



Policy and Resources Committee – 7 November 2011

Environmental Crime Strategy- A Zero Tolerance Approach

This report presents for Members' consideration and approval a draft Environmental Crime Strategy for East Northamptonshire

Attachment(s)

Appendix 1: Environmental Crime Strategy

Appendix 2: Equality Impact Assessment

1.0 Background

- 1.1 East Northamptonshire Council is committed to maintaining a clean and safe environment for the benefit of everyone in the district. This commitment recognises our responsibility to keep the streets and local environment clear of litter, obstructions and covers other local environmental quality issues.
- 1.2 The Council's Corporate Plan 2011 highlights the link between quality of life and the quality of the external environment and feedback from our communities also states that residents want cleaner streets, less litter, less graffiti and more attractive parks and open spaces. The presence of dumped waste, litter, graffiti and other environmental crime also contributes to people's fear of crime. A cleaner and safer environment for East Northamptonshire will, therefore, help improve the quality of life for all those who live in, work in and visit the district.
- 1.3 East Northamptonshire Council has a responsibility to keep the District's streets clean and collect refuse across the district. The Council also collects recycling, removes graffiti and flyposting and drug paraphernalia from East Northamptonshire's streets and public spaces.
- 1.4 In line with the Council's responsibilities to maintain a clean environment for all, the attached draft Strategy recognises the community's responsibility in this area. Education and enforcement plays a vital role in maintaining a clean and safe environment by providing information and advice to individuals and businesses regarding regulations and duties. Enforcement ensures that those individuals and / or businesses that spoil the environment are made accountable for their actions through legislative processes.
- 1.5 The Clean Neighbourhoods and Environment Act (CNEA) 2005 provides powers for local authorities to help tackle local environmental quality problems. The Act provides powers and tools to tackle poor environmental quality and anti-social behaviour, such as litter, graffiti, waste and dog control. This Strategy sets out how we will use these new powers alongside existing powers and other enforcement work to ensure an effective, consistent and clearer approach to enforcement.

2.0 The draft strategy document

- 2.1 The vision of the strategy is to have a cleaner East Northamptonshire where everyone works together to tackle environmental crime.

- 2.2 The scope of this strategy covers waste and local environmental quality issues experienced across the district on both public and private land.
- 2.3 The policy focuses on the areas and powers listed as these are what we currently deal with most often. However they are in no way deemed to be the only areas and powers that the Council could use in local environmental quality enforcement. The stated areas of focus are:
- Litter
 - Waste
 - Dog control
 - Graffiti
 - Fly posting
 - Abandoned and nuisance vehicles
 - Drug paraphernalia

3.0 Important Items to consider

- 3.1 This Strategy draws on a wide spectrum of personnel and resources to meet its aim. Environmental Services officers will carry out the majority of enforcement action. Authorised officers from other departments from across the council e.g. Planning Enforcement, Northamptonshire Police Safer Community Teams and Northamptonshire County Council Park Rangers will also be authorised to take enforcement action.
- 3.2 Only officers authorised and trained by the Council may undertake the enforcement duties highlighted in this strategy. This authorisation is in accordance with the Council's scheme of delegation as set out in the Council's Constitution.
- 3.3 Training will be provided to ensure all authorised enforcement personnel have the skills and knowledge required to undertake their enforcement duties and to ensure a consistent approach by enforcement officers.
- 3.4 However this is not just about enforcement and there are key roles to be played by other teams both inside the Council and within its partners, for example Communications. Consultation is currently taking place with partner organisations, Parish and Town Councils on the strategy document as everyone will have a role to play in tackling environmental crime across a large geographic and diverse district like ours. Partners are being asked to identify ways in which they might be engaged in delivering this strategy. Any feedback received from them will be included in the action plan that is prepared to deliver the strategy.

4.0 Equality and Diversity Implications

- 4.1 An equality impact assessment has been completed and is attached at appendix 2. It identified that there is a neutral impact to any group covered under the assessment.

5.0 Legal Implications

- 5.1 The Clean Neighbourhoods and Environment Act (CNEA) 2005 provides powers for local authorities to help tackle local environmental quality problems. The Act provides powers and tools to tackle poor environmental quality and anti-social behaviour, such as litter, graffiti, waste and dog control.
- 5.2 The delivery of this policy and the enforcement powers contained within may result in enforcement action being taken which may include the service of notices, fixed penalty notices and prosecutions.

6.0 Financial Implications

- 6.1 There are no financial implications as a result of the policy. Additional work will be

incorporated utilising existing resources.

7.0 Corporate Outcomes

7.1 This Policy links directly to the Council's objective for a good quality of life where the district will be prosperous, healthy, clean and safe. Two of the priority outcomes for this objective are low levels of crime and low levels of anti-social behaviour.

