

Scrutiny Review**On 17th November 2005**Report Title: **Litter and Cleansing Enforcement Strategies**Report of: **Assistant Director of Environmental Services, Streetscene**Wards(s) affected: **All**Report for: **Information****1. Purpose**

1.1 To consider the targeted strategies for litter prevention and enforcement in different parts of the borough.

2. Recommendation

2.1 That the contents of this report be noted.

Report Authorised by: **Robin Payne, 020 8489 5513**Contact Officer: **Robin Payne, 020 8489 5513****3. Executive Summary**

3.1 The Enforcement service has responsibility for the delivery of enforcement initiatives to prevent and combat litter. The service has developed a Street Enforcement Team to deliver a uniformed patrolling and investigation service. This team was established in September 2005 and has been developed from existing resources and using additional investment made available for 2004/5

4. Reasons for any change in policy or for new policy development

4.1 Not applicable.

5. Local Government (Access to Information) Act 1985

Draft Guidance on the Clean Neighbourhoods and Environment Act 2005
Code of Practice on Litter and Refuse

6. Background

- 6.1 The Enforcement Business Unit was created in 2003 as a result of a best value review of enforcement in 2002. This was to provide a focussed service delivering “tougher” enforcement interventions as part of the Better Haringey programme. Included within this programme was a need to develop enforcement activity in control of waste, litter and cleanliness.
- 6.2 Since 2003 a number of changes have been made to both the establishment and deployment of Enforcement Business Unit resources and the legislative powers available to tackle litter and waste.

7. Enforcement Resources and Deployment

- 7.1 The Enforcement Business unit has 3 service delivery groups. The Environmental Crime Group is a recently configured service including the Street Enforcement, Wardens, Planning Enforcement and Heavy Enforcement.
- 7.2 Street Enforcement – this new team has been by combining the roles and functions of officers undertaking, Waste Enforcement and Environmental Response (4 posts), Street Trading (2 posts), Trading Standards (2 post). The service for 2005/6 has also been provided with funding for an additional 5 temporary posts. The teams service priorities for 2005/6 are: -
- Fly Tipping and hotspots
 - Fly Posting
 - Commercial waste control
 - Litter control
 - Highway abuses – includes car repairs
 - Highways obstruction – includes hedges, clutter
 - Skips and permits
 - Street trading – includes cars for sale
- 7.3 The newly configured service became operational in September 05 and is deployed as follows.
- 7.3.1 *Patrols* - Seven officers are assigned to patrolling duties focusing on major thoroughfares and shopping districts. Each is allocated an Assembly area and will be a point of contact for Neighbourhoods, Safer Neighbourhood Police Units, Estate Management Offices and Waste Client officers.
- 7.3.2 *Response* - Two officers have been deployed on response work, handling complaints, checking on notices and cleansing schedules and visiting dumping hotspots.

- 7.3.3 *Strategic* - Two officers are targeted at intelligence led initiatives, hotspot work on waste and fly posting and the monitoring of CCTV.
- 7.3.4 One back officer has been assigned to support the Team Leader on service development and back office support.
- 7.3.5 *Enforcement Wardens* – six wardens have been funded to undertake enforcement duties for 2005/6. See 7.51 below. These are Warden posts that dedicate approximately half of their time to enforcement work. Within the scheme areas that they are deployed they will undertake any of the duties listed above.
- 7.4 The Heavy Enforcement Team (HET) - was created in 2004 using investment released following the best value review. This team of 4 officers including a Team Leader delivers on a number of key enforcement priorities including: -
- 7.4.1 *Eyesores programme* - to tackle neglected and abused sites. Initial sites being targeted are Network Rail locations chosen by the Better Haringey Steering Group. This includes action to clean up littered and dumped embankments, littered and vandalised stations, and pigeon proofing bridges to prevent fouling of footpaths. A forward programme is due to be considered by the Better Haringey Steering Group.
- 7.4.2 *Nuisance Garages* – to tackle antisocial businesses that repair and abandon vehicles in the street, abuse parking restrictions, create noise nuisance and dump or fail to control trade waste.
- 7.4.3 *Persistent Environmental Criminals* – a number of offenders are being targeted for action including known fly-tippers and fly posting distributors.
- 7.4.4 *Enforcement Coordination Group targets* – this team acts as an additional resource to focus enforcement activity on environmental crimes and problem locations where one or more enforcement agency is not achieving compliance. Problems have including control of waste issues.
- 7.4.5 *Joint Operations* – For example Tailgate operations, which flood an area with enforcement activity in combination with other agencies, are organised through the HET. Tailgates targets will often reflect major high road locations and businesses that fail to control their waste.
- 7.5 Warden Service - The current warden service comprises 18 operational staff (including 4 supervisors) working in four teams covering Northumberland Park, Bruce Grove, Tottenham Green, Noel and Bowes Park, Seven Sisters (NDC) and West Green.
- 7.5.1 Their main role is to improve community safety and reduce fear of crime but each team has the flexibility to respond to key local concerns and issues. Six wardens have been appointed to enforcement warden roles. They are trained and authorised to take street enforcement action including the issue of fixed penalty notices for litter. Wardens also work in schools and in the community to educate people to protect

