

# Enviro Enforcement

North West Liveability  
Foundation:  
Action Learning Days



# About Keep Britain Tidy

Keep Britain Tidy is an environmental charity working to achieve cleaner, greener places for everyone. We campaign in England against litter and neglect, providing advice and leading others by inspiring practical action and better policy. With our origins in the 1950s anti-litter campaigns, we now focus on the range of issues affecting where people live including fly-tipping, fly-posting, graffiti, antisocial behaviour and abandoned vehicles. We run programmes such as Eco-Schools, Blue Flag and Quality Coast Awards for beaches, and the Green Flag for parks to demonstrate practical action. We are part funded through Government and other income is secured through training, consultancy and sponsorship. For more information on how you can make a change visit [www.keepbritaintidy.org](http://www.keepbritaintidy.org).

**Client: North West Liveability Foundation**

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# Executive Summary

Overall, the enviro enforcement action learning day enabled council officers to share experiences and learn from others good practice. The contribution of the expert witness, Tony Watson, Blackburn with Darwen Council, proved very interesting and valuable to attendees.

One of the main outcomes from the day was that by bringing together the different approaches from the authorities, working together on a regional basis could greatly enhance the success of enviro crime reduction in the area. The Cumbria Enforcement Sub Group was seen to be a key element in developing this further. In addition, a meeting of the legal teams to agree a regional strategy, possibly led by Cumbria County Council, would support this initiative even further.

## Introduction

The NWLF held the Cumbria Action Learning Day on 8 June 2009 based on the theme of Enviro Enforcement. The day was hosted by Cumbria County Council.

The day involved discussion of a range of topics relating to Enviro Enforcement; discussions covered techniques and experiences to establish good practice and gaps in service delivery amongst the partners. Discussion was facilitated by Keep Britain Tidy and included a presentation from an expert witness.

The agenda for the day was built around the presentations proposed by partners and the experiences of the host organisations. A copy of the agenda can be found in appendix 1.

Discussion covered the following topics:

- What is meant by Enviro Enforcement
- Identifying good practice
- Identifying barriers
- Key elements of success
- Importance of consistency
- Enforcement policies and publication

A range of reading material relating to Enviro Enforcement was included within the agenda packs and for reference during the day. The reading material is listed in appendix 2.

## **Background**

The aim of the North West Liveability Foundation (NWLF) is to make the North West a cleaner, safer and greener region. It will achieve this aim by working in partnership with as many local councils, land managers and relevant organisations from across the North West as possible on a programme of support and events which will help to improve local environmental quality.

The Foundation currently provides a suite of free access sub-regional services designed to deliver the overall aims of the NWLF, including meetings, conferences and action learning days. Action learning days are designed to problem solve and encourage more effective learning.

As part of the NWLF sub-regional programme 2008 – 09, four action learning days are offered in the following areas (sub-regions): Cumbria, Cheshire, Greater Manchester and Lancashire<sup>1</sup>.

This report provides an overview and findings of the Cumbria sub-regional Action Learning Day.

## **Enviro Enforcement**

All types of graffiti, littering, fly-posting, fly-tipping, dog fouling are generally referred to as 'enviro crime'. These types of offences have a detrimental impact on the physical environment and on the community that have to suffer them. The neighbourhood can look run down and uncared for and therefore increase the fear of crime. Enviro enforcement is the term used to describe the action taken against people who commit these offences and is generally the responsibility of the local authority, and in more serious cases, the police.

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<sup>1</sup> Keep Britain Tidy already has an extensive sub-regional programme running in Merseyside, so the additional NWLF work is being used to complement this programme.

## Workshop Attendees

The following attended the workshop:

1. Mike Tonkin, Eden District Council
2. Margaret Heyes, LEQ Officer, Allerdale Borough Council
3. Alana McKinnon, Enforcement Manager, Copeland Borough Council
4. Councillor Alan Holiday, Copeland Borough Council
5. Toni Magean, Open Spaces Manager, Copeland Borough Council
6. Willie McCready, Carlisle Council
7. Willie Armstrong, Carlisle Council
8. Julie Parton, Senior Clean Neighbourhood and Environment Officer, Carlisle Council
9. Bruce Evans, Assistant Operations Manager, South Lakeland Borough Council
10. Margaret Blackstone, Recycling Officer, South Lakeland Borough Council
11. Joan Carroll, Senior Enforcement Officer, Barrow in Furness Borough Council
12. Peter Carr, Enforcement Officer, Barrow in Furness Borough Council

The following attended the workshop as an expert witness:

Tony Watson, Head of Environmental Services, Blackburn with Darwen Borough Council.

