

OVERVIEW AND SCRUTINY BOARD

9 NOVEMBER 2015

FINAL REPORT OF THE ENVIRONMENT SCRUTINY PANEL EDUCATION / ENFORCEMENT – ENVIRONMENTAL ISSUES

PURPOSE OF THE REPORT

1. To present the findings of the Environment Scrutiny Panel's review on the topic of Education / Enforcement – Environmental Issues.

AIM OF THE SCRUTINY INVESTIGATION

2. The overall aim of the scrutiny investigation is to assess whether the Council's approach to enforcement activity in respect of environmental offences is still appropriate and proportionate in light of continued budget reductions.

TERMS OF REFERENCE OF THE SCRUTINY INVESTIGATION

3. A number of areas have been identified as of interest to the panel in undertaking this review as follows:-
 - To understand the powers the Council has to take enforcement action in response to environmental offences
 - To consider the level of environmental enforcement action taken by the Council in recent years and how this compares with neighbouring authorities
 - To consider the environmental education work undertaken with residents / businesses to promote responsible citizenship.
 - To examine the environmental enforcement / educational approaches adopted by other local authorities regionally and nationally and the advantages / disadvantages of both approaches.
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METHODS OF INVESTIGATION

4. Members of the panel met formally on 23 July, 6 August and 17 September to discuss/receive evidence relating to this investigation. A detailed record of the topics discussed at the meetings is available from the Committee Management System (COMMIS), accessible via the Council's website.

MEMBERSHIP OF THE PANEL

5. The membership of the Panel was as detailed below:

Councillor D Rooney (Chair), Councillor T Higgins (Vice Chair), Councillors J Blyth, J G Cole, D P Coupe, J Goodchild, P Purvis, M Saunders and Z Uddin.

BACKGROUND INFORMATION

6. In March 2015 the Communities and Local Government Committee produced a report on litter and fly tipping in England. The report sought to examine whether levels of litter and fly tipping are improving or deteriorating and whether the measures for dealing with this issue are appropriate. Over 400 photographic submissions were received from across the country showing areas where litter and fly tipping has accumulated. The report highlighted that litter is a subject which engenders a great deal of concern in this country and yet is a phenomenon which could be avoided entirely if individuals simply placed their rubbish in a bin or took it home.
7. The Communities and Local Government Committee found that levels of litter in England have hardly improved in the past 12 years and cost the taxpayer between £717 and £850 million a year to clean up. The most frequently littered items are chewing gum and smokers' material.
8. In terms of penalties Part IV of the Environmental Protection Act 1990 makes dropping litter a criminal offence subject to a fine of £2,500 on summary conviction in court. In 2013 5,500 people were convicted in magistrates' courts of littering with an average fine of £140. In 2008-09 there were 30,678 fixed penalty notices issued, of which 19,039 were paid. On the basis of the average fine of £75 this would amount to approximately £1.4million in revenue for local authorities – a drop in the ocean compared to the clean-up costs. The Government has not collected data on the number of criminal cases, fines, FPNs issued or amounts collected since 2008/09.

Fly tipping

9. The Communities and Local Government Committee also found that fly tipping is a serious problem for local authorities and one which is increasing. Prosecution is often difficult and costly as a result the number of convictions for fly tipping is low. In 2013/14 fly tipping increased by 20 per cent nationally. Nearly 2/3rds of the waste dumped involved household waste. There were 852,000 reported incidents of fly tipping in 2013/14 and only 2,000 convictions in the courts. The cost of fly tipping in England in 2013/14 was £42.5m, a 24% increase on 2012/13. Research has indicated that part of the rise in incidents is thought to be due to the low cost of
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household goods and to people moving home more often, with figures showing 11 per cent of all households moved in 2013/14.

- Regionally the amount of rubbish dumped illegally, as well as the costs associated with fly tipping are also on the rise. In 2014/15 Hartlepool and Darlington were the riskiest places to be a fly tipper and had the highest number of prosecutions, with 55 and 65 last year, despite having a relatively low number of incidents, at 1,296 and 2,994. Durham with 8,779 incidents and a bill of £592,000 had 4 prosecutions. In Middlesbrough there were 2,765 reported incidents of fly tipping in 2013/14 and 13 prosecutions.

Reporting Environmental Issues

- The panel wished to gain an understanding of the scale of environmental issues dealt with by the department in terms of complaints, one stop enquiries and service requests on an annual basis. It was explained that there are a number of routes by which requests and complaints are received including the CRM and FLARE systems, Councillor One Stops, telephone calls and emails.
- A summary of the channel of communications was provided to the panel to give an overview of the range of complexity of issues that the Service deals with, as follows:-

CAB	6
Contact Centre	8583
E-mail	92
Internal Memo	1
Letter	5
One Stop Shop Report	95
Other / Social Media	40
Personal Visit	206
Street Warden Report	579
Telephone	343
Grand Total	9950

- In addition to the above Council operatives regularly carry out cleansing/removal of fly-tipping as a 'see it, do it' action. An example was given of the 'bring site' at Pallister Park. A photograph of the site is attached at Appendix 1 and shows the bins provided overflowing with rubbish. It was noted that the introduction of household recycling bins should negate the need for 'bring sites' which seem to encourage fly-tipping rather than contain it. The Head of Environmental Services advised that a proposal is to be put forward to close 2 of the bring sites in an effort to alleviate this issue.
- In relation to costs, the panel was advised that it is difficult to provide an exact figure for dealing with rubbish dumped illegally, as the cost is included in the overall street cleansing budget. However, there is a full-time two person crew and vehicle dealing with approximately 2000 fly-tip incidents per year plus waste disposal costs. It was confirmed that since the introduction of a £10 charge for rubbish collection, there has not been a marked increase in the number of fly-tips. The number of fly-tips in Middlesbrough is on a par with neighbouring local authorities.