8.0 Recommendation

8.1 The committee is recommended to approve the Environmental Crime Strategy.

(Reasons -

(1) To ensure consistency of approach to all potential offenders.

(2) To provide clear direction in the approach to be taken when dealing with offences of this nature.

(3) To improve customer confidence in the Council.)

Legal	Power: Clean Neighbourhoods and Environment Act 2005				
	Other considerations:				
Background Papers: None					
Person Originating Report: Mike Deacon, Head of Environmental Services					
Date: 14 October 2011					
CFO		MO		CX	

(Committee Report Normal Rev. 22)



East
Northamptonshire
Council

Environmental Crime - a zero tolerance approach



East Northamptonshire Council is committed to maintaining a clean and safe environment for the benefit of everyone in the district

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1 Introduction

East Northamptonshire Council is committed to maintaining a clean and safe environment for the benefit of everyone in the district. This commitment recognises our responsibility to keep the streets and local environment clear of litter, obstructions and other local environmental quality issues.

The Council's Corporate Plan 2011 highlights the link between quality of life and the quality of the external environment and feedback from our communities also states that residents want cleaner streets, less litter, less graffiti and more attractive parks and open spaces. The presence of dumped waste, litter, graffiti and other environmental crime also contributes to people's fear of crime. A cleaner and safer environment for East Northamptonshire will, therefore, help improve the quality of life for all those who visit, work and live in the district.

East Northamptonshire Council has a responsibility to keep East Northamptonshire's streets clean and collect refuse across the district. The Council also collects recycling, removes graffiti, flyposting and drug paraphernalia from East Northamptonshire's streets and public spaces.

In line with the Council's responsibilities to maintain a clean environment for all, this Strategy recognises the community's responsibility in this area. Education and enforcement plays a vital role in maintaining a clean and safe environment by providing information and advice to individuals and businesses regarding regulations and duties. Enforcement ensures that those individuals and / or businesses that spoil the environment are made accountable for their actions through legislative processes.

The Clean Neighbourhoods and Environment Act (CNEA) 2005 provides powers for local authorities to help tackle local environmental quality problems. The Act provides powers and tools to tackle poor environmental quality and anti-social behaviour, such as litter, graffiti, waste and dog control. This Strategy sets out how we will use these new powers alongside existing powers and other enforcement work to ensure an effective, consistent and clearer approach to enforcement.

2 Aim

The vision of this strategy is to have a cleaner East Northamptonshire where everyone works together to tackle environmental crime.

To improve East Northamptonshire's local environmental quality by reducing environmental crime across the district.

The strategy sets out a robust and consistent approach to tackling local environmental quality issues across the district. Enforcement work can, and in some cases will, extend beyond public land onto adjacent, private land when necessary.

To meet this aim the Strategy will achieve the following objectives:

- Raise awareness of good waste management, litter control, dog control, highway obstructions and other local environmental quality issues to everyone across the district.
- Educate residents, businesses and visitors about their relevant duties and responsibilities in terms of good waste management, litter control, dog control, highway obstructions and other local environmental quality issues and what constitutes an offence.
- Undertake any enforcement action as necessary, in a reasonable, equitable and proportionate manner.
- In appropriate circumstances we will take enforcement action without education and advice when the severity of the situation dictates.
- Improve public confidence in the ability for agencies to work together to tackle environmental crime

These objectives reflect the Enforcement Concordat, which is a set of enforcement principles adopted by central and local government and published by Central Government. The Concordat states that good enforcement practice should set clear standards, be carried out in an open, helpful manner, have a proportionate and consistent approach together with a clear complaints process.

This approach will ensure that;

1. enforcement is carried out in a fair and equitable way;
2. we assist businesses and others in meeting their legal obligations;
3. we focus on prevention rather than cure;
4. take firm action against those who flout the law.

3 Scope

3.1

The scope of this strategy covers waste and local environmental quality issues experienced across the district on both public and private land.

3.2

All of the issues highlighted in this strategy are of great importance in maintaining a clean and safe East Northamptonshire. We seek, however, to prioritise work on certain issues in order to approach enforcement work in a structured way, targeting the predominant issues affecting East Northamptonshire's environment.

3.3

The strategy priorities are driven by both quantitative (Local Environmental Quality Survey for East Northamptonshire) and qualitative (community consultation and officer reports) information.

