

# PERFORMANCE AND AUDIT SCRUTINY REPORT

3 March 2009

## Report of the Director of Leisure & Environment

### ITEM STREET MANAGEMENT ENFORCEMENT STATISTICS QUARTERY UPDATE REPORT

#### Purpose of the report

This report provides statistical data for enforcement actions taken by the Street Management Team

#### Background

The Street Management Service was formed following Cabinet approval on 20th July 2006 to deliver the new Cleaner Greener Agenda to meet the requirements of the Clean Neighbourhood Environment Act 2005 (CNEA) which accords with the corporate plan aim of 'A clean and Healthy Environment' and also deliver Civil Parking Enforcement.

The Street Management team work stream will assist in the reduction of anti-social behaviour and therefore directly support the aims and objectives of the Local Crime and Disorder Reduction Partnerships.

The Wardens act as 'the eyes and ears' on the streets, carrying out patrols throughout the Borough to raise awareness, educate and ultimately issue Fixed Penalties Notices (FPN) for Environmental Crimes. They also work closely with Senior Enforcement Officers who investigate serious enviro-crimes such as large fly tips and on successful investigation prepare prosecution files for presentation in court.

The various acts under which FPN are issued enable local authorities to use their fixed penalty receipts only to help meet the cost of certain specified functions, however where a local authority is categorised as 'excellent' or 'good' under CPA, these restrictions are lifted and the authority are allowed to spend penalty receipts on any of its functions.

In broad terms detailed below is a list of Enviro-crimes covered by the CNEA:-

#### ➤ **Nuisance and Abandoned Vehicles**

- Gives local authorities the power to remove abandoned cars from the streets immediately.
- Creates two new offences to help local authorities deal with nuisance parking; offering for sale two or more vehicles, or repairing a vehicle, on the road as part of a business.

## ➤ **Litter**

- Makes it an offence to drop litter anywhere, including private land and rivers, ponds and lakes.
- Gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land.
- Strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices).
- Enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter.
- Confirms that cigarette butts and discarded chewing gum are categorised as litter.

## ➤ **Unauthorised Distribution of Literature**

- Distribution of free literature is only permitted subject to consent by the LA and a designated order being in place.
- Gives local authorities the power to issue FPN or prosecute offender who distribute free literature
- There are specific exemptions such as political, charitable or religious purposes

## ➤ **Graffiti and Fly-Posting**

- Extends graffiti removal notices (as introduced by the Anti-social Behaviour Act 2003) to include fly-posting.
- Strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution.
- Enables local authorities to recover the costs of removing illegal posters.

## ➤ **Waste**

- Introduces a new provision covering the waste duty of care and the registration of waste carriers.
- Amends provisions for dealing with fly-tipping by:
  - removing the defence of acting under employer's instructions
  - increasing the penalties
  - enabling local authorities and the Environment Agency to recover their investigation and clear-up costs
  - extending provisions on clear up to the landowner in the absence of the occupier
- Gives local authorities and the Environment Agency the power to issue FPN (and, in the case of local authorities, to keep the receipts from such penalties):
  - to businesses that fail to produce waste transfer notes
  - to waste carriers that fail to produce their registration details or evidence they do not need to be registered
  - for waste left out on the streets (local authority only)
- Introduces a more effective system for stop, search and seizure of vehicles used in illegal waste disposal; and enabling courts to require forfeiture of such vehicles.

## ➤ Dog Fouling

- Replaces dog byelaws with a new, simplified system which will enable local authorities and parish councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person.
- Gives local authorities, rather than police, sole responsibility for stray dogs.

## ➤ Abandoned Shopping Trolleys

- Enables local authorities to recover the costs of dealing with abandoned shopping trolleys from their owners.

In addition, in July 2007, CBC entered into a partnership arrangement with the County Council to enforce parking contravention on their behalf. This new service is called Civil Parking Enforcement (CPE), which most people will remember as the old traffic Warden Service provided by the Police force.

Civil Parking Enforcement authorises Local Authorities to issue parking fines for parking contraventions e.g. parking on double yellow lines, parking longer than permitted in permitted waiting zones etc.

The Street Management Team is not responsible for traffic management or traffic offences such as obstruction as these remain the responsibility of the Police.

Street Wardens are generic staff performing both enviro-crime duties and CPE patrols, this generic method of working increases operational efficiency and whilst many authorities are working towards this method of working Charnwood is one of the first in England to achieve this.

Due to public sensitivity regarding receipt of a FPN's or a PCNs government guidance & best practice recommends that the issuing of FPN's and PCNs shall not be target driven or considered a financial incentive although it is considered that On st parking enforcement should be self financing.

The statistical data detailed below gives a summary of higher level enforcement actions taken by month and compared against previous year's data.

## **STATISTICAL REPORTS**

### **Fly Tipping Prosecutions**

	<b>2007/08 Full Year</b>	<b>2008/09 to date</b>
Prosecutions	10	7
Warrant issued for no show	2	1
Cases dismissed	1	0
Cautions	1	1
Warning Letter	0	4

### **Non payment of FPN'S Prosecutions**

	<b>2007/08 Full Year</b>	<b>2008/09 to date</b>
Prosecution (Litter or incorrect use of waste receptacle)	3	5
Warrant issued for no show	0	0
Cases dismissed	1	1
FPN paid as result of pending ct case	1	3

### Fixed Penalty Notices (fines for enviro-crimes)

	2007/08 Full year	2008/09 to date
Issued	219	220
Paid as a percentage	97%	81%
Income	£8,830	£10,740

### Legal Notices to remove accumulation of waste from private front or rear gardens

2007 – 08											
270 for the full year– not recorded monthly											
2008 – 09											
April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
3	5	9	14	6	22	14	12	3	35		

### Shopping Trolleys (reported as abandoned and dealt with by SM)

2007 – 08											
129 for the full year– not recorded monthly											
2008 – 09											
April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
4	7	7	6	1	0	0	0	0	0		

### Enforcement warning notices for incorrect use of a waste receptacle

2007 – 08												
4263 for the full year – not recorded monthly												
	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
2008 -9	36	340	1427	60	612	1500	1425	14	0	0		

### Abandoned Vehicles

	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
2007- 8	26	24	26	30	22	25	24	16	17	13	15	14
2008 -9	19	9	9	12	12	14	8	9				

### OFF ST PCN Issues (fines for parking contraventions)

	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
2007- 8	n/a	n/a	n/a	281	391	407	521	562	542	487	361	444
2008 -9	422	441	362	329	373	325	234	336	206	367		

### ON ST PCN Issues (fines for parking contraventions)

	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
2007- 8	n/a	n/a	n/a	592	1357	923	1429	1503	1174	1006	1232	1346
2008 -9	1150	972	1174	1274	1172	1095	1003	1045	791	1214		

**Background Papers:** None

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