

***Review of the Policy Review
and Development Scrutiny
Committee***

***‘Enforcement of Litter, Graffiti
and other Environmental
Offences’***

November 2005

The council's scrutiny committee examine in detail selected areas of the council's work, responsibilities and policies.

The aim is to find out if there are ways in which the council could be doing things better, and to influence national issues.

This report is the end result of a review into a particular subject. It sums up how the review was carried out, its findings/considerations, conclusions and recommendations for any improvements which could be made.

SCRUTINY REPORT

The Enforcement of Litter, Graffiti and other environmental offences

What is in this report

	PAGE NO
• Introduction by the chair of the Policy Review & Development Scrutiny Committee	2
• Membership of the Policy Review & Development Scrutiny Committee	3
• The Selection and Scope of the Review	4
• How the review was carried out	5-6
• The Committee's Findings/Considerations	7-17
• The Committee's Conclusions	18-19
• The Committee's Recommendations	20
• Appendices	

INTRODUCTION BY THE CHAIRMAN OF THE POLICY REVIEW AND DEVELOPMENT SCRUTINY COMMITTEE

We carried out this review after concerns were expressed across the committee with regards to the enforcement of litter, graffiti and other environmental offences across North Lincolnshire.

I would like to thank everyone who contributed to this review and the committee members for all their hard work. I am sure they all agree it was a very informative and interesting review. However, due to new legislation being introduced half way through our review it was difficult for the committee to come to some firm conclusions or recommendations. It was felt that it would be more appropriate to re-visit this issue after a short period of stability once the new legislation was in place.

Having said that, the work the committee carried out and the interviews and research undertaken was very productive, and could change the way we deal with enforcement issues in future, and be much more effective if our recommendations in this report are taken on board.

Cllr Nigel Sherwood
Chairman, Policy Review & Dev Scrutiny Committee

NORTH LINCOLNSHIRE COUNCIL

Membership of the Policy Review and Development Scrutiny Committee.

Councillors: Sherwood (Chairman)
 *Fordham (Vice-Chair)
 *Appleyard
 *Gosling
 *Ishaq MBE
 Rowson
 *Todd

Co-opted Members D Davey
 A Dunkerley

Denotes changes as from Annual Meeting of the Council May 2005, previous members of the committee who have contributed to this review are as follows:-

Councillors Phillips
 Glover
 Simpson
 Smith
 Wells

1. THE SELECTION AND SCOPE OF THE REVIEW

North Lincolnshire Council's Policy Review and Development Scrutiny Committee in February 2005 commenced a review of the Enforcement of litter, graffiti and other environmental offences with a brief to:-

- (i) Raise public awareness of the issues surrounding environmental crime and thereby improve the environment within the authority, and to provide schools with information and resources to enable them to promote discussion and awareness of issues surrounding environmental crime.
- (ii) to investigate if the Council are using their policies and enforcement powers to their full, and to compare this with our benchmark authorities and current initiatives being used.
- (iii) Identify how the Council works and develops inter-agency links with other stakeholders in the area to tackle the problems relating to environmental crime, and how the various different departments work together to combat these issues.

This review was selected by the committee as it was particularly concerned with the number of complaints and comments elected members were receiving from residents within North Lincolnshire, about the amount of litter, graffiti and other environmental offences occurring within the area.

It was important that the review gave the committee, who were acting on behalf of the local community, the opportunity to consider how well North Lincolnshire Council was addressing the above issues, and investigate the concerns.

2. HOW THE REVIEW WAS CARRIED OUT

The Council's Policy Review and Development Scrutiny Committee-

i) agreed to:-

- Examine the extent and current usage of the powers available to the Council to enforce environmental crime.
- Compare North Lincolnshire Council's statistics, procedures and any initiatives with our benchmark authorities.
- Identify what mechanisms are used if any to raise public awareness of the issues surrounding Environmental Crime, and what if any work is carried out with schools.
- Examine what work is carried out with external/internal stakeholders.
- Invite external professionals to speak to the panel and offer their views.

ii) agree to formulate a review plan and programme to identify how to obtain all the necessary information and evidence required to carry out the scrutiny review effectively. The review plan and programme is attached at appendix 1.