3.4

Priority areas for the maintenance of a clean and safe East Northamptonshire, which are driven by the elements described in 3.3 are:

- Zero tolerance in respect of clearing litter from private land
- Domestic refuse containers deposited on streets outside of collection times
- Commercial waste containers deposited on streets outside of collection times
- Flytipping of waste on public and private land (dumped waste)
- Litter in high street areas and other highways
- Graffiti on streets, public buildings and council owned street furniture, including hate related graffiti on both public and private property (with owner's consent).
- Irresponsible dog ownership

4 Focus areas

The focus areas and powers listed are those that we currently deal with most often. They are in no way deemed to be the only areas and powers that the Council could use in local environmental quality enforcement.

- 4.1 Litter
- 4.2 Waste
- 4.3 Dog control
- 4.4 Graffiti
- 4.5 Fly posting
- 4.6 Abandoned and nuisance vehicles
- 4.7 Drug paraphernalia

4.1 Litter

The Environmental Protection Act 1990 (Section 87) states that if anything is dropped, thrown, left or deposited by a person as to cause defacement by litter, in any public place including anything thrown from the street into a private garden or watercourse, he shall be guilty of an offence. Litter is wide enough in its definition to include synthetic materials often associated with smoking, eating and drinking, including cigarette butts and chewing gum.

East Northamptonshire Council and its associated Town and Parish Councils provide litterbins in high street areas and other busy places across the district. In order to keep East Northamptonshire a clean place individuals should use these bins for their litter. If there is not a litter bin near by individuals should keep hold of their litter until they find a bin or take their litter home.

We aim to reduce the level of littering throughout the district by undertaking general litter education and awareness raising across the district of the consequences of unlawful littering, including the use of fixed penalty notices (FPNs). Authorised officers, including Parks Officers and Police Community Support Officers, will use FPN powers, to target unlawful littering and so highlight that littering is not tolerated in East Northamptonshire.

Whilst traders cannot have control over their customers, the items they sell often end up as litter. We aim to work in partnership with businesses to minimise the impact of litter from shops. The use of Street Litter Control Notices will allow us to serve a legal notice on an establishment that contribute on an ongoing basis to a litter problem in an area. FPN powers may also be used if the conditions of the notice are breached.

The Council will adopt a 'zero tolerance' approach to clearing litter from privately owned land. Recognising the responsibility lies with the landowner; where necessary we will clear the land ourselves and recover the costs from them.

4.2 Waste

East Northamptonshire, as a Waste Collection Authority, has a statutory duty to provide a household waste collection service. East Northamptonshire Council requires that non-recyclable household waste is placed in wheeled containers where provided or securely tied refuse sacks, and left for collection at the boundary of the householders property on the day of collection.

Businesses are under a duty of care to ensure that their waste is stored, presented and disposed of safely. Businesses must be sure that their waste is transferred to a company authorised to take it and transport, recycle or dispose of it safely. This transfer of waste must be officially recorded on a waste transfer note. Businesses will receive a waste transfer note from their authorised waste company and this record must be kept and stored, by the business, for 2 years.

East Northamptonshire Council provides a comprehensive set of waste services including, household waste and recycling collections, commercial waste collections, bulky goods collections, green waste collections and white goods collections. These services enable residents and businesses to dispose of their waste safely and correctly.

If you transport waste as part of your business or otherwise for profit, you must register with the Environment Agency as a waste carrier, unless you are carrying your own waste and it is not construction or demolition waste. If you are a charity or voluntary organisation and you collect or transport waste on a professional basis you must also register with the Environment Agency as a waste transporter. Failure to produce a waste carriers licence can result in an FPN or prosecution and seizure of the unregistered vehicle.

Illegal waste dumping (fly tipping) degrades the amenity of an area and often attracts further environmental crimes. Through the action of this strategy we will educate and advise the community on how to properly manage their waste. We will use all relevant legislation at our disposal to prosecute those who fail to act on this education and advice. Those found fly tipping in East Northamptonshire can be prosecuted, and could face a fine of up to £20,000 or a term in prison.

In appropriate circumstances we will take enforcement action without education and advice when the severity of the situation dictates.

The mismanagement of waste also degrades the quality of an area. Waste stored incorrectly or left out for collection at the wrong time can attract litter, illegal waste dumping and pests. Householders and businesses can be served with a notice specifying how waste should be stored and when it should be placed out for collection. Failure to comply with such a notice can lead to the issuing of a FPN of £110, or following a successful prosecution a fine of up to £1,000.

4.3 Dog control

East Northamptonshire Council supports responsible dog ownership. It is illegal to let your dog foul, on publicly accessible land and not clear up after it. The Council's dog control powers also states that dogs must be kept on leads whilst on streets, in parks and on housing estates. It is also an offence to not put, and keep, a dog on a lead when directed to do so by an authorised officer.