15. The Head of Environment Services advised that one of the biggest issues at the current time is back alleys. The Council is committed to cleaning back alleys on refuse collection days only. Between that day and the next collection, rubbish often accumulates in back alleys and unfortunately the Council does not have the resources to collect it. It is the residents' responsibility not to put their rubbish in the back alley until collection day. The Service is considering a targeted approach to educating residents and it is suggested that this could be by word of mouth rather than leafletting.
16. The Head of Environmental Services explained that following a senior management review in 2014, environmental enforcement transferred from the Environmental Health section into Environmental Services. A further service review is scheduled to take place later this year to determine the best way to combine environmental enforcement with environmental education. Environmental enforcement consists of three non-uniformed staff who deal predominately with low level environmental issues such as litter, waste and dog fouling, non-compliance with commercial waste 'Duty of Care' regulations and fly tipping.
17. Reference was also made to the recent Executive report on the establishment of an Integrated Enforcement function, as approved on 8 September 2015. This decision has brought together the existing car parking enforcement, street warden and neighbourhood safety functions. The option to include environmental enforcement in the merger was rejected. The report highlighted that although merging all four functions would provide an integrated enforcement team in its purest sense. The disadvantages of breaking the link between environmental enforcement and environmental education outweighed the advantages of increasing liaison between environmental enforcement and uniformed wardens. This increase in liaison can be achieved without the need to merge.

Litter and Detritus

18. The Head of Environment Services provided information in relation to how the Council is performing against the BVPI 195 Service Promise for Litter and Detritus for 90% of streets to meet the Keep Britain Tidy criteria. The panel was advised that there has been deterioration in the performance of street cleanliness and suggested that as anticipated this is connected to the overall reduction in resources. The Service had estimated that there would be an increase with 9% of streets not meeting targets for 2014/2015. The first of 3 BVPI 195 surveys has achieved a score of 6% which is an increase from the previous year's figure of 4%. The Head of Environment Services stated that the introduction of a £10 charge for junk jobs, as demonstrated to the panel previously, has not affected the increase in litter.
 19. Only fly tipping removed from Council owned land is recorded and the information is sent to the Department for Environment and Rural Affairs (DEFRA). When fly-tipping on private land or land belonging to Housing Associations is reported, the information is forwarded to the land owner, if they can be identified.
 20. In relation to the use of CCTV cameras, it was noted that these have been successful at the Parkway Centre in Coulby Newham when several people who had fly-tipped waste were contacted via their car registration numbers. In order to secure a successful prosecution for fly-tipping, a clear link between the rubbish that was dumped and the person dumping it has to be established. A name and address and waste that could have only come from that establishment has to be evidenced.
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TO UNDERSTAND THE POWERS THE COUNCIL HAS TO TAKE ENFORCEMENT ACTION IN RESPONSE TO ENVIRONMENTAL OFFENCES.

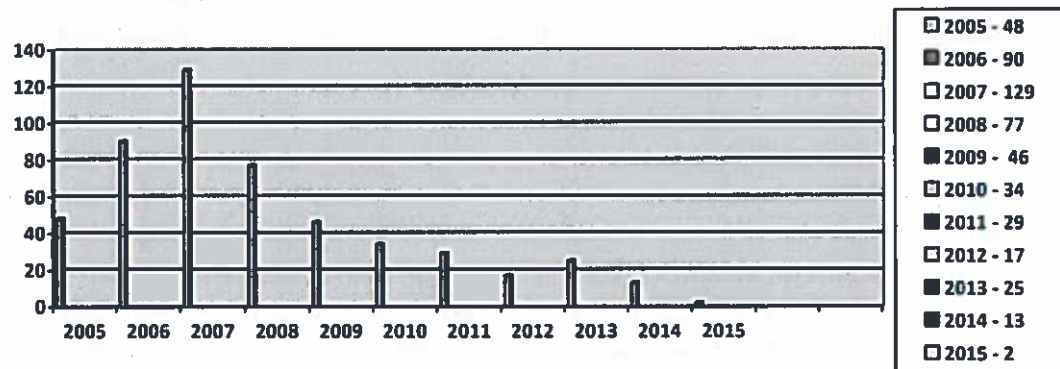
21. Information was requested from Legal Services in respect of the legal powers the Council has to undertake enforcement action and the following information was provided:-