The reviews plan and programme therefore, included the following stages to provide the plan with its findings:-

Desktop Research:

Documentation including -

- Department for Environment, Food and Rural Affairs - Clean Neighbourhoods and Environment Act 2005.
- Environment Agency - various press articles.
- Encams - Keep Britain Tidy Campaign - Environmental Crime.
- North Lincolnshire Council's Neighbourhood and Environmental Services waste management division - Enforcement & Prosecution Policy.
- North Lincolnshire Council's Cabinet Member reports.
- Department for Environment - Improving Local Environmental Quality through enforcement.
- Office of the Deputy Prime Minister - Town & Country Planning Act 1990 Section 215 - Best Practice Guidance.

- A wide range of websites, national journals and articles were also used as part of research information.

Fact Finding Questionnaire -

A fact finding questionnaire was sent to all our benchmark authorities and is attached at appendix 2 with the results.

Interviews -

Interviews were held with internal and external witnesses, including:-

Kevin Booth	North Lincolnshire Council - Neighbourhood Services.
Andrew Osborne	Yorkshire and Humber Encams
Mr Elliot Morley MP	Minister for the Environment
Councillor A Bunyan	North Lincolnshire's Cabinet Member for Neighbourhood Services
Chief Superintendent Graham Di-Duca	Humberside Police
Fire Officers	Humberside Fire Authority
Mike Welton	North Lincolnshire Council - Development Control Team Manager

Panel Meetings -

A series of public meetings of the Committee were held for witness interviews, together with planning and evaluation meetings to consider information collated and presented to members.

These meetings provided the Committee with the opportunity for objective analysis and information gathering, a choice to consider which witnesses to interview and then allowed for assessment and the approval of the findings, conclusions and recommendations.

3. THE COMMITTEE 'S FINDINGS/CONSIDERATIONS

The programme of work carried out by the committee enabled the Councillors and the co-opted members to use different techniques and perspectives to scrutinise comprehensively the issue of enforcement of litter, graffiti and other environmental offences. The findings/considerations of the panel are outlined below:-

(i) Background

The effects of anti-social behaviour are most visible when the results of that behaviour ruin public places such as shopping precincts, parks, playgrounds town centres or railway stations. It can also degrade local areas by allowing gardens, homes and streets to be full of litter, rubbish and abandoned cars.

Environmental crime includes littering, illegal street trading, abandoned vehicles, graffiti, fly posting, dog fouling, fly-tipping, dumped business waste, vandalism, noise nuisance and abandoned shopping trolleys - its presence encourages a spiral of decline, which can undermine community cohesion and the efforts of public agencies. Tackling environmental crime goes beyond keeping streets and estates clean, it is a vital part of building community confidence.

Effective enforcement action against environmental crime requires commitment from all concerned to take action against every case. Evidence suggests that if graffiti, litter and other environmental damage is cleaned rapidly and persistently, it is less likely to come back. This should be accompanied by strong enforcement action using all available legislation.

Enforcement against environmental crime can also complement other enforcement action. For example, housing officers addressing nuisance neighbours on an estate may wish to consider the impact they are having on the quality of the environment. Fixed penalty notices for dog fouling or fly tipping, for example, may be used alongside measures for 'tackling nuisance neighbours' as an additional tool to change behaviour.

Improving Local Environmental quality through enforcement -

Tackling environmental crime sends a clear message to the community that things can change for the better. Encouraging the feeling that the area is a place worth living in.

Nuisance behaviour becomes more conspicuous and therefore more unacceptable. As a result, victims and witnesses are more likely to take a stand against anti-social behaviour.

Tackling environmental crime goes beyond keeping streets and estates clean, it is a vital part of building community confidence. There is a direct connection between the quality of life in communities, and cleaned safe public places.

Public space issues worry people of all ages in all areas. Litter, graffiti, fly-tipping, stray dogs/fouling and abandoned cars are, for many, the top public service priority.

Government has made it clear that it is the job of local authorities to maintain and deliver improvements on the ground.

Local Government Council's have been working hard to produce noticeably cleaner streets and public spaces. However stopping litterlouts and other environmental criminals is always better than cleaning up after them.