Dogs are excluded from certain areas across East Northamptonshire. These areas include: nature conservation areas; children's play areas and sports areas in district parks, playgrounds and multi use games areas. A list of these dog ban areas is available in [Appendix 1](#).

Free poop-scoop bags are available from The Rushden Centre, Rushden Town Council offices Higham Town Council, Irthlingborough Town Council Raunds Town Council Thrapston Town Council Oundle Town Council Kings Cliffe Post Office East Northamptonshire reception We also provide dog bins across the district to dispose of dog fouling in. We run regular dog fouling awareness campaigns to educate and encourage responsible dog ownership. There are signs across the district, which highlight the dog control powers that apply to that area.

The various powers that East Northamptonshire uses to ensure responsible dog ownership are all subject to FPNs. Authorised officers, including Park Officers and Police Community Support Officers, may use these powers against dog owners if found breaking the law.

4.4 Graffiti and Fly posting

Graffiti is illegal, anti social, degrades the local environment and is costly to remove. Graffiti is criminal damage and defined as any informal or illegal marks, drawings or paintings that have been deliberately made by a person or persons on any physical element in the outdoor environment.

The Council's cleans graffiti from streets, public buildings and council owned street furniture on a regular basis. The Council will aim to remove hate related graffiti (racist, homophobic, disablist) and other offensive words within 24 hours of a report. The Council can also clean graffiti from a private property with the owner's consent. A reasonable charge may be made for this service to recover staff time and material costs. The recovery of costs from offenders will also be actively pursued.

Those found writing graffiti in East Northamptonshire can be issued with a FPN or be prosecuted, and could face a fine of up to £5,000. We will work closely with our communities to ensure that East Northamptonshire is graffiti-free and work in partnership with those affected by graffiti

vandalism to remove it. Following this approach if graffiti is not removed we reserve the right, through this strategy, to serve a Notice on a property owner to have the graffiti removed.

4.5 Fly posting (unauthorised advertising on highways and public areas)

Fly posting is one form of unauthorised advertising, which degrades the local environment and can contribute to the fear of crime in a community. Fly posting is defined as any printed material and associated remains informally or illegally fixed to any structure. It includes any size of material from small stickers up to large posters.

The Council provides a service to clean fly posting from East Northamptonshire's streets, public buildings and council owned street furniture on a regular basis.

The Council will use relevant powers to prosecute any person (which includes businesses) found to be responsible for fly posting or benefiting from unauthorised advertisements within the district.

4.6 Abandoned Vehicles

It is an offence to abandon a vehicle, or part of a vehicle, on a highway or on any land in the open air. A person found guilty of this offence can face a fine of up to £2,500. A FPN can also be issued for this offence. see section 5.5

There is no legal definition of 'abandoned'. Officers have the freedom to use their discretion when making decisions of whether a vehicle is abandoned.

The following characteristics are generally common to abandoned vehicles and they assist officers in making a decision on abandonment.

- vehicle untaxed;
- rusty brake discs;
- flat tyres;
- broken windows;
- mould on the vehicle;
- parking tickets;
- accumulation of debris underneath the vehicle.

4.7 Drug Paraphernalia

Drug paraphernalia consists of miscellaneous articles used for taking drugs. It can be legitimate materials, products or equipment that have been modified for illegal drug use and can include anything from burnt tin foil to a syringe for injecting drugs. Any individual found to have discarded this material will be found to have committed the same offences as those for Littering.

People who misuse drugs may use other items as paraphernalia. The following are the most common:

- Aerosols
- Belts/straps/tourniquets
- Bongs – devices made out of plastic bottles and empty cans with a tube attached
- Crisp packets – can be used for inhaling solvents, such as glue.
- Needles and syringes – used for injecting intravenous drugs
- Pipes – can be used for smoking cannabis.
- Safety pins – can be used for burning cannabis. They will be discoloured and have a burnt look if they have been used for this purpose.
- Spoons – can be used for heating up drugs, such as heroin. They will be discoloured and burnt if they have been used in this way.
- Tin foil – can be used for heating up drugs. It will have a burnt appearance if it has been used in this way.
- Used swabs – small square-shaped pieces of material that have been soaked in alcohol used to clean the skin before injection.

- Wraps – pieces of paper, such as small squares torn from a magazine or newspaper, which are folded into a pocket to hold powdered substances

4.8 Nuisance Vehicles

Selling two or more vehicles on a road or roads, within 500 metres of each other, is an offence. This offence is intended to target those people who run a business selling motor vehicles and use the road as a showroom. This behaviour can cause significant nuisance to local residents and can take up valuable car parking space. A person found guilty of this offence can face a fine of up to £2,500. A FPN can also be issued for this offence.