The following attended the workshop as Keep Britain Tidy representatives

Facilitator: Gill Roxborough, Client Delivery Manager, T: 07918 625663

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# Workshop Notes

This section of the report consists of notes taken during the day and covers the following agenda items:

- a) What do we mean by Enviro Enforcement?
- b) Good practice, elements of success, barriers
- c) What do we mean by consistency and why is it important?
- d) Key elements of consistency
- e) Enforcement policies and websites

## What do we mean by Enviro Enforcement?

The aim of this part of the Action Learning Day was to allow the delegates to define different aspects of enviro enforcement and how it is seen by officers that deal with issues and by the general public.

Firstly the delegates discussed the available legislative powers, in particular the Clean Neighbourhoods and Environment Act 2005, which enable land managers to tackle environmental crime. The following lists some of the issues that were identified:

- Fly-tipping
- Dog fouling
- Fly-posting
- Antisocial behaviour
- Noise nuisance
- Abandoned vehicles
- Side and other waste issues
- Stop and search initiatives
- Duty of care on businesses and householders
- Shopping trolleys
- Littering
- Graffiti

It was agreed within the group that enforcement action should be used in conjunction with a programme of education. The main aim and challenge is to achieve sustainable responses to Local Environmental Quality issues by changing people's behaviour. Effective use of enviro enforcement powers ensures that communities can enjoy a positive quality of life with appropriate sanctions available to challenge a minority that are not willing to modify their antisocial behaviour, or are perhaps unaware of the negative impact of their actions. It was also highlighted that responsibility for tackling problems arising from environmental crime rests with a

range of organisations and individuals and that there needs to be a significant amount of partnership working to produce sustainable results.

Research has been conducted by Keep Britain Tidy in relation to people's behaviour in relation to a range of enviro crime and this can be found at

<http://www.keepbritaintidy.org/expertise/Research/ResearchReports/Default.aspx>

## Good practice and key findings

This section of the workshop allowed delegates to discuss their own experiences and identify good practice and barriers that are faced.

### Good Practice

- Partnerships with the police were seen to be key to success. Barrow Council has a police officer working specifically with the council and this is seen as a vital component in the organisation as they have links to police networks and contacts but also access to police protocols when necessary. They can also access free case training by the police.
- Utilising existing partnerships was also discussed although it was felt that the Crime and Disorder Reduction Partnerships (CDRP) were dealing with areas of more serious crime and that environmental crime would be seen as lower level.
- Attending neighbourhood forums; arranging to visit complainants, and seeing the problem first hand was seen as very important in gaining trust and also in educating and raising awareness. Carlisle Council arranges visits to complainants to allow the person to show the officer the problem and allows face to face discussion on how to address a problem or decide just how much of a problem the issue is.
- In order to improve the perception that the council is actively tackling enviro issues, one council demonstrates their active presence in an area by ensuring patrols wear high visibility jackets marked 'enforcement'.
- Building trust and confidence in the use of enforcement throughout the community was seen as key to sustainability as well as education and raising awareness in order to allow neighbourhoods to be looked after by the people living in them. One council allows people to upload photographs of incidents and show when this has been dealt with. An example is Oldham Council  
<http://www.tidyoldham.co.uk/Public/Images.aspx>

- Following on the building trust and confidence theme, Streetsafe walkabouts are also conducted over different areas, and the approach to this was important such as asking and listening rather than asking leading questions. Using the information is important to ensure the communication channels remain open and improvements take place.

## Barriers

- The question arose regarding Police Community Support Officers (PCSO's) and their role within the community. The discussion identified that the use of PCSO's varied across the areas with some taking on an enviro enforcement role but many not. Although PCSO's do have powers to issue fixed penalty notices (FPN) it was felt that many did not use them and this was mainly due to local policing policy and priorities. A point was made regarding the aim to gain confidence of the community by the PCSO's and whether issuing FPN's would conflict with this. Further debate concluded that if an education programme was in place first, then most people would accept the powers to issue FPN's and in some cases would welcome this.
- The use of Community Wardens was also discussed and there were similar concerns over whether they were seen as engagers or enforcers as this could also be a conflict of roles.
- People's perception can be influenced by historical factors or recent events resulting in perceptions that 'this is a terrible place to live' when in fact improvements are not taken into account. Education for individuals and for parish councils is seen to be important but often underused due to resource issues.
- There is a reluctance of some legal teams to take cases to court through possible lack of good quality evidence, or due to the limited capacity of resources and in some cases lack of political will to use enforcement.
- Lack of enforcement staffing resources is identified as a barrier with some councils having far more incidents to investigate than is possible. Copeland Council has addressed this situation to some extent by merging all enforcement sections together and taking a multi- function approach.
- Lack of consistency in enforcement approach was also identified as a barrier particularly around signage.
- Across the board, levels of fines set nationally could enable better results in terms of behaviour change and in developing more consistent approaches to enviro enforcement.