(ii) **THE OFFENCES:-**

FLY-TIPPING

The Environment Agency estimates that there are around 50,000 fly-tipping incidents per year, costing the authorities £100 - £150 million to clear, although there were suggestions that even this may be underestimated. Rising landfill charges and stricter regulations mean there is an increased financial incentive for individuals and criminal gangs to fly-tip. The Committee were alarmed by these statistics and information which reinforced their belief on the importance of this review.

Principle approaches to tackle it:

- Minor fly-tipping is aggravated littering and some local authorities use litter powers to tackle it successfully.
- An Environment Agency Officer, Local Authority Officer and the Police have powers to stop, search and seize vehicles suspected of being used to tip waste. They also have powers to investigate incidents to help track down and prosecute these responsible for dumping the waste (control of pollution (Amendment) Act 1989).

North Lincolnshire Councils enforcement position to date on fly-tipping:-

- They have served 12 formal cautions and 9 CSJ prosecutions of which 12 cautions, and 8 CSJ were successful. This was the highest number served and successful when surveyed against other benchmark authorities who responded to the questionnaire from this committee (see Appendix for details of all the survey results).
- The committee were informed that in 2004/5 to date 1,868 incidents of fly-tipping had been recorded, very few of which were reported by local residents. 65% potentially have evidence of source, only 8% investigated but of those 72% resulted in some form of enforcement action.
- Since introduction of Landfill Tax in 1996 reported fly-tips have increased year on year.

LITTER:

- Local Authority Officers and Wardens can issue a fixed penalty notice of £50 for littering. Offenders have 14 days to pay or face prosecution in court.

- Offenders can be prosecuted for littering under the Environmental Protection Act 1990. Magistrates can issue a fine of up to £2,500.
- The Environmental Protection Act 1990 also gives local authorities powers in particular areas where litter is a problem - owners of land are placed under a duty to keep the area clear and subject to a fine if they fail to do so.

North Lincolnshire Councils position:-

- The authority has served only three-fixed penalty notices for littering offences.
- Reports of litter from Neighbourhood Services show steady rise from April to peak/plateau mid June to end of September Summer/school holidays. Scunthorpe being the most littered area.
- The committee were informed that waste management generally do not receive reports of people littering only of litter, which are forwarded to Neighbourhood Services. No one reports individuals for littering.
- It was interesting in the committee's questionnaire findings to see that North Lincolnshire Council had only issued and been successful with 3 fixed penalty notices for littering compared to the City of York who had issued 34 and been successful with 32 of them.

GRAFFITI AND FLY-POSTING

Graffiti is criminal damage where it is racially motivated, it is a hate crime and should be dealt with accordingly. There are a number of individuals who specialise in doing graffiti and have special signs that identify them known as 'tags'.

Fly-posting is the posting of stickers, posters and other advertising without the consent of the owner of the property and contrary to regulations made under the Town and Country Planning Act 1990.

- Penalty notices for minor acts of graffiti and fly-posting. From 31 March 2004 the anti-social Behaviour Act 2003 allows local authority officers, community support officers and those persons accredited under 2-community safety schemes to issue fixed penalty notices of £50.
- Prosecution for criminal damage. Graffiti is criminal damage under the Criminal Damage Act 1971. In the Magistrate's Court the maximum sentence is a fine of £5,000 for serious criminal damage. The maximum penalty in the Crown Court is 10 years custody.
- Fly-posting. Although it is important to prosecute only individuals who fly-posts. It is also effective to take action against those people or organisations who benefit from the advertising. Fines of up to £1,000 can be issued and, in the case of a continuing offence, £100 for each day during which the offence continues after conviction.

North Lincolnshire Councils position-

- At a presentation given to the committee at the beginning of this review. Neighbourhood Services did not feel that North Lincolnshire Council had a problem in particular with graffiti and fly-posting compared to other authorities. They were aware of people who regularly fly-posted but successful measures had been taken to work in partnership with these people/businesses to advertise more appropriately and without causing a criminal offence.