Name of Offence	Power to issue FPN	Offence Legislation
Abandoning Vehicles	S2A Refuse Disposal (Amenity) Act 1978	S2(1)(a) Refuse Disposal (Amenity) Act 1978
Littering	S88 Environmental Protection Act 1990	S87 Environmental Protection Act 1990
Breach of a community protection notice	S52 Anti-Social Behaviour Crime & Policing Act 2014	S48 Anti-Social Behaviour Crime & Policing Act
Free distribution of printed matter on designated land	Sch 3A Para 7 Environmental Protection Act 1990	Sch 3A Para 1 Environmental Protection Act 1990
Failure to produce a Waste Carriers License	S5B(2) Control of Pollution (amendment) Act 1989	S5 Control of Pollution (amendment) Act 1989
Duty of care in respect of waste/ failure to furnish information.	S34A (2) Environmental Protection Act 1990	S34 Environmental Protection Act 1990
Waste Receptacle offences	S47ZA (2) Environmental Protection Act 1990	S46 & 47 Environmental Protection Act 1990
Failure to comply with a public space control order (dog control and other matters)	S52 Anti-Social Behaviour Crime & Policing Act 2014	
Night time noise offence from a dwelling	S8 Noise Act 1996	S4 Noise Act 1996
Night time noise offence from premises	S8 Noise Act 1996	S4A Noise Act 1996
Offences in relation to the Energy performance of buildings	Reg36 Energy Performance of Buildings Regulations 2012/3118	Reg35 Energy Performance of Buildings Regulations 2012/3118
Failure to display "no smoking" sign	S9 Health Act 2006	S6 Health Act 2006
Smoking in a smoke-free place or vehicle	S9 Health Act 2006	S7 Health Act 2006
Failure to advise of nominate key holder (intruder alarms)	S73 Clean Neighbourhoods Act 2005	S71(4) Clean Neighbourhoods Act 2005
Graffiti and fly posting	S43 Anti-Social Behaviour Act 2003	S44 Anti-Social Behaviour Act 2003

22. New legislation in the Anti-Social Behaviour, Crime and Policing Act came into force in October 2014. It empowers local authority officers to issue Community Protection Notices (CPN) against people who drop litter. A CPN can also be issued where litter has accumulated and is causing a problem for the community.

TO CONSIDER THE LEVEL OF ENVIRONMENTAL ENFORCEMENT ACTION TAKEN BY THE COUNCIL IN RECENT YEARS AND HOW THIS COMPARES WITH NEIGHBOURING AUTHORITIES

24. The panel was provided with a copy of the Council's Community Protection Enforcement Strategy, which set out the offences that are dealt with by way of fixed penalty notice, the delegation scheme for posts authorised to issue fixed penalty notices and the key policies in respect of first offences. The aim of the policy is to assist staff in applying enforcement measures consistently and to help businesses and individuals understand the actions.
25. The policy states that the Council may spend the receipts from FPNs on any of its functions. However, the Council will normally spend the receipts on functions that are relevant to the offence committed e.g. litter receipts will be spent on controlling litter. The Council aims to receive all payments due and progress where possible none payment through the courts. DEFRA have set a target payment rate for offences created or amended by the Clean Neighbourhoods and Environment Act at 75%. The Strategy states that the Council will track its performance against this target.
26. The Strategy highlights that there are several levels of intervention including advice and education, informal action, statutory notices, penalty notices, revocation, review and suspension of licences. In accordance with the policy, the panel was advised that responses are proportionate to the risks and circumstances involved. All individuals and businesses are treated fairly and any advice or information provided is easy to understand. Enforcement action is always undertaken by suitably qualified and experienced Officers and decisions to prosecute, issue a simple caution, take injunctive action or seek revocation, review or suspend a licence is taken by senior Service Managers and not the Officer directly involved in the investigation.
27. The panel was informed that in 2006/07 the Council had utilised an approach which tended towards a zero tolerance approach to many minor environmental crimes. Fixed Penalty Notices (FPNs) were issued frequently and non-payment of the penalty resulted in the matter being referred to Legal Services for a prosecution to be instigated. In the period 2005 to 2015 the number of Fixed Penalty Notices issued by the Council has fallen from a peak of 129 FPNs in 2007 to a total of 2 FPNs in 2015 (up to and including August).



28. It was highlighted that in 2007 the service had a team of eight staff funded through the Neighbourhood Renewal Fund. The panel heard that in October 2009 a change of approach was advocated by Mr Mallon, the then Mayor of Middlesbrough, who favoured an approach based on public education as opposed to punishment. In July

2010 the Executive approved the Council's current Fixed Penalty Enforcement Strategy, which advocated providing warnings in straightforward cases such as litter and dog fouling and to give people an opportunity to redress their offence prior to being issued a fixed penalty notice.