Repairing vehicles on a road may be an offence. This offence is primarily aimed at those businesses and individuals attempting to use the road as a workshop. This practice causes the same problems as selling vehicles on the highway, as well as looking unsightly, presenting danger to passers by and the possibility of leading to damage to the local environment, for example through oil spills. A person found guilty of this offence can face a fine of up to £2,500. A FPN can also be issued for this offence.

5.0 Implementation

This Strategy draws on a wide spectrum of personnel and resources to meet its aim. Environmental Services Enforcement and Waste Officers , Environmental Protection Officers and Environmental Health Officers will carry out the majority of enforcement action. Authorised officers from other departments from across the council, Northamptonshire Police Safer Community Teams and Northamptonshire County Council Park Rangers will also be authorised to take enforcement action.

Only officers authorised and trained by the Council may undertake the enforcement duties highlighted in this strategy. This authorisation is in accordance with the Council's scheme of delegation as set out in the Council's Constitution.

Training will be provided to ensure all authorised enforcement personnel have the skills and knowledge required to undertake their enforcement duties and to ensure a consistent approach by enforcement officers.

5.1 Awareness Raising and Education

Awareness raising and education are fundamental to the operation of any enforcement work. The community must know and understand what standards are expected from them so that they can meet these requirements. We aim to carry out this element of enforcement by providing consistent advice and guidance about relevant duties and responsibilities through face-to-face operations, leaflets, the council website, local press, specific campaigning and work alongside our partners and stakeholders.

Over and above the targeted awareness raising and education work carried out by officers and partners, specific focused campaigns will be developed to highlight certain local environmental quality problems to a certain group or within a certain area.

5.2 Partnership Working

The approach of this Strategy relies on strong partnership working. Through partnership working the aim of the Strategy can be met in a shared and efficient manner. In order to seek the most effective operation of this strategy we aim to work with, amongst others, the partners listed below

- | | |
|----------------------------|---------------------------|
| • Environmental Services | • Planning Services |
| • Town and Parish Councils | • Safer Community Teams |
| • Housing Policy | • Northamptonshire Police |

- Northamptonshire County Council
- Youth Offending Team
- Northamptonshire Probation Trust – Community Payback Scheme
- Anti-Social Behaviour Action Group (ASBAG)
- Trading Standards Team
- Community Safety Partnership
- Highways Agency
- Local schools
- Community Partnerships Team
- Neighbouring Councils
- ASBIM (Anti Social Behaviour Implementation Management) Group
- Registered Social Providers
- Environment Agency
- Driving Vehicle Licensing Association (DVLA)
- Vehicle Operating Standards Association (VOSA)
- Community groups and TARAs

5.3 Enforcement Action

The Council recognises the importance of ensuring that all enforcement decisions are consistent, proportionate, clearly explained and relate to common standards to ensure the public is adequately protected. Officers work to ensure that everyone is given the same care and attention no matter what their age, religion, sex, disability, sexuality or ethnic background. This approach will help ensure that everyone is treated fairly.

Having considered all the relevant information the enforcement options are:

No Action

This will be appropriate for very minor offences immediately remedied following advice and guidance.

Verbal Warning

Warnings are appropriate for advising offenders about minor contraventions that are easily remedied. Officers will issue suitable advice and set an appropriate timescale for remedial action. A Verbal Warning is noted in an authorised officer's pocket book.

Written Warning

Council officers have the option to serve the offender with a written warning regarding the offence stating the necessary future conduct. The warning will note that no formal action will be taken, but it will stay on file for 12 months and can be used as a factor in any future assessment where a similar offence occurs.

Simple Caution

A Simple Caution (previous Formal Caution) is a non-statutory disposal for adult offenders. It may be used for cases involving first time, low-level offences where a Simple Caution can meet the public interest. An admission to committing the offence is needed from an offender, which should be recorded by the Council officer. A Simple Caution forms part of an offender's criminal record and may influence how they are dealt with, should they come to the notice of the Council again. The fact of the Simple Caution may also be cited in court in any subsequent court proceedings. Simple Cautions are not covered under the Rehabilitation of Offenders Act 1974 and therefore, never become spent.

Fixed Penalty Notice (FPN)

Authorised Officers can offer FPNs for certain environmental crime offences (listed in [Appendix 3](#)). FPNs are used as an alternative to prosecution and the alleged offender being taken to court. For further information relating to FPNs see section 5.5.

Serving a Statutory Notice

Some offences require the serving of a formal notice on individuals, businesses or other organisations requiring them to carry out specific legal requirements. Offences of this type include (but is not limited to) street litter control, unauthorised advertising on highways, wilful obstruction of the highway and abandoned vehicles.

The notice will explain what is wrong, what is required to put things right and what the consequences are if the notice is not complied with.