ABANDONED CARS:

Nuisance vehicles - untaxed and abandoned - increase the sense that an area is run down and attract arson and vandalism - signs that a vehicle is abandoned include: no valid tax disc, no number plate, general state of disrepair, flat tyres etc...

Approaches to tackle the problems:-

- Swift removal needs to be backed up by prosecution. The deliberate abandonment of any vehicle is an offence, punishable by fine of up to £2,500 and/or 3 months imprisonment.
- Local authorities, the DVLA and the Police all have different powers with regard to removing nuisance vehicles, depending on the nature of the nuisance caused. Many authorities have found an 'operation cubit' approach to abandoned cars to be effective.

North Lincolnshire Council's position:-

- Reported abandoned vehicles in North Lincolnshire have risen from 121 in 1997 to 812 in 2004.
- 66% of reported abandoned vehicles are either not at the location or not abandoned. Many are unlicensed vehicles.
- In October 2004 the Council adopted DVLA powers. North Lincolnshire Council has direct access to DVLA records and can remove unlicensed vehicles on their instruction. In the past they were left to become tomorrow's abandoned vehicles. Home Office Stats show 80% of vehicle crime involves unlicensed vehicles of which there are an estimated 4,000 within North Lincolnshire.
- Operation Nemesis. Working with the Police and Fire Services 49 vehicles were removed from the streets of Crosby over 2 days in Nov/Dec 2004. This has resulted in a drop in reported abandoned vehicles in Crosby and reduced vehicle fire/arson from 29 to 11 over the comparable period the preceding year.

DOG FOULING:

It is an offence under the 1996 Dogs (fouling of Land Act) to fail to clean up after your dog. Local Authorities can issue £50 fixed penalty notices or prosecute (maximum fine £1,000). Some local authorities also successfully employ dog warden schemes to police this area.

North Lincolnshire Council's position:-

- The committee were informed that, waste management receives reports for dog fouling, investigates it as soon as possible, and forwards the report to Neighbourhood Services to clean up any deposit. On average 170 dog fouling complaints are investigated each year by the dog warden service. Catching a dog in the act of fouling with its owner present is unlikely unless continuous surveillance is maintained. North Lincolnshire Council have only prosecuted two offences to date, and no fixed penalty notices have been served to date. This was good on paper when compared to the other benchmark authorities surveyed who had not done any, although the panel thought this statistic was still very poor. Especially as it was reported that over the past 3 years the number has risen, with the greatest rise this year.

(iii) Clean Neighbourhoods and Environment Act

During the first couple of months of the committee looking into this review, and of the legislation the council has been working with, they were informed that The Clean Neighbourhoods and Environment Act was going to be introduced which would give local authorities more powers to deal with Environmental Enforcement Offences, and would mean a shake up of how the authority currently works.

The majority of the act is now law after it received Royal Assent on 7 April. The Local Government Association had lobbied for several years for additional powers for local authorities to make it easier to deal with local environmental offences. The Act contains a range of measures designed to improve the quality of the Local Environment.

These include new powers to tackle problems of fly-tipping; litter; fly-posting and graffiti; nuisance vehicles; dogs and noise.

The committee were informed that some of the new powers would be enacted in June. Others, would be subject to new regulations and will be enacted in April 2006, after a period of consultation.

The following is a list of the main provisions of the new Act.

Crime and Disorder

- The Act will require local Crime and Disorder Reduction Partnerships to take anti-social behaviour affecting the local environment into account when developing crime and disorder reduction strategies;
- Local authorities will have new powers to gate nuisance alleyways.

Fixed Penalty Notices

- The Act makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the power to set their own rates;

- Parish Councils will have the power to issue fixed penalties for litter, graffiti, fly-posting and dog offences.

Nuisance and Abandoned Vehicles

- Local authorities will have the power to immediately remove abandoned cars;
- Two new offences will 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 (from June 2005).

Litter

- It extends the offence of dropping litter to all land, including private land and to rivers, ponds and lakes;
- Local authorities will have new powers (litter clearing notices) to require businesses and individuals to clear litter from their land;
- Local authorities will have stronger powers to require local businesses to help clear up litter they generate (street litter control notices);
- Local authorities will be able to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter;
- Clarification that cigarette butts and discarded chewing gum are litter.

