecutions as well as a system of serving enforcement Notices, which may be followed up with Fixed penalty notices, prosecutions and works in default of the Notice.

## 7. PERSONNEL IMPLICATIONS

7.1 Personnel requirements to be met from within existing resources, except for those as detailed in the body of the Report, where additional agency staff are needed to supplement the operation.

<b>Non-Applicable Sections:</b>	N/A
Background Documents: (Access via Contact Officer)	