Seizure

Wilful obstruction of the highway can lead to seizure of the obstructing item(s) as well as prosecution. The item(s) are securely stored and as part of a prosecution a Destruction Order is requested from the Magistrates' Court. A person (including a business) found guilty of this offence can face a fine of up to £1,000

Prosecutions

Where the circumstances warrant it and the alternative actions mentioned in the Strategy are considered inappropriate for the offence, then prosecution may result. Consideration will be given to the facts leading up to the matter. The Council will also assess whether there is public interest in proceeding with the matter while taking into account the Enforcement Concordat and Crown Prosecuting Guidelines.

Anti-Social Behaviour Order

When there are situations where behaviour by individuals/companies cause significant harassment, alarm or distress to persons not of the same household of the perpetrator, the Council together with Northamptonshire Police Anti Social Behaviour Unit can consider the option of applying to the Magistrates' Court for an Anti-Social Behaviour Order. An application for an Anti-Social Behaviour Order can be made where it is deemed necessary and in the protection of the public interest. The orders are preventative and can prohibit someone from continuing to act in an antisocial manner. The orders can be made against anyone aged 10 years or more who has acted in an antisocial manner and where an order is needed to protect person(s) from further anti-social acts. A breach of an order constitutes a criminal offence.

Post conviction Anti Social Behaviour Orders can also be applied for, which are known as CRASBOs.

Injunction

Where the Council considers it expedient for the promotion or protection of the interests of the inhabitants of the district, the Council in partnership with Northamptonshire Police Anti Social Behaviour Unit can make an application for Injunction. An Injunction can be applied for to stop certain actions or to force a person to perform certain actions.

5.4 Human Rights Act

The European Convention on Human Rights is incorporated into domestic law by virtue of the Human Rights Act 1998. The Council recognises that the Act requires public authorities to operate in a way that is compatible with those rights, subject to occasions when interference is justified.

It is noted that the rights likely to be most affected by this Strategy are those under Article 1 (right to peaceful enjoyment of property and possessions), Article 6 (the right to a fair trial) and Article 8 (respect of privacy and family life). We will at all times seek to strike a fair balance between the needs to protect the rights of residents, businesses, and the public interest.

5.5 Fixed Penalty Notices

A number of offences listed in this Strategy can be dealt with through the use of FPNs (see Appendix 3). FPNs may be issued when an authorised officer believes that an offence has been committed. The FPN gives the alleged offender an opportunity to avoid prosecution by payment of the penalty. It is essential, therefore, that FPNs are only issued where there is adequate evidence

to support a prosecution if a notice is not paid, and that unpaid notices are followed up. The use of FPNs will improve the effectiveness and efficiency of the enforcement process, resulting in officers being able to focus more detailed attention on more complex and involved cases.

The Council sees the issues covered by FPNs under the Environmental Protection Act 1990, Anti Social Behaviour Act 2003 and CNEA 2005 as important to individuals' quality of life and so wants to send out a strong message, through their usage, to those who deface East Northamptonshire's environment.

5.6 Issuing Fixed Penalty Notices to Juveniles

In law, a FPN can be issued to anyone over the age of 10 and different procedures will be followed when issuing FPNs to 16 and 17 year olds, and to children between 10 and 15. In some circumstances where a FPN is being considered partners may also consider use of a 'restorative justice' approach.

Once the age of the offender has been ascertained, a FPN may be issued to 16 and 17 year olds using the same procedure as for adults. The issuing of FPNs to 10 – 15 year olds may be undertaken through a more consultative approach with schools, parents or legal guardians. For example where the officer knows the child, or where agreement has been reached with a school to issue FPNs to pupils dropping litter during certain times, a FPN may be issued on the spot. In such cases the parents, legal guardian or school must be notified as soon as possible.

6.0 Complaints

Complaints will be investigated and a response will be sent within 5 working days. If you are not satisfied with the response, you have the right to refer your complaint to a higher level through the Council's Complaints Procedure. If you would like a copy of the Council's Complaints Procedure or need help or advice about making a complaint you can contact our Customer Contact Centre on 01832 742000

7.0 Monitoring and measurement

In order to assess the effectiveness of meeting the Strategy's aim a number of evaluation tools will be measured and reported on. This evaluation will highlight the successes of the strategy and also illustrate any gaps in the performance of the environmental enforcement function. These evaluation tools are listed below.

8.0 Evaluation and review

Environment Services will undertake to review progress and evaluate enforcement action against those highlighted priority areas and their effectiveness in reducing the impact on local environmental quality. This is monitored as part of the Environmental Services Service Plan, the objectives are shown below.