Graffiti and Fly-Posting

- The Act extends graffiti removal notices (as introduced by the Anti-Social Behaviour Act 2003) to include fly-posting;
- Stronger powers for local authorities to tackle the sale of spray paints to children;
- Clarification that all beneficiaries of fly-posting can face prosecution;
- Powers for local authorities to recover the costs of removing illegal posters.

Waste

- Measures to improve local authorities ability to deal with fly-tipping include;
- Removing the defence of acting under Employer's instructions;
- Increasing maximum penalties;
- Enabling local authorities and the Environment Agency to recover their investigation and clean-up cost;
- Extending provisions on clear-up to the landowner where there is no occupier;

- Local authorities and the Environment Agency will have the power to issue fixed penalty notices (and, in the case of local authorities, to keep the receipts from such penalties);
- Businesses that fail to produce waste transfer notes;
- 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) outside specified collection times;
- 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;
- A new provision covering the waste duty of care and the registration of waste carriers;
- A new requirement for developers to include site waste management plans for construction and demolition projects;
- Repealing the divestment provisions for waste disposal functions - this will give local authorities greater flexibility to deliver waste management services in the most sustainable way;
- Reform of the recycling credits scheme to provide increased local flexibility to provide incentives for more sustainable waste management.

Dogs

- Dog byelaws will be replaced by a new, simplified system of Dog Control Orders. These 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;
- Local authorities sole responsibility for stray dogs (previously this responsibility had been shared between local authorities and the police). The change will come into force only when the transfer of resources has been agreed.

Noise

Local authorities will have stronger powers to:

- Deal with burglar alarms;
- Impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels;
- Use greater flexibility in dealing with noise nuisance.

Miscellaneous

- Local authorities will be able to recover the costs of dealing with abandoned shopping trolleys from their owners;
- Statutory nuisances will be extended to light pollution and nuisance from insects;
- The contaminated land appeals process will be transferred to the Secretary of State;
- Increases in penalties for various pollution offences.

(iv) INTERVIEWS

The committee held various interviews with relevant Stakeholders and the findings were as follows:-

1. Mr Booth - Neighbourhood Services

Mr Booth attended various meetings of the Scrutiny Committee and outlined the current policies used by this Council, and the new powers that were going to be available to combat environmental crime.

He informed the Committee that his team had recently produced a specific set of enforcement policies and procedures in order to try and reduce environmental crimes and elements of anti-social behaviour. However, these may need amending when the new powers become available. He highlighted that Environmental Crime acts as a signpost to anti-social behaviour, vehicle and associated crime - the 'broken window' effects, and that the government and national organisations such as ENCAMS support the implementation of policies to tackle environmental crime.

It was the hope of Neighbourhood Services that these policies and their practical implementation would raise the public profile of the Council's stance on anti-social behaviour/environmental crime, deter casual perpetrators, reduce the amount of litter, fly-tipping, fouling and thereby improve the environment.

Mr Booth indicated to the committee that he felt his team were working hard on the issues of environmental enforcement. However, he did state that they were currently in the process of setting up two Safer Neighbourhood Teams who could enforce some of these issues more effectively, especially with the new powers that would also be available.

He did have some concerns with partnership working between the various enforcement sections within the Council. He felt that a more proactive approach and the Sharing of Information could be improved internally and that there would probably be a willingness to do so from all parties involved.

2. Mr Osborne - Yorkshire and Humber ENCAMS

ENCAMS is an organisation who were formerly the Keep Britain Tidy Group. They are funded by Defra, and receive income through partnership work with different authorities working on different Environmental Campaigns. The majority of their work is carried out with local authorities, land managers and land owners.

He indicated from the extensive work they had carried out that smoking and chewing gum litter was amongst the worse, with fast food waste becoming an ever increasing problem.

The view from ENCAMS is that the vital tool for the Enforcement of Environmental Crime alongside education was cleaning. He said you have to invest in cleaning up the area to eventually save.

He told the committee that you have to educate and engage the public to progress, and enforcement action should be the last tool to use. It was felt that local authorities have a duty to inform the public of their responsibilities. He stated that authorities should be making the most of the powers they have available, especially with the wealth of new powers in the new bill.