their local environment (eg junior wardens scheme). This has included citizenship work through the Better Haringey programme.

- 7.6 Also within the Enforcement Business unit are Commercial and Housing Enforcement Groups. These teams also make a contribution to litter control and improved cleanliness through initiatives such as inspection of trade waste arrangements at commercial premises including under packaging and waste regulations; enforcement of waste control at tenanted premises; animal welfare and responsible pet ownership; pest control and action to reduce sources of food and harbourage.

8 Littering, Cleansing and the Law

- 8.1 Probably the most significant powers here will be introduced through or strengthened by the Cleaner Neighbourhoods and Environment Act 2005 (CNEA). It will introduce a range of new powers and fixed penalty notice options for existing and new offences. Many of these powers will not be available until April 2006 and DEFRA is currently consulting on guidance to support these new powers.

- 8.2 *Littering Offences* - The Environmental Protection Act 1990 (EPA) establishes an offence of depositing litter in public open spaces or other relevant land. Under the CNEA this has been extended to all places that are open to the air, including private land and land covered by water. Offences for littering can result in a fine up to £2,500 or under the EPA a fixed penalty notice can be used as an alternative method of disposing of the offence. The CNEA has also extended the definition to clarify that it does include smoking litter and chewing gum.

- 8.3 *Litter Clearing Notices* introduced under the CNEA replaces Litter Control Areas under the EPA. Notices can require litter to be cleared from unoccupied and openly accessible land and to require owners to prevent future defacement. The Act provides powers for cost recovery as well as fines up to £2,500 for failure to comply with a notice and fixed penalty notices. Additional existing and alternative powers are also available for such locations through notice action and work in default measures.

- 8.4 *Commercial Street Litter* can be controlled through the EPA and the use of Street Litter Control Notices. The use of these is determined by separate order that prescribes the commercial operations covered and the size of area that the notice can cover (100m in the case of most retailers). The CNEA has extended this to include mobile units but the recurrence of a problem has to be demonstrated. Penalties for failing to comply will include the option of a fixed penalty notice.

- 8.5 *Commercial Waste* is regulated through the EPA and a duty of care responsibility to prevent waste produced and stored by a business to

escaping as litter. This includes arrangements to ensure that waste is kept secure from vandals thieves, animals, accident or weather. Trade waste can only be collected by a licensed waste collection company.

- 8.6 *Street Trading* - where a premises operates through a street trading licence, licence conditions are in force in Haringey to control cleanliness matters arising from any goods or obstruction placed on the highway. Failure to comply can result in loss of licence, seizure and prosecution.
- 8.7 *The Licensing Act 2003* and Haringey's licensing policy statement provide that conditions may be attached to a premises licence to control public nuisance. Problems identified in the policy include littering, the breaking of glasses and bottles, vomiting and urination.
- 8.8 *Litter Abatement Notices* can be served where a duty body such as Network Rail fails to keep relevant land clear of litter or refuse. This can require it to be swept or be a prohibition on the land becoming defaced by litter. Fines of up to £2,500 can be awarded and costs reclaimed where a litter authority exercises a right to cleanse land in default.
- 8.9 *Free literature* can often be a source of litter. The EPA as amended by the CNEA allows local authorities to designate by order their own land and highways, in which the distribution of free literature requires consent. There has to be evidence to show that free literature constitutes a problem for an order to be made. Offences here extend to those that commission literature distribution and fees can be imposed for the issue of consents.
- 8.10 *Detritus Cleansing* - Detritus such as mud, soil, grit etc is not considered to be litter, however the Highways Act Chapter 9 provides powers to prevent such material being carried onto the highway.
- 8.11 *Skip licence* – conditions relating to the overfilling and covering of skips is enforced through the Highways Act.
- 8.12 *Motor Vehicle repair* – repair of vehicles on the highway can result in the deposit of oils and stains on the highway. The CNEA creates offences relating to repair of vehicles on the highway which can be dealt with by way of fixed penalty notices.
- 8.13 *Graffiti and Fly posting* – these are included in the BV199 indicator of cleanliness. Powers to control these exist in the Antisocial Behavior Act 2003, providing powers for the issue of fixed penalty notices on persons responsible. The CNEA and Town and Country Planning Act 1990 extend this power to include notices that require for removal of advertisements and a cost recovery mechanism.