Measure	2011/12 target	2012/13 target
% of residents panel who consider abandoned or burnt out cars to be a fairly or very big problem	19%	19%
% of residents panel who consider litter to be a fairly or very big problem	75%	77%
% of residents panel who consider dog fouling to be a fairly or very big problem	75%	77%
% of residents panel who consider graffiti to be a fairly or very big problem	75%	77%
% of residents panel who are satisfied or better with the litter bins	75%	77%
% of fly-tipping incidents resulting in enforcement activity	30%	30%
% of residents panel satisfied or better with refuse and waste recycling	73%	73%

Appendix 1 Dog control areas

Areas requested for dog to be kept on a lead:

Islip

Sportsfields, Toll Bar Lane

Thrapston

The Peace Park, Huntingdon Road
St James' Churchyard (grass areas), Church Walk
Coronation Gardens, Oundle Road
ENC Car Park
Open Space, Wainwright Ave
Open Space, Tyler Way
Car Park, Sackville Street
Open Space, Orchard Way / Huntingdon Road
Open Space, Windsor Drive
Nene Centre, Cedar Drive
Grass area, Cedar Drive
Coppice, Oakleas Rise
The Spinney – Warwick Road
BMX Track – Meadow Lane

Oundle

Oundle Cemetery and Church Yard
Market Place
Occupation Road and surrounding Sports Areas
Car Park St Osyths Lane
Drill Hall Car Park

Ashton

Village Green

Stanwick Lakes

Areas Requested for Dog Exclusion

Islip

Recreation Ground, High Street

Higham Ferrers

Recreation Ground, Saffron Road
Play Area, Villa Rise
Play Area, Fitzwilliam Leys / The Ride

Irthlingborough

Cemetery, Church Street
Cemetery, Wellingborough Road
Play Area, Central Recreation Ground
Play Area, Les O'Dell Park
Spinney Fields Rest Gardens

Oundle

Play Area, Creed Road
Play Area, St Chistophers Drive
Recreation Ground Play Area

Thrapston

Castle Playing Fields, Chancery Lane
Cemetery, Oundle Road
Play Area, Charles Street
Play Area, Sissinghurst Drive
Play Area, Foundry Walk
Play Area, Clover Drive
Play Area, Scotney Way
Play Area, Conway Drive

Appendix 2 Fixed Penalty Notice offences

Description of Offence	Act	Full Amount of Penalty	Maximum Penalty On Conviction
Putting waste out too early	Section 46 (4) (G) Environmental Protection Act 1990	£75	£1,000
Depositing litter	Section 87/88 Environmental Protection Act 1990	£75	£2,500
Failure to comply with a street litter control notice	Section 94/94A Environmental Protection Act 1990	£100	£2,500
Failure to comply with a litter clearing notice.	Section 92C /94A Environmental Protection Act 1990	£100	£2,500
Failure to produce waste documents	Section 35(5) and Regulations made under it 34(6)/34A Environmental Protection Act 1990	£300	£5,500 (or, on indictment, an unlimited fine)
Failure to produce authority to transport waste	Section 5/5B Control of Pollution (Amendment) Act 1989	£300	£5000
Unauthorised distribution of free printed matter	Schedule 3A, paras. 1(1) and 7 Environmental Protection Act 1990	£100	£2,500
Failure to comply with a waste receptacles notice	Section 46/47/47ZA/47ZB Environmental Protection Act 1990	£100	£1,000
Failure to comply with a Dog Control Order	Section 3 (1) Clean Neighbourhood and Environment Act 2005	£75	£1,000
Failure to remove Dog Faeces	Section 3(1) Dogs (Fouling of Land) Act 1996	£50	£1,000
Vehicles for sale on the highway	Section 3 Clean Neighbourhoods and Environment Act 2005	*Prosecution to Magistrates Court	£2,500
Repair of vehicles on the highway	Section 4 Clean Neighbourhoods and Environment Act 2005	*Prosecution to Magistrates Court	£2,500

*No Fixed Penalty Notice applicable

Appendix 3 – List of contacts for reporting enviro crime / police number, useful contacts

