

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Community & Leisure Cabinet Committee

Date: 1 June 2022

Reporting officer: Nick May, Parking & Environmental Enforcement Services Manager
Tim Harris, Environmental Enforcement Manager

Subject: Environmental Enforcement Strategy

Purpose and summary of report:

To report a draft Environmental Enforcement Strategy which sets out how and why the council enforces environmental crime, the powers available and the type of enforcement actions that the Council can take. It reflects the positive enforcement actions that the Council has taken since the establishment of the Environmental Enforcement Team in September 2020.

Recommendations:

1. The report is for information only and the Committee's views on the draft Environmental Enforcement Strategy are welcome.

Key Implications:	
Item	Implications
Legal	<p>Gravesham Borough Council have a legal obligation to investigate environmental crime including fly-tipping offences. Investigating officers are required to be suitably trained and comply with environmental crime and investigative related legislation.</p> <p>Legal Services assist with prosecutions of larger fly-tip cases once all the evidence has been gathered and Court Files produced by the Environmental Enforcement Team.</p>
Finance and Value for Money	<p>In 2021/22 the total cost to remove the fly tips in the borough was £131,135.</p> <p>The increased enforcement of environmental crime and successful publicised prosecutions will see a reduction in offences and resultant clear-up costs.</p> <p>Successful prosecution will lead to increased revenue from Fixed Penalty Notices (FPN) and costs recovered at Court, although the full cost of environmental enforcement activity, including clean-up, is only marginally off-set by the level of fines received.</p> <p>All income received from Fixed Penalty Notice income is ring-fenced and must be used for environmental projects.</p>

Corporate Plan	#1 People: Protected Environment
Climate Change	<p>Environmental Crime can cause serious pollution of the environment, can be a risk to human health and can harm wildlife and farm animals.</p> <p>The removal of fly tips has a negative impact on the Council's CO² vehicle emissions. Enforcement of fly tipping and reduction in offenses and resultant clear ups will positively impact the Council's net zero objectives.</p>

1. Background

- 1.1 Environmental Enforcement was identified as one of the key areas that residents wanted to see the Council prioritising and as such it was included within the Council's Anti-Social Behaviour Strategy. Cabinet also made Environmental Enforcement a corporate priority within the Corporate Plan. Enforcement of environmental crime legislation and robust action taken against offenders, to improve the overall cleanliness of the borough
- 1.2 Therefore, the Gravesham Borough Council's Environmental Enforcement Team was created in September 2020. Its remit is to tackle environmental crime in the borough and target those responsible for environmental anti-social behaviour.
- 1.3 The Environmental Enforcement Team has taken a pro-active stance on littering by issuing Fixed Penalty Notices. Fixed Penalty Notices and Community Protection Warnings. Notices have also been issued to offenders involved in low-level fly tipping offences.
- 1.4 There have also been a number of large-scale environmental crime investigations conducted. They require thorough and protracted investigation involving the use of specialist powers under the Environmental Protection Act 1990 and the Environment Act 1995 to ensure successful prosecution.

2. Environmental Enforcement Strategy

- 2.1 A draft Environmental Enforcement Strategy has been prepared to set out why and how the Council's enforcement activity is undertaken. This is attached as an Appendix to this report.
- 2.2 The Committee is asked to comment on the draft prior to the strategy being finalised. The final strategy document will be signed-off in consultation with the Cabinet Member for Community & Leisure.

3. Appendices

- 3.1 Appendix – Draft Environmental Enforcement Strategy.

4. Background Documents

- 4.1 There are no background documents.

Lead Officer: Nick May, Parking & Environmental Enforcement Services Manager

Email: nicholas.may@gravesham.gov.uk

Secondary Implications	
Risk Assessment	<p>The Environmental Enforcement Team will robustly investigate serious environmental crime offences which will result in offenders being issued Notices or face prosecution and in turn act as a deterrent and reