

**Report of the Director of Place to the meeting of The Environment & Waste Management Overview and Scrutiny Committee to be held on Tuesday 19<sup>th</sup> December 2017.**

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**Subject:** Environmental Enforcement Strategy

**Summary statement:**

This report presents the Environmental Enforcement Strategy, outlining approaches that will be taken to address environmental crime and improve environmental quality across the Bradford District.

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**Overview & Scrutiny Area:**

**Environment & Waste Management**

## **1. SUMMARY**

- 1.1 This report presents the Environmental Enforcement Strategy, outlining approaches that will be taken to address environmental crime and improve environmental quality across the Bradford District.

## **2. BACKGROUND**

- 2.1 A report considered by the Environment and Waste Management Overview and Scrutiny Committee on 5<sup>th</sup> April 2016 included a resolution for an Environmental Enforcement Strategy to be developed and presented to the Committee.
- 2.2 In January 2016 Neighbourhood and Customer Services took on responsibility for environmental enforcement.
- 2.3 An Environmental Enforcement Strategy has been produced to support the Council's objectives to transform its services, reduce costs and demand for services and make the district safer and cleaner (attached as Appendix 1). The Strategy introduces a firm but fair approach, using educational, engagement and enforcement approaches to deter and penalise offenders through greater use of fixed penalty notices and the issuing of notices and prosecutions and behaviour change.
- 2.4 The Strategy demonstrates the importance placed by the Council on street cleanliness and local environmental quality and its determination to make a stand against the small minority engaged in anti-social behaviour and waste crime.

## **3. OTHER CONSIDERATIONS**

- 3.1 Bradford Council adopted the Enforcement Concordat in 1998 which states that good enforcement practice should have clear standards, be carried out in an open, helpful manner, have a proportionate and consistent approach and deal effectively with complaints about service.
- 3.2 Enforcement Officers must seek to secure compliance with the law. Most of their dealings with those on whom the law places duties, businesses, landlords, occupiers and individuals, are informal - officers offer information, advice and support, both verbally and in writing. They may also use formal enforcement, as set out in law, including fixed penalty notices, enforcement notices where a contravention needs to be remedied, or ultimately prosecution.
- 3.3 Where enforcement is deemed appropriate and is being considered, officers can choose one or more of the following options:
- To take no action;
  - To take informal action;
  - To issue a fixed penalty notice;
  - To issue a statutory notice;
  - To carry out work in default;
  - To use seizure powers;
  - To use formal cautions;

- To prosecute.
- 3.4 Waste crime such as fly tipping, littering and dog fouling offences continue to be a significant problem both locally and nationally. In particular, incidents of fly tipping are increasing nationally and this has been well publicised in national media.
- 3.5 The Strategy aims to prioritise work on certain issues in order to approach enforcement work in a structured way, targeting the most prevalent issues affecting the district's environment. In particular, the current priority areas are:
- Fly tipping and illegal dumping of waste on public and private land;
  - Accumulations of rubbish in gardens;
  - Litter on streets, other highways and private land;
  - Ensuring compliance with the Duty of Care with respect to commercial and household waste and
  - Irresponsible dog ownership.
- 3.6 New powers have been introduced to tackle environmental crime and a strategy was required to develop a cohesive approach to tackle this issue.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 Prosecution of offences will continue to require support from officers in Legal Services and will incur legal costs. The Council will aim to recover all legal costs incurred in taking Court action against offenders.
- 4.2 Issuing fixed penalty notices will result in income generation for the Council. In line with government guidance, the Council will re-invest income generated from fixed penalty notices. Payments collected will be used to help offset the costs of the enforcement function by helping fund, for example, surveillance cameras, environmental improvements and relevant educational, operational, and publicity initiatives

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 There are no risk management and governance issues apparent within the context of this report.

#### **6. LEGAL APPRAISAL**

- 6.1 The Council has a responsibility to investigate, clean up and take appropriate enforcement action in relation to fly tips on public land including public roads and highways. The Council will also investigate fly tips on private land and take appropriate enforcement action where evidence is found.

#### **7. OTHER IMPLICATIONS**

##### **7.1 EQUALITY & DIVERSITY**

There are no equality and diversity implications apparent within the context of the report.

## **7.2 SUSTAINABILITY IMPLICATIONS**

Tackling environmental crime, preventing fly tipping and promoting responsible waste management contributes positively towards the sustainability agenda.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None apparent within the context of the report.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

The illegal dumping of waste (fly tipping) degrades the amenity of an area and often attracts further environmental crimes.

Waste dumped on private land presents particular problems for the state of the local environment. Uncontrolled waste disposal can also present great health and safety risks, attract other anti-social behaviour and contribute to perceptions and fear of crime.

## **7.5 HUMAN RIGHTS ACT**

The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with the Police and Criminal Evidence Act 1984, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000, The Criminal Procedures and Investigations Act 1996, Equality Act 2010 and other relevant legislation and guidance. Covert surveillance will only be used in serious offences, defined as those with a penalty of six months imprisonment or more.

## **7.6 TRADE UNION**

There are no staffing implications arising from this report.

## **7.7 WARD IMPLICATIONS**

Enforcement action will take place across the district and a consistent approach to tackling environmental crime will be applied across all Wards.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

The Environment and Waste Management Overview and Scrutiny Committee is asked to consider the draft Environmental Enforcement Strategy and make any recommendations for amendment or addition.

## **10. RECOMMENDATIONS**

That Environment and Waste Management Overview and Scrutiny Committee

considers the draft Environmental Enforcement Strategy and the overall approach to enforcement.

**11. APPENDICES**

Environmental Enforcement Strategy

**12. BACKGROUND DOCUMENTS**

None