29. In all cases, apart from Traffic Management Act offences, this is followed up with a written warning. Details of warnings stay on record for at least 12 months. In cases where the offender fails to comply with the opportunity to redress the offence or in cases where the offence cannot be remedied at the time, for example, graffiti, then a FPN is issued.
 30. With regard to a second or subsequent offence, a FPN is normally offered as an opportunity to discharge responsibility for offences that otherwise would be taken to court. FPNs are a 'one time' offer. If an offender has a history of committing the same or similar offences and the payment of earlier FPNs or court fines has not deterred them from re-offending, then a FPN would be inappropriate and prosecution would usually follow. An FPN is an opportunity to avoid a court appearance by paying a fine within 14 days.
 31. If the person committing an offence is not capable of understanding that their actions constitute an offence, are mentally impaired in any way, or clearly unable to pay, (for example homeless), and the issue of a warning or FPN was not in the public interest, then on-the-spot education is recommended. No enforcement action can be taken against children under the age of 10 years since they are below the age of criminal responsibility. However, where appropriate, any event is reported to a child's parents or guardians.
 32. It was highlighted that for some offences, such as night time noise, the Council has other powers that it uses, such as issuing a statutory notice rather than a FPN. The Council has adopted a reactive and proactive approach to enforcement; reacting to complaints and service requests and being proactive in known hotspots and areas identified as a result of routine inspections. Actions taken in response to investigations include verbal warnings, advisory and warning letters, numbers of FPNs issued, paid and prosecuted.
 33. The pattern for the last two years is broadly similar. In 2013/14 23 FPNs were issued, 7 were paid and 7 prosecuted. It was explained that sometimes FPNs are withdrawn if the correct information is later provided. For example, if a business fails to provide waste carrier details but then supplies them after the FPN is issued, the FPN is withdrawn. In some cases, offenders may have given false details, move address or go out of business. Some people receive the Court Summons and then pay the FPN fine rather than go to Court.
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Year	Verbal warnings	Advisory letters	Warning letters	FPN's Issued	FPN paid	FPN pros.
2013/14		8	88	226	23	7
2014/15		6	60	316	12	4

The figures for 2014/2015 are the FPNs issued up to August 2015.

34. It was noted that the number of warning letters issued to date in 2015 was almost 100 more than in the previous year and it was queried whether this has had an impact on the number of FPNs issued. The Officer explained that some people will comply with a sign or notice, others will respond to a warning letter, and most people will comply with a legal notice. Advisory letters are usually sent to a group of people, for example if there is a back alley with a lot of rubbish in it. A warning letter tends to be sent to a specific person for a specific offence.
35. The Fixed Penalty Notices issued by the Council in 2013/14 and 2014/15 were provided to the panel as follows:-

	2013/14	2014/15
Litter	4	2
Waste arrangements	10	6
Waste carrying	2	1
Domestic Waste	3	3
Commercial Waste	2	0
Dog Fouling	2	0

36. The prosecution outcomes were also reported and it was highlighted that in 2013/14 13 prosecutions through the courts were undertaken and the costs awarded to the Council totalled £2,560. The 13 individuals prosecuted also received fines totalling £1,800. In 2014/15 there were 6 prosecutions through the courts with the costs awarded to the Council totalled £2,560. Fines totalling £9,300 were also given. It was highlighted by the panel that a Court fee of £150 - £530 has recently been introduced and is payable by the defendant in each case.
37. Legal Services advised that one of the challenges faced by the Local Authority when prosecuting a wide range of penalty offences is the courts' response to low level offences. In general terms the low level nature of the environmental offences committed is reflected in the sentencing of the individual and on many occasions the costs awarded following a successful prosecution fall short of the costs incurred by the Authority in bringing the prosecution before the court. Negative publicity has also arisen on a number of occasions.
38. The Legal Department advises that it can process prosecution files and lay the information before the court. However, it is fair to say that the majority of the work

and time spent on these matters is by officers in the service departments, who have the responsibility of gathering evidence and putting forward a file fit for prosecution. In terms of Legal Services the legal process of listing a non-payment of a penalty offence before the courts is in general terms a straightforward, formulaic matter.

39. It always has to be anticipated that a certain amount of not guilty pleas will arise per quota of prosecutions submitted. These not guilty pleas result in trials where departmental officers are required to attend court and give evidence. If a large amount of trials arose then this could result in a resource implication for legal services and whilst the Council would endeavour to cover all trials in house the availability of staff may at times be such that is no longer possible.

North East Authorities

40. Research conducted by the Northern Echo highlighted that in period 2009 – 2014 the number of Fixed Penalty Notices (FPNs) issued by local authorities in the North East region in respect of dog fouling and littering were as follows:-

Local Authority	FPN Dog Fouling (2009 – 2014)	FPN Littering (2009 – 2014)
Durham County Council	849	3,165
Darlington Borough Council	209	1,548
Richmondshire Borough Council	37	117
Hambleton Borough Council	29	44
Middlesbrough Borough Council	12	22
Stockton Borough Council	56	1,484
Redcar & Cleveland Borough Council	469	1,137
Sunderland City Council	398	633
Gateshead Borough Council	148	693
Hartlepool Borough Council	n/a	n/a
Newcastle City Council	224	5,254
York City Council	17	542
Harrogate Borough Council	72	0
Ryedale Borough Council	5	1

41. In 2014/15 a report by the BBC stated that a third of Councils polled in England and Wales did not issue a single fixed penalty notice for fouling in 2014/15, while the overall number of fines given out last year fell by all most 20 per cent. Nationally the number of fines handed out in 2014/15 fell to 2,868 from 3,521 in 2013/14. 103 local authorities did not issue any fines for dog fouling.
42. In the last 2 years Durham County Council has received more than 5,000 reports about dog fouling. In that time, the number of fixed penalty notices issued by Durham County Council has fallen from 142 in 2013/14 to 67 in 2014/15. In 2013/14 Stockton Borough Council received 568 complaints about dog fouling and issued 9 fines. In 2014/15 545 complaints were received on this issue and 5 fines were issued.
43. Whilst no specific surveys have been carried out to gauge public opinion, Officers consider One-Stop requests, corporate complaints, MP letters, Ombudsman investigations and Community Council requests. The Council also issues press releases and provide advice and guidance as appropriate.