Mr Osborne also informed the committee that ENCAMS had a very good working relationship with North Lincolnshire Council and that the authorities innovation was very good, and that there were areas of good practice being used within this council. He felt that training for staff was a massive and vital issue for all authorities, and if you have some areas of best practice then you should shout about it and share it.

3. Mr Elliot Morley MP - Minister for the Environment

The Minister for the Environment was invited to speak to the committee members on the new powers which were to be given to local authorities to tackle Environmental Crime.

He informed the committee that North Lincolnshire as an authority had a very good record with regards to combating litter, graffiti and fly-tipping etc and that the investment was good, although it faced problems like any other authority.

Mr Morley felt that the new powers which were going to be given to local authorities was a good example of the government giving local authorities the teeth to combat these kind of problems. Although he indicated that they would only be successful if there were good working partnerships with the Police, Local Community Associations, the Environment Agency and internal divisions of the Council. Clear processes and protocols should be available for partnership working.

He highlighted to the committee the fact that the government had also set aside funds to help authorities implement and resource these new powers, and that authorities would now be able to retain the revenue from fixed penalty notices. He told the committee it was their responsibility to ensure the authority started to use these powers to their full capacity, and to make an example of individuals who are

caught, through fines and publicity. Authorities would now have the powers to make a difference.

4. Councillor Bunyan - North Lincolnshire Council Cabinet Member for Neighbourhood Services

The committee invited Councillor Bunyan to their meeting to hear how he intended to implement and resource these new powers which were soon to be available to the council.

Councillor Bunyan informed the committee that he welcomed the new powers, and that he felt the Council had been given some teeth at last to be able to tackle some environmental problems with more force and success. He also told the committee that resources were to be increased to take on the new powers, and two new rapid response teams were to be created in Scunthorpe, and eventually he would like to see more teams being created.

It was envisaged that penalties would be set at a reasonable rate by the authority, but to be issued more frequently. He felt that the general public needed a deterrent not to keep carrying out these environmental offences. He also informed the committee that the number of fixed penalty notices issued should be publicised because we need to get the message across that the Council now has the powers and will use them when necessary.

5. Chief Superintendent Graham Di-Duca - Humberside Police

The committee wanted to interview the Police to try and establish how the Council and the police work together on environmental enforcement issues. The committee were disappointed to be informed by Superintendent Di-Duca that the environment enforcement powers had been rarely exercised by the police, and that he claimed he didn't know the detail of the new Act. He felt that the two organisations had been pushed into different directions by outside influences and that the police were very busy and stretched trying to keep the neighbourhoods safe. He did feel that enforcement does send out the right message, and publicity is needed for people to stand up and face the consequences.

6. Humberside Fire Authority

Two senior officers from Humberside Fire Authority attended one of the committee meetings, and were very informative with the information they presented.

They were very disappointed with the council due to their lack of use of the 'Town and Country Planning Act 1990 - Section 215 - Best Practice Guidance'. They told the committee that this had all the tools that the Council needed to combat one of these very important environmental issues. They had worked very well with other authorities using the section 215 to reduce their environmental crime.

The Fire Authority Officers did feel that they had a good relationship with North Lincolnshire Council, and worked in partnership very well on some issues. However, they felt that there was room for improvements. They expressed the opinion that

North Lincolnshire Council could be more pro-active in some areas, which would eventually pay dividends.

7. Mr Welton - North Lincolnshire Council - Development Control Team Manager

The committee had some cause for concerns as to how the Neighbourhood Services Team and the Development Control Enforcement Teams work together on enforcement issues. Especially with regards to the use of the Town and Country Planning Act Section 215, Best Practice Guidance. Therefore, Mr Welton was invited to try and clarify some of these areas of concern.

After discussing various issues with the committee it was his view as Development Control Team Manager that planning enforcement was for specific issues, not litter and graffiti etc. However, there was room for improvement on internal communications and he agreed that planning enforcement is relevant for things like untidy land, and then the Town and Country Planning Act Section 215 would be the relevant legislation. The committee were informed that North Lincolnshire Council used this piece of legislation with care, but that it could be used more in the future.