## Key elements of success

The following elements have been identified as having a strong links to successful enviro enforcement.

- The training aspect was seen as an important focus. A 'back to basics' approach ensures that everyone is working together and is consistent in their individual approach and helps build confidence for enforcement officers in delivering their enforcement role.
- Training was also used in one case to change focus from 'dog warden' to 'enforcement officer' with a wider remit.
- A skills framework developed through the CSWP is helping to identify strengths and weaknesses.
- Working effectively with children and young people and developing and delivering specifically targeted education programmes was seen as beneficial.
- Develop partnership working with the police as mentioned earlier by seconding a police constable to work within the local authority as in the case of Barrow Council.
- Stop and searches were seen as an activity where consistency and partnership working was proving to be beneficial in identifying offenders and in raising awareness.
- Ensuring that positive publicity is given for successful prosecutions and raising awareness of issues locally.
- Local Campaigns, possibly on a regional level as it was mentioned that national campaigns don't always seem to hit the local press.
- The structure of the enforcement section within Copeland Council was seen as key to its success. All enforcement sits in one department which helps with resource issues. It is led by its own intelligence base and therefore can target and respond with income generated from car parking enforcement allowing the department to be self financing.
- Empowering volunteers from the community to take ownership and support their area – Carlisle works with the residents on community litter picks; Workington are now leading up to establishing a Junior Wardens scheme

- Utilising intelligence provided by other groups. For example Copeland Council's Open Space Green group and Britain in Bloom groups can act as eyes and ears to target resources in the right place and at the right time.
- Develop a feedback culture from the street cleansing and waste management operatives to identify hot spots etc.
- Encourage community pride by changing culture and attitudes so that communities will self police, through peer pressure and will provide the intelligence that is needed to identify culprits.
- Caution needs to be taken in addressing and managing community expectations so that there is an understanding of what is possible and what isn't. Don't promise and not deliver.
- Copeland Council has adopted a softly approach to enforcement to retain the co-operation of the community and have a more pro-active approach to help prevent alienating the community.
- Conversely, not being seen to be taking action against culprits could be seen as something which could potentially alienate the community.
- It was agreed that tackling communities' priorities is the way to manage improvements with the limited resources available. For example, an original priority was to deal with drug dealing in an area, that was tackled and successfully reduced; the priority now is to sort out dog fouling, a much less serious priority but a priority nonetheless.
- Consider the development of a shared enforcement policy locally so everyone has a clear idea of what each area could do on enforcement. The CSWP Enforcement group is looking to develop consistent practice across Cumbria.
- Local political pressures cloud or affect the willingness to take forward good practice.

## **What do we mean by consistency and why is it important?**

The initial discussions around consistency highlighted the differences in policy and procedures just within the represented councils at this workshop. The view was that councils across the country are taking different approaches and charging different fines. Although it was agreed that prevailing circumstances dictate this to some extent, it was not helpful to the public and did not improve awareness or educate people as they receive mixed messages. Overall, it was agreed that wherever possible there should be consistency in the way sanctions are applied to similar sets of circumstances.

From a strategic and operational point of view consistency is about identifying priorities and adhering to the actions planned to address them. In order to address some of the prevailing inconsistencies, the Cumbria SWP Enforcement Sub group is examining policies and procedures county-wide.

The delegates believe that similar procedures can be developed to be used across councils. One current example is the 'Stop and Search' initiative that has a multi-agency approach but is used in a similar way by most councils'.

## **Key elements of consistency**

### **Inconsistencies**

- Discrepancy in interpretation of legislation encourages lack of consistency
- Inconsistent signage and form of words
- Allerdale - using legislation to address fly tipping though issuing FPN for littering , depends on the volume whether there is legal section support
- Carlisle won't issue an FPN unless they can show significant evidence to prosecute, basically will this stand up in court Yes or No
- South Lakeland won't prosecute unless significant evidence but do issue warning letters
- Some street cleaners are trained in evidence gathering, some are not
- Barrow have a hit squad to look for fly-tips
- Publicise successful cases in the press – some do and some don't

- Even in internal processes it depends on other departments' priorities whether enforcement press releases are used

### Consistencies

- Lack of resources – mainly staffing numbers
- Fly-tips are often cleared before they can be investigated
- Response times are set and published by each council but vary across councils
- Those councils with a council magazine distributed to residents use it to publicise successful cases and use for education
- All councils have to report into Flycapture
- All had enforcement policies

### Cumbria Enforcement sub-group

The remit of the Cumbria Enforcement sub group is to deliver consistency and although good work has been started, there is a need for high level decision makers to attend in order to address current inconsistencies.