44. With regard to food premises, action is taken regarding waste storage arrangements. Businesses have to provide documentation to prove they have a waste contract on request. If there is no contract in place, the Council can take further action. FLARE is a shared system used for recording community protection information. For example, if a business is reported for having a dirty kitchen, Officers look at that problem and also the waste storage arrangements and add the details to the FLARE system.
45. Reference was made to an area at Coulby Newham where there had been a particular problem with fly tipping at Christmas time. It was explained that 70 warning letters were issued. Home address information was obtained from vehicle registration numbers that were captured on CCTV. Once members of the public were aware that they could be seen fly-tipping and traced, the issue resolved.
46. It is apparent that in line with the previous Mayor's request, the current Enforcement Policy focuses on education rather than enforcement.

CASE STUDY – HARTLEPOOL

47. Hartlepool Borough Council was contacted in relation to a 'Respect Your Neighbourhood' campaign that they have implemented. A copy of the case study is detailed below.
 48. Following a recommendation from Hartlepool Council's Neighbourhood Services Scrutiny Forum for greater collaboration with partners on environmental enforcement a number of Council officers, together with representatives from other agencies including the police and fire service met to discuss the potential for greater collaborative working in the future. This meeting resulted in an environmental Enforcement Campaign being delivered across Hartlepool entitled 'Respect your Neighbourhood'.
 49. One of the key elements of the 'Respect Your Neighbourhood' campaign is a 'day of action'; this is enforcement orientated, but also includes measures to improve neighbourhood safety and quality of life issues. It operates on one day per month, and all eleven wards in Hartlepool benefit from the initiative on a rotational basis. Depending upon what the issues are in any particular area on the basis of the evidence collated, Neighbourhood Action Days include:
 - Litter, dog fouling, dogs off lead enforcement;
 - Planning enforcement activity such as section 215;
 - Highways enforcement such as overhanging trees;
 - Illegal Parking enforcement;
 - Housing standards enforcement;
 - Proactive anti-social behaviour patrols;
 - Trading standards and environmental health activity including waste carrying, noise nuisance and pest control;
 - Tethered horses
 - Arson reduction activity
 - Community and/or school litter picking
 - Off road bikes
 - Scrap metal theft; and
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- Community Pay Back completing reparation work – such as street furniture repairs / refreshing painting.
50. The 'Respect Your Neighbourhood' initiative is accompanied by a co-ordinated media campaign. A day before and after story following each Neighbourhood Action Day is also provided. The first Day of Action took place in the Burbank area of the Headland and Harbour ward on 26th February 2014. Attached at Appendix B is the action day case study.
51. In using this targeted, action-based, approach to the campaign the number of outcomes achieved have exceeded the usual day to day activities. A total of 385 actions were achieved in 11 days.
52. During the 11 days of enforcement activity in 2014/15 the following was achieved.
- 26 FPNs issued for litter offences
 - 4 FPNs issued for dog fouling offences
 - Vehicles stopped as part of a stop search and seize operation
 - 2 vehicles seized for using illegal fuel
 - 3 untaxed vehicles seized
 - 2 vehicles fined for exceeding weight limit
 - 1 illegally grazed horse seized
 - 64 Dogs Micro chipped
 - 1 notice served seeking possession on a property
 - 64 Dogs Micro chipped
 - 1 notice served seeking possession on a property
 - 74 bags of rubbish removed from rear alleys
 - 2 Hypodermic needles issued removed from front streets
 - 2 properties issued section 46 notices
 - 5 properties identified for section 215 notices
 - 2 refuse bins removed from rear alleys
 - Households given warnings regarding refuse bins
 - 23 private landlords contacted to secure and clear properties
 - 4 landlords contacted regarding nuisance tenants
 - 22 properties received tenancy issue notices, from housing providers to tidy gardens
 - 80 home fire safety checks carried out
53. Hartlepool has reported that this targeted and partnership approach has been well received and the campaign has been repeated in 2015/16.

TO CONSIDER THE ENVIRONMENTAL EDUCATION WORK UNDERTAKEN WITH RESIDENTS / BUSINESSES TO PROMOTE RESPONSIBLE CITIZENSHIP

54. The Chair and Vice Chair met with the Council's Waste and Environmental Strategy Manager and the Recycling Officer to receive information on education in relation to environmental issues.