- 8.14 *Pigeon Mess* - London Local Authorities Act 2004 creates a power for local authorities to serve a bird proofing notice ('a notice') on the owner or occupier of a building or structure (including a bridge) fronting upon, crossing or overhanging a highway where habitual nesting, roosting or alighting of birds is causing a nuisance to pedestrians using the highway.
- 8.15 *Dog Fouling* – under the CNEA local authorities will in the future be able to declare dog control orders which establish offences relating to control of dogs, exclusion of dogs and dog fouling.

9 Haringey Enforcement Strategies

- 9.1 Currently the main service delivery mechanisms for litter and cleanliness enforcement are delivered through the Environmental Crime Group and substantially through Street Enforcement officers and Enforcement Wardens.
- 9.2 Uniformed and patrolling officers have been operating across the borough since September of this year with October being the first full month of deployment. Officers are tasked with a range of duties, this includes inspecting all traders on their beats and inspecting for offences relating to duty of care arrangements and street trading conditions. This work is assisted by information supplied by Haringey Accord Ltd (HAL) on trade waste revocations and variations, Commercial officers and joint working with Street scene client monitoring officers.
- 9.3 Bag searches are used to identify trade and domestic waste as a potential source of litter. Where a local source can be identified it officers will visit and issue a fixed penalty notice where an offence is provable, or issue a warning letter in all other cases. Offences here rely upon evidence to show that arrangements are in place for the collection of domestic refuse, for example the allocation of wheelie bins and collection timetables.
- 9.4 In principle officers can issue fixed penalty notices for littering offences such as discarded wrappers, cigarettes etc. Because such interventions can present health & safety risks and it is often difficult to obtain offender details, the only planned activity here is through operations such Tailgate, side by side patrols with Police and the forthcoming 30 day clean up event in February 2006. Where such enforcement is used it will be supported with publicity and signage to inform and advise potential offenders.
- 9.5 Officers will be undertaking work to encourage shops to adopt a local voluntary code for litter picking and waste minimisation etc. Green Lane Traders have already volunteered to act as a pilot group for his work. Where the code is not followed or adopted by traders, a follow

up operation will look to using Street Litter Control Notices and new fixed penalty notice options being introduced under the CNEA.

- 9.6 Skip permissions and conditions are enforced through routine patrols and the Parking Service, which issues permits, will in future be generating locations for routine inspection. Breaches can be dealt with by way of prosecution, revocation of licence and seizure. In future a fixed penalty notice option will exist. Officers are currently reviewing conditions to ensure that they as far as possible they can be enforced to reduce problems of cleansing and littering.
- 9.7 Officers will act as eyes and ears for other services and will report litter accumulations on the highway and overfilled street rubbish bins.
- 9.8 The future programme on Eyesores will be one strategy for tackling sites that have a significant detrimental impact on the areas in which they are found. Nuisance garages and highway abuses are auctioned through the HET but with evidence collected by Street Enforcement Officers and Enforcement Wardens.
- 9.9 Fly posting is being enforced through two routes. Locations that are routinely fly posted such as abandoned premises are being targeted using powers under the Town and Country Planning Act. Where building hoarding are in place these are being slatted as a finish that cannot be posted. All of the initial ten locations targeted locations have now been improved. The second approach being taken is to target the beneficiaries of fly posting. Notices are being served to require removal of fly posters and prosecutions cases are in progress for offences arising. Longer term it is intended to pursue Antisocial Behaviour Orders as has been successful in the London Borough of Camden.
- 9.10 Officers are tasked with identifying land other than the highway that is being littered. Notices to remedy defects found are being used with clearance arranged as work in default where necessary. Under new powers officers will be able to issue fixed penalty notices where breaches occur, there will also be the option of streamlining cleansing by default through HAL. One difficulty with this approach is that cleansing of land by default requires action to recover a debt. Land ownership is often obscure and in some cases land is unadopted. Any debt created by this enforcement route that cannot be collected is a risk to Enforcement budgets.
- 9.11 Response Investigations – the team here is seeking to work to a one-hour initial response target for all urgent complaints with all investigations undertaken within 24 hours. Investigations can be in relation to any street enforcement matter but will often reflect complaints about fly tipped and discarded waste. Investigations about rubbish and litter accumulations on private land and unadopted land feature highly in the work of this team.