### Enforcement Policies and websites

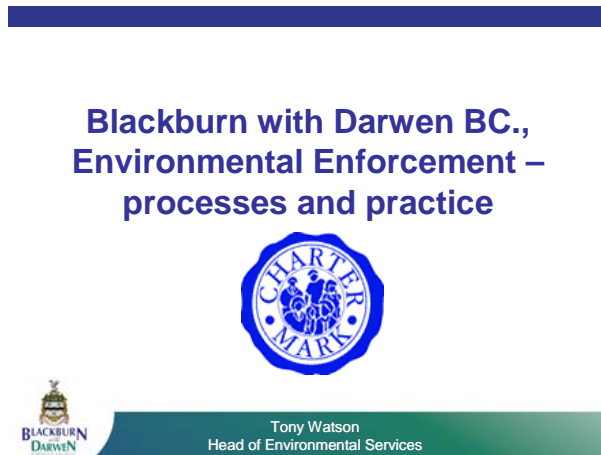
Part of the workshop was to look at enforcement policies and websites and identify any gaps in their own policy. The following points were raised and discussed.

- All councils represented in the action learning day have an enforcement policy. Some are published and others are not.
- There was general agreement that there should be an overarching policy on enforcement supported by an enforcement plan
- Key elements identified that should be included in a policy are:
  - State the objective and aim of the policy
  - Clarify roles and responsibilities
  - Language should be easy to understand – clarity
  - Accessible to all communities
  - To raise awareness and educate both internally within the council itself and externally to the public. Barrow use 'twitter' and internal editorial boards
  - Should be published to achieve the previous element
  - It requires political sign off and support

- Must be dated i.e. version control
- Needs to be monitored to ensure that it is achieving its objectives
- Should show some form of progress towards sustainability

## Expert Witness

Tony Watson, Head of Environment, Blackburn with Darwen Borough Council gave the following presentation:



The presentation covered the following topics:

- Background on the demographics of Blackburn with Darwen Council, a 4 star authority
- Remit of the Environmental Services department and sub departments
- Preparation – building and setting up the strategy
- Suggestions on what to consider prior to use of enforcement such as publicity, education and monitoring provision
- How Blackburn with Darwen tackled enviro crime resulting in increased prosecutions
- Aims to improve the environment – examples of actions taken
- What Blackburn with Darwen are doing to enforce using FPN's
- Fly-posting residential developments – example, tackling unauthorised signage
- How did Blackburn with Darwen move forward – through teamwork, both internal and external partners

In addition, the following points were noted during the presentation

- Original local campaign called 'Thrash the Trash' was developed through a multi-department approach

- The legal department have written the enviro crime procedures for the authority, not the Environmental Services department. This ensures that the opportunity for progressing prosecutions is based on the legal department's requirements
- Environmental Town Rangers, similar to wardens, can issue FPN's and part of their role is to educate in schools.
- Success has been through good use and management of resources
- High visibility of officers has reduced dog fouling
- To develop a good relationship with the magistrates, speak to the Clerk to Magistrates, they should be your target to provide an environmental impact statement and use the council's Court Services Officer.
- Abandoned vehicles are dealt with by the police
- Leeds City Council are a good example and suggest you look at their web site

A copy of the presentation will be forwarded electronically to all attendees.

# Key actions

Environmental quality is the responsibility of a range of organisations and individuals and to tackle problems arising from environmental crime, there needs to be a significant amount of partnership working to produce results.

Engaging with the community by attending neighbourhood forums, arranging to visit complainants, seeing the problem first hand was seen as very important in gaining trust and also in educating and raising awareness.

PCSO's do have powers to issue fixed penalty notices but that they were not using them and this was mainly due to local policing policy and priorities.

The development of a shared enforcement policy locally so everyone has a clear idea of what each area could do on enforcement. The CSWP Enforcement group is looking to develop consistent practice across Cumbria and this should be considered as an opportunity to progress this idea.