Education

55. The current Environmental Education team comprises of 4.5fte which includes a Waste & Environment Strategy Manager, Waste Contracts Manager, Recycling
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Officer and Environment Education Officers (1fte & 0.5fte). It was advised that Education awareness messages are delivered through the Council website, social media and regular features in the Love Middlesbrough Magazine. A financial commitment to continue to undertake this activity in the future has been made. Other initiatives include targeted messages, leaflets, door knocking, resident visits, media and press releases. New information labels have also been affixed to all wheelie bins in the town.

56. The team hosts 3 events during recycling week, as well as attending the Middlesbrough Mela, the Cleveland Show and Linthorpe Festival to promote the recycling message. It was advised that at present the team do not attend the Middlesbrough Meal to provide advice on food waste.

Role for Councillors

57. The Waste and Environmental Strategy Manager advised that in terms of the support received from Councillors some Councillors are very proactive and sell the message on what the Council is delivering and others take a very different view. Environment, Property and Commercial Services welcomes the support received and wants Councillors to be able to speak with confidence when responding to resident enquiries on environmental issues. The view was expressed that approximately 70 per cent of a Councillors time is spent on dealing with environmental issues in the ward and Councillors need to take up the offer and attend Member briefings hosted by the service. There also needs to be a clear understanding from Members about what can be realistically achieved as no guarantee can be provided that there will be no dog fouling in individual wards.
58. In terms of areas that can be strengthened the view was expressed that there is a balance to be achieved between education and enforcement. The Environmental Waste and Strategy Manager expressed the view that there are difficulties in increasing enforcement action and if increased enforcement action is taken how effective is it in deterring littering and fly tipping in the future and changing people's behaviour. The current approach favours education as oppose to enforcement and consideration is always given to what the Council can achieve on an evidential basis. However, the Waste and Strategy Manager also emphasised that where there is clear evidence of illegal dumping of waste the Council will gather evidence and progress the case through the courts. It was also advised that the majority of bins do have stickers on advising on the do's and don'ts in respect of household waste.
59. In terms of the resident visits undertaken it was explained that in areas where there have been issues with contamination etc. the majority of people take on board the advice issued and next time they get it right. It was requested that when door knocking visits are undertaken by the Service an email is sent to Councillors to keep the local Councillor and communities involved. Involving Councillors more directly in the messages the service is delivering is increasingly important. Councillors are effectively part of the delivery team and the messages they communicate at a Community Council / Ward level serve to reinforce the work undertaken by the service.
60. In response to a query it was advised that there are resources available to produce information in different languages and the Council does have a strap line on the Council website advertising this service. However, to date no requests have been
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received to produce environmental information in another language. In comparing the ethnicity by ward data it is evident that certain wards in Middlesbrough have a much higher BME population than others. The five wards with the highest non-white population in 2011 are the same as in 2001, as detailed below.

	2001 ethnic origin % non-white	2011 ethnic origin % non-white
University	36.4%	48.09%
Middlehaven	22.6%	37.75%
Gresham	15.6%	28.25%
Linthorpe	10.5%	20.86%
Park	10.5%	19.4%

* Information on the ethnicity by ward data from the 2011 census

61. The Environmental Waste Strategy Manager advised that this is an area where the service would benefit from linking up with the BME network and/or other BME groups in the town to identify any issues in respect of accessing information in relation to environmental issues.

Street Champions

62. The panel was informed that the first Community Clean Up initiative was held in March 2015 in partnership with Keep Britain Tidy. The purpose of the initiative is to give local community groups the recognition they deserve for leading the fight against the scourge of litter. At the launch event in Gresham, Mayor Dave Budd, Executive Member T Harvey and Councillor B Brady were joined by 5 Street Champions and Council Enforcement officers. The group carried out inspections, identified fly tipping and removed rubbish to demonstrate what can be achieved between the Council and the general public.

63. The panel was advised that this type of scheme will become increasingly vital over the next 12 months, as the Council adopts an increasingly proactive rather than reactive approach. It was noted that interest has already been expressed by community groups in other wards and the Council is keen to urge anyone in the town who wants to improve their environment to get in touch to discuss becoming a Street Champion. The Council will provide information and advice on the support available including the provision of waste sacks, litter pickers and gloves.

Nudge and budge citizens to reduce demand on public services

64. In a recent report entitled 'Park Life, Street Life: Managing demand in the public realm', published in September 2015, researchers from the Association for Public Service Excellence (APSE) and the New Local Government Network (NLGN) argue that councils could save money by reducing demand on services like litter-picking, by using behaviour change tools and techniques. The report states that whilst councils can rely on enforcement action, including fines, this is often a costly approach as even more resources are needed to pursue offenders and take action. Examples in the report show how councils have been able to deliver cost savings and cleaner streets without resorting to enforcement action, as follows:-

- Rochford borough council introduced bins promising donations to charity if the streets remained clean, nudging people to dispose of their litter correctly. The scheme reduced the amount of rubbish dropped in the town centre by

42% over three months.

- Wirral Borough Council reduced dog fouling by nearly half using posters that depicted a pair of watching eyes to encourage people to pick up and dispose of dog mess. The posters used glow-in-the-dark paint, reflecting the fact that most incidents of fouling happen at night.
- Lambeth council has helped to create residents' groups to take care of the local public realm, a scheme which has reduced littering and improved peoples' pride in their neighbourhood.
- Edinburgh council trialled behaviour change techniques to reduce incidence of fly-tipping learning valuable lessons about designing and trialling pilot schemes to roll out to other areas to reduce fly tipping demands.