- 9.12 The use of CCTV is currently limited and restricted to redeployable cameras at dumping hotspots. It is proposed that tasking information will be taken from and passed to the CCTV control centre. This will include information about littering and cleanliness offences relating to trade waste, domestic refuse, nuisance traders, licensed premises activity and skips.
- 9.13 A further planned area for CCTV and other surveillance is litter from vehicles. Where a registered owner allows litter to be deposited from a vehicle or where a vehicle used to transport waste is a source of litter, action can be taken proceed against the owner of the registered vehicle or the person named as being in control.

10 Enforcement Activity

- 10.1 In October the new Street Enforcement team recorded the following activity.

Patrolling days completed	55
Trade waste agreements checked	2
Duty of Care Notices served	76
New Trade agreements arising from enforcement	4
Warning letters sent re domestic rubbish on streets	330
Warning letters sent re trade waste on streets	161
Fixed Penalty Notices Issued for Littering	10
Notices served on private land owners to clear litter and waste	41
Fly posting – notices requiring removal	36

11 Enforcement Policy and Fixed Penalty Notices

- 11.1 Haringey has signed up to a national standard known as the Enforcement Concordat. The Concordat sets out Principles of Good Enforcement designed to help businesses to comply with regulations, and help enforcers to achieve higher levels of voluntary compliance. This has been incorporated into an Enforcement Policy for Haringey. These principles are: -
- Standards: setting clear standards
 - Openness: clear and open provision of information
 - Helpfulness: helping business by advising on and assisting with compliance
 - Complaints: having a clear complaints procedure
 - Proportionality: ensuring that enforcement action is proportionate to the risks involved
 - Consistency: ensuring consistent enforcement practice.
- 11.2 Haringey's Enforcement policy includes reference to the use of fixed penalty notices but at the time of its original drafting these were a limited option. Fixed penalty notices are now, however, seen to be an

effective and visible way of responding to low-level crimes and Government is encouraging their use.

- 11.3 The CNEA will significantly extend the availability of fixed penalty provides a future power to a litter authority to authorise persons, other than those it employs, to issue fixed penalty notices. This is supplemented by arrangements under the Police Reform Act 2002 to allow Police Community Support Officers and other accredited persons to be provided with this power.
- 11.4 The CNEA also provides the future power for a litter authority to establish, fixed penalty fine levels. Levels and ranges for fines are established by separate Regulation and with default payments of £75 or £100 for relevant offences here. Arrangements here are currently under consultation and include proposals for early payment discounts.

12 Consultation

- 12.1 No public consultation was undertaken in the construction of this report.

13 Summary and Conclusions

- 13.1 The Enforcement Business Unit has established a new Street Enforcement service that joins up enforcement powers within a single borough wide and visible service. Whilst this service in its current form has only been operational since September, early evidence of its activity have shown that it can and has generated significant enforcement activity on litter and cleanliness.
- 13.2 Future enforcement activity is likely to be reliant upon new and strengthened powers under the CNEA. Many of these powers including fixed penalty notice for offences relating to litter control and trade waste will not be available until April 2006. In the interim arrangements to revise the existing Enforcement Policy and to establish robust arrangements for the management of these new powers are required.

14 Recommendations

- 14.1 That the contents of this report be noted.

15 Financial Comments

- 15.1 The enforcement strategies in relation to litter and cleansing will need to be undertaken within approved budgets for the Enforcement Business Unit. The use of fixed penalty notices is an integral part of enforcing measures to minimise littering and improve cleanliness. The Clean Neighbourhoods and Environment Act 2005 extends the power Council's have to enforce fixed penalty notices and maximum use should be made of this enforcement tool.

16 Equalities Implications

16.1 There appear to be no equalities implications arising from this report.