4. THE COMMITTEE'S CONCLUSIONS

Arising from the evidence presented during the committees considerations/findings, its conclusions are as follows:-

It was obvious to the committee that the quality of the local environment is the main priority for residents and businesses, and that this Council will need the proposed new powers to support their work to improve the local environment, reduce crime and anti-social behaviour, and reclaim public spaces for the law abiding majority. Public expectation of action on these issues will be high once the new powers are revealed, therefore it is vital that the Council provide the resources to implement new systems and powers.

The committee are fully aware and support the new legislation, but are equally aware that the changes must be supported by a sustained and properly resourced education and awareness campaign to change the behaviour that damages the local environment. They came to the conclusion that tougher and more flexible sentencing is needed to support the Council taking enforcement action against environmental crime. It is vital that sentences and fixed penalty notices deter individuals and criminal gangs. At present the fines are often seen as a minor cost that hardly impacts on the profits to be made from crimes such as fly - posting or fly - tipping. The Council must make offenders aware that they have these powers and will use them. At present North Lincolnshire Council's Enforcement Officers are doing a good job, but areas could be improved and the committee would like to see more enforcement action carried out especially now they have even more powers under which to do so.

One area for concern was the lack of use in the Council of the Section 215 of the Town and Country Planning Act 1990. The committee were given examples of its use in other authorities where it has been successful and made a difference. It gives the local authority the power to take steps requiring land and buildings to be cleaned up when its condition adversely affects the amenity of the area. From the Section 215 Town and Country Planning Act 1990 Best Practice Guidance it states that 'difficulties in the use of the power seem to arise from infrequent use and lack of experience rather than complexity or lack of scope of the legislation'.

Research commissioned by the former DETR in 1999 into the use of Section 215 indicated to the committee that the Section 215 powers are effective as a threat or informal mechanism for cleaning up sites, and benefits of successful use of the Section 215 notices is the 'ripple' effect it generates, especially in residential areas. It was disappointing to the committee that as an authority we have only served eight notices since 1996.

The committee are aware that the Council cannot sit back and wait for complaints to be made. We need to be more proactive in identifying, taking action and making it public that we are serious about combating these issues.

It is also very important that tackling environmental crime is not just seen as enforcing the laws available to the Council. Educating and raising awareness

amongst all sections of the community must be seen as the precursor to delivering a robust environment enforcement strategy.

Whilst different enforcement areas within the Council appear to be functioning very well, it became apparent to the committee that there was a general lack of communication across the board. It is important that this improves in order to tackle some of these environmental enforcement issues.

Finally, due to the fact that new legislation and powers became available to the Council half way through this committee's review, it was more difficult for the committee to continue scrutinising some of the areas as current policies, procedures and resources were being amended and created to be able to deal with them. Therefore, in some respects the committee felt that they would get even more meaning and value from this review if it was re-visited again after a period of stability using the new powers available to them.

5. THE COMMITTEES RECOMMENDATIONS

Based upon the evidence presented and evaluated during the review, as detailed in the committee's findings/considerations and their conclusions the recommendations of the Policy Review and Development Scrutiny Committee are as follows:-

- that the Council should introduce a strong publicity campaign on environmental crime, including publicising successful prosecutions.
- that more encouragement is needed within the community to try and improve environmental education, particularly within the schools
- that the Council ensures that it fully utilises the new enforcement powers they now have available to them relating to the Environment.
- that every effort be made to make better use of the legislation available to the Council contained within the Section 215 Town and Country Planning Act 1990.
- that enforcement sections in different service areas within the Council work more closely, with the possibility of forming an enforcement group to meet on a regular basis.
- that stronger links be made with the Safer Neighbourhood Teams to try and get them to put more emphasis on some of the environmental enforcement issues.
- that as a Council we ensure that we clean up graffiti, litter and other environmental damage rapidly and persistently, as it is less likely to come back. Accompanied by strong enforcement action using all the available legislation.
- that the resources available to implement and enforce the existing and new powers be closely monitored in order to ensure the Council is using the full range of powers to their full potential.
- that this review be re-visited in 3 months in order to measure the effects of the new powers available, and the work that is being carried out.