CONCLUSIONS

Based on evidence given throughout the investigation the Panel concluded:

- a) The panel is of the view that it is not a case of either enforcement or education but a combination of both, coupled with the provision of the correct infrastructure. It is evident to the panel that in line with the previous Mayor's request, the current approach in Middlesbrough focusses predominately on education rather than enforcement. It is also clear that there are major differences in the approach adopted across the region by local authorities in response to low level environmental offences. Figures on the number of FPN's issued for littering in Newcastle over the period 2009 – 2014 stand at 5,254 compared with a total of 1,484 in Stockton and 22 in Middlesbrough.
 - b) It is evident to the panel that environmental standards across the town have been maintained to a high standard over the last 3 years, despite budget reductions to the service totalling £1.433 million. However, in 2014/15 Middlesbrough has seen a slight deterioration in the performance of street cleanliness. Given that the service is challenged with achieving a further reduction of £3.6million of savings over the next 3 years the panel is of the view that a combined enforcement/education approach is needed to change people's behaviour with regard to littering, dog fouling and fly tipping in Middlesbrough. The panel is keen to send out a clear message that it is everyone's responsibility to keep the town clean and tidy.
 - c) In light of the financial challenges facing the Council the panel is keen to see a planned programme of targeted enforcement activity, similar to the 'Respect your Neighbourhood' campaign in Hartlepool, undertaken in Middlesbrough over the next 3 years building on the Middlesbrough Community Clean up initiative. With co-ordinated action days taking place in all wards across the town. The panel views the acts of littering, fly tipping and dog fouling as socially unacceptable and wants to see resources focused towards clearly identifiable goals and outcomes on this issue. A co-ordinated annual programme of enforcement activity carried out in partnership with other public sector agencies, and including local councillors would serve to demonstrate that the Council continues to prioritise the quality of the local environment and will undertake enforcement action where necessary.
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- d) The bring sites in Middlesbrough have again been highlighted as an issue in respect of fly tipping and as oppose to promoting recycling appear to attract fly tipping on a daily basis. The panel is of the view that the use of CCTV and closer monitoring of the bring sites would act as a deterrent and once people are aware that enforcement action will be taken the problem will be resolved.
- e) Over the course of the review it has also become apparent that leading local authorities are looking for a better way forward by using innovative approaches to persuade people to drop less litter in the first place, and to persuade communities and businesses to take more responsibility for their actions. The panel advocates that initiatives such as the use of 'glow in the dark' posters to encourage people to pick up and dispose of dog mess, as supported by Keep Britain Tidy, be implemented in Middlesbrough. The introduction of a town centre bin campaign promising donations from the Council to local charities in response to a reduction in the amount of litter dropped is also viewed by the panel as a positive way forward in which to reinforce the message that a reduction in litter benefits everyone in the town including residents, businesses and visitors.
- f) The panel is keen to promote door knocking visits to educate residents in areas where issues have been identified and has requested that an email is sent to Councillors to keep the local Councillor and local communities involved. The panel feel that involving Councillors more directly in the message the service is delivering is increasingly important. Councillors are effectively part of the delivery team and the messages they communicate at a Community Council / Ward level serves to reinforce the work undertaken by the service. The panel is also fully supportive of the Street Champion initiative and is keen to see the rollout of this initiative across the town.
- g) At present the panel is of the view that it is not clear to residents as to what options are available to them in respect of the collection of bulky household items that are too large to fit in their wheelie bins but could potentially be reused and collected for free by local charities. The Council website makes reference to this option. However, no contact details are provided and the panel is of the view that formal arrangements should be established between the Council and local organisations and charities (i.e. F.R.A.D.E and Teesside Hospice) to ensure that when people are looking to dispose of furniture or large items that could be reused and recycled it is easy for them to access information on how this can be best achieved.

RECOMMENDATIONS

That the Environment Scrutiny Panel recommends to the Executive:

- a) That the number of FPNs issued for littering, dog fouling and fly tipping be closely monitored over the next 12 months. In cases where environmental crimes have been committed FPNs should be issued and verbal warnings stopped. The panel would like to see a stronger message conveyed that littering, dog fouling and fly tipping in Middlesbrough is not acceptable.
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- b) That an update be provided in 12 months' time to assess whether the proposal in relation to stronger liaison between environmental enforcement and the integrated enforcement team has been effective.
- c) That a co-ordinated annual programme of targeted enforcement activity, which is similar to Hartlepool's 'Respect your Neighbourhood' campaign is undertaken in partnership with other public sector agencies in the town, building on the Middlesbrough Community Clean Up initiative. The panel is keen to send out a clear message that it is everyone's responsibility to keep the town clean and tidy.
- d) That closer monitoring of the bring sites be undertaken through the provision and installation of CCTV, with follow up enforcement action undertaken where required.
- e) That the best practice initiatives designed to change people's behaviour in respect of littering, fly tipping and dog fouling by nudging people to dispose of litter / dog mess in the appropriate way be trialled in Middlesbrough.
- f) That an education programme be put together in partnership with schools so that young people are aware of the importance of protecting and maintaining their local environment.
- g) That consideration is given to the needs of the whole community and information on recycling and how to dispose of household waste be produced in community languages and recognised pictorial form following advice from the BME network.
- h) That the Council establishes links with local organisations and charities e.g. FRADE and Teesside Hospice to inform residents of the free collection services they offer for large household items / white goods that are no longer wanted and could be reused.