Agency	Service	Contact number
East Northamptonshire Council	Environmental Services Planning Services Community Partnerships Team	01832 742000
Northamptonshire County Council	Highways Trading Standards Fire and Rescue Service Local Education Authority	01604 236864
Highways Agency	Main road network e.g. A14, A45 etc	0300 123 5000
Northamptonshire Police	Incident Unit Safer Community Teams Anti Social Behaviour Unit ASBIM (Anti Social Behaviour Implementation Management) Group	101 (Non emergency) In an emergency always dial 999
Neighbouring Councils Borough Council of Wellingborough Kettering Borough Council Corby Borough Council Northampton Borough Council Daventry District Council South Northamptonshire Council	Council services including Environmental Services Planning Services Community Partnerships Team	01933 229777 01536 410333 01536 464000 0300 330 7000 01327 871 100 01327 322 322
Community Safety Partnership	Community Safety	01832 742204
Northamptonshire Probation Trust	Community Payback Unit	01933 303658
Environment Agency	Incident Line General Enquiries	0800 807060 03708 506 506** (Mon-Fri, 8am - 6pm)
Youth Offending Service		01604 602400
Vehicle Operating Standards Association (VOSA)		0300 123 9000
Driving Vehicle Licensing Association (DVLA)		0300 790 6801



Appendix 2

EIA Initial Screening Form – service or function

1. Name of Service or Function:	Environmental Crime Policy and Action Plan		
2. Name and Job title / role of person completing Initial Screening:	Charlotte Tompkins – Waste Services Manager		
3. What is the main purpose of the Service or Function?	East Northamptonshire Council has a responsibility to keep East Northamptonshire’s streets clean and collect refuse across the district. The service also collects recycling and removes graffiti and flyposting and drug paraphernalia from East Northamptonshire’s streets and public spaces.		
4. List the main activities of the Service or Function:	Education and enforcement to ensure a clean and safe environment by providing information and advice to individuals and businesses regarding regulations and duties.		
5. Who are the main beneficiaries of the Service or Function?	All residents of East Northamptonshire		
6. How is the success of the Service or Function measured?		2011/12 target	2012/13 target
	Measure		
	% of residents panel who consider abandoned or burnt out cars to be a fairly or very big problem	19%	19%
	% of residents panel who consider litter to be a fairly or very big problem	75%	77%
	% of residents panel who consider dog fouling to be a fairly or very big problem	75%	77%
	% of residents panel who consider graffiti to be a fairly or very big problem	75%	77%
	% of residents panel who are satisfied or better with the litter bins	75%	77%
	% of fly-tipping incidents resulting in enforcement activity	30%	30%
	% of residents panel satisfied or better with refuse and waste recycling	73%	73%

7. Are equality monitoring systems in place?	No specific procedures are in place
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8. Use the following table to indicate using a ✓:

- a) Where you think that the Service or Function could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the Service or Function could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the Service or Function could have a neutral impact on any of the equality group i.e. no impact

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Gender:				
Women/Girls		✓		Improved confidence in the council and its partners to minimise environmental crime
Men/Boys		✓		(see above)
Transgender people		✓		(see above)
Sexual Orientation:				
Lesbians, gay men and bisexuals		✓		(see above)
Race/Ethnicity:				
White British people		✓		(see above)
White non-British people (including Irish people)		✓		(see above)
Asian or Asian British people		✓		(see above)
Black or Black British people		✓		(see above)
People of mixed heritage		✓		(see above)

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Chinese people		✓		(see above)
Travellers (Gypsy/Roma/Irish heritage)		✓		(see above)
People from other ethnic groups		✓		(see above)
People who do not have English as their first language		✓		(see above)
Disability:				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.		✓		(see above)
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.		✓		(see above)
Mental health condition, e.g depression or schizophrenia		✓		(see above)
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder		✓		(see above)
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy		✓		(see above)
Other health problems or impairments (<i>please specify if appropriate</i>)		✓		(see above)
Age:				
Older People (60+)		✓		(see above)
Children and Young People (see guidance for definition)		✓		(see above)
Religion/Belief:				
Christian		✓		(see above)
Buddhist		✓		(see above)
Hindu		✓		(see above)

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Jewish		✓		(see above)
Muslim		✓		(see above)
Sikh		✓		(see above)
Other religion (including holding no belief)		✓		(see above)
Other Potentially Affected Groups				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access		✓		(see above)
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands		✓		(see above)
Any other potentially affected groups (<i>please specify</i>)		✓		(see above)
9. If you have indicated that there is a negative impact on any group:				
a) Is that impact against legislation?	Yes	No ✓		
b) What is the level of impact?	High	Low ✓		
10. Could you minimise or remove any negative impact that is of low significance?	How? Not applicable			
11. Could you improve a positive impact of the Service or Function?	How? Not applicable			
12. If there is no evidence that the Service or Function promotes equality of opportunity or improved relations, could it be adapted so that it does?	How?			

Head of Service signature	
Date of Initial Screening:	

NOTE

If a negative impact has been highlighted and requires more consultation or research to address it, or if it cannot be justified (e.g. if it is against legislation or places that Council in a position that leaves it open to challenge) you must complete a Full EIA.

If not, you should still consider if completing a Full EIA would be helpful in making a thorough assessment.