Also possibly consider a regional enviro crime gallery. An example can be found at [http://www.manchester.gov.uk/info/500012/environmental\\_enforcement/3563/the\\_enviro-crimes\\_gallery/1](http://www.manchester.gov.uk/info/500012/environmental_enforcement/3563/the_enviro-crimes_gallery/1)

Realistically, councils are not going to get additional resources in the current climate therefore they must prioritise, manage with existing resources and plan actions to address them.

The 'Stop and Search' initiative that has a multi-agency approach and is consistent across most councils could be adopted for other environmental crime situations.

Work with legal teams and ask them to draw up procedures and protocols for enforcement to follow in order to take forward prosecutions. This could also be moved to a regional level by involving the County Council legal team as lead.

Consider using existing research to develop actions against specific problems for example Keep Britain Tidy's 'People who Litter' which addresses specific groups and why they litter.

[http://www.keepbritaintidy.org/ImgLibrary/people\\_who\\_litter%20litterseg2006\\_763.pdf](http://www.keepbritaintidy.org/ImgLibrary/people_who_litter%20litterseg2006_763.pdf)

## Contact Information

Please do not hesitate to contact us should you have any questions or would like to discuss any element of this report.

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# Appendix 1: Agenda

**North West Liveability Foundation  
Action Learning Day  
Exploring good practice and developing consistency with Enviro Enforcement  
Monday 8 June 2009  
Agenda**

**Location:** Cumbria Rural Enterprise Agency, Rural Enterprise Centre, Redhills, Penrith, Cumbria. CA11 0DT

**Hosted by:** Cumbria County Council      **Facilitated by:** Keep Britain Tidy

**Contact number for the day:** Gill Roxborough, Keep Britain Tidy 07918 625 663

**10:00 Coffee**

**10:10 Welcome and overview of the day**  
Facilitator

**10:15 What do we mean by Enviro Enforcement?**  
Group discussion led by facilitator

**10:30 Workshop: Mapping out good practice and key findings**  
Small Group discussions identifying examples of good practice and barriers

**11:15 Coffee**

**11:30 Workshop: Mapping out key elements of success**  
Small Group discussions identifying 3 major elements of success

**12:30 Lunch**

**13:15 What do we mean by consistency and why is it important?**  
Group discussion led by facilitator

**13:30 Workshop: Mapping out key elements of consistency**  
Small Group discussions identifying 3 major elements of consistency

**14:00 Coffee**

**14:15 Expert witness: Tony Watson, Head of Cleansing and Amenities, Blackburn with Darwen Borough Council**  
Presentation and discussion covering Enviro Enforcement related processes and practice

**15:00 Workshop: Enforcement policies and websites**  
Group discussion to identify good practice

**15:30 Close**

## Appendix 2: Information Reference List

- Presentation: Coventry City Council, Liveability – Environmental Crime – [www.coventry.gov.uk/ccm/cms-service/download/asset/?asset\\_id=15674110](http://www.coventry.gov.uk/ccm/cms-service/download/asset/?asset_id=15674110)
- Keep Britain Tidy Enforcement Policy – [www.keepbritaintidy.org](http://www.keepbritaintidy.org)
- Local Government Association, Effective environmental enforcement – website - <http://www.lga.gov.uk/lga/core/page.do?pagelid=38360>

Examples of policies obtained from websites

Uttlesford District Council

<http://www.uttlesford.gov.uk/main.cfm?Type=EEP&MenuId=393>

Hastings Borough Council

[http://www.hastings.gov.uk/environmental\\_enforcement/default.aspx](http://www.hastings.gov.uk/environmental_enforcement/default.aspx)

Oxford Borough Council

<http://www.oxford.gov.uk/environment/Cleaner.cfm>

London Borough of Hillingdon

<http://www.hillingdon.gov.uk/index.jsp?articleid=11109>

City of Lincoln

[http://www.lincoln.gov.uk/Info\\_page\\_two\\_pic\\_2\\_det.asp?art\\_id=8604&sec\\_id=3705](http://www.lincoln.gov.uk/Info_page_two_pic_2_det.asp?art_id=8604&sec_id=3705)

Richmondshire District Council

<http://www.richmondshire.gov.uk/service-directory/refuse-and-street-care/streetcareandcleaning/litter.aspx>

Leeds City Council

[http://www.leeds.gov.uk/files/2006/week3/inter\\_20a62a9f-8a88-4384-a185-9e7cea4a4adf\\_1ed0f109-b5ef-49ef-9cc8-fdb6e220ebca.pdf](http://www.leeds.gov.uk/files/2006/week3/inter_20a62a9f-8a88-4384-a185-9e7cea4a4adf_1ed0f109-b5ef-49ef-9cc8-fdb6e220ebca.pdf)