ACKNOWLEDGEMENTS

The Panel is grateful to all those who have presented evidence during the course of our investigation. We would like to place on record our appreciation, in particular of the willingness and co-operation we have received from the below named:-

Keith Garland, Head of Environmental Services
Ken Sherwood, Environmental Waste and Strategy Manager
Paul Robertson, Environmental Protection Manager
Philip Shaw, Recycling Officer
Samantha Dorchell, Principal Legal Officer

**COUNCILLOR DENISE ROONEY
CHAIR OF ENVIRONMENT SCRUTINY PANEL**

October 2015

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BACKGROUND PAPERS

The following background papers were consulted or referred to in the preparation of this report:

- (a) Litter and fly tipping in England, Communities and Local Government Committee, March 2015
 - (b) Executive Report, Integrated Enforcement, 8 September 2015
 - (c) Reports and minutes to the Environment Scrutiny Panel on 23 July, 6 August and 15 September
 - (d) Park Life: Street Life: Managing demand in the public realm, September 2015,
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1st Respect Your Neighbourhood Day of Action - 26th

Case Study

Some of the council officers, councillors and external partners who took part in the day of action



Overview and Introduction

The Respect Your Neighbourhood initiative has been set up to bring together a range of different activities and enforcement powers to “blitz” problem areas of the town in a full day of action. The initiative focuses on one particular hot spot area each month and will rotate around the 11 wards of the town. The area selected for the first action day was the Burbank area and Longhill Industrial Estate. This area includes a range of locations including residential housing with back streets, flats, open spaces and industrial units and suffers from problems including fly tipping, graffiti, illegal vehicles (untaxed, un-roadworthy, overloaded) and anti social behaviour.



Dumped rubbish in the back street

The initiative was led by the Council and involved teams from the cleansing, environmental enforcement, anti social behaviour unit, trading standards and parking enforcement sections. Partner organisations included the Safer Hartlepool Partnership, Cleveland Police, Cleveland Fire Brigade, the Environment Agency, VOSA, HMRC and housing providers.

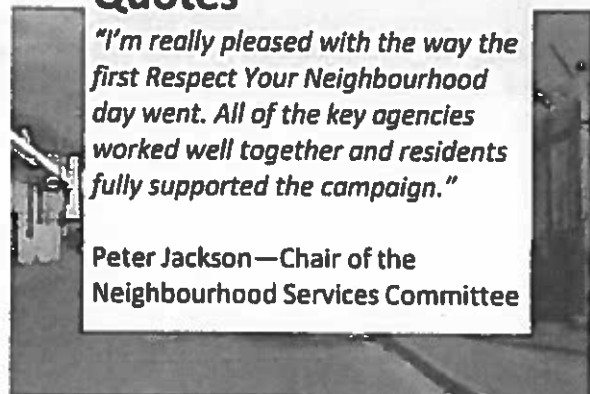


Clearing dumped rubbish from the back street

Quotes

“I’m really pleased with the way the first Respect Your Neighbourhood day went. All of the key agencies worked well together and residents fully supported the campaign.”

Peter Jackson—Chair of the Neighbourhood Services Committee



Street sweeper in action on the industrial estate

There were a number of different enforcement and cleansing activities undertaken through the course of the day. A "Stop, Search and Seize" operation was carried out by environmental enforcement and trading standards officers with the Police, the Environment Agency, Vehicle Operator Services Agency (VOSA) and Her Majesty's Revenues and Customs (HMRC). 14 vehicles were stopped during the operation. Of these 2 were seized for using illegal fuel (one for using red diesel and one for using kerosene). Both vehicles were later released after the owners each paid a £540 fine.



Inspecting a vehicle during the Stop, Search and Seize

Two further vehicles were found to be exceeding their weight limit for carrying materials. One owner received a Fixed Penalty Notice (FPN) of £300 for being 2,000kg overweight and the other received a £300 FPN for being 1,300kg overweight plus a £50 fine for having vehicle defects.

An FPN was also issued for dog fouling and two under age litter warnings were handed out to young people who will be asked to attend a litter awareness course later in the year.



Carrying out security repairs

Other enforcement action included action taken against those erecting illegal signs and the removal and investigation into fly tipping at the rear of Goodwin Walk.



"Before" and "after" shots of dumped rubbish and the yard after cleaning.

Fifteen warning letters were issued to owners of vehicles for breaching parking regulations.

In addition to enforcement action, accumulated dumped rubbish was cleared from the back alleys and the yards of empty properties. Repairs were carried out to security gates and street sweepers cleaned the area's roads.



Cleaning dumped rubbish from the yard of an empty property

Longer term actions include the removal of graffiti from a number of properties, verge works and engaging local businesses to clean up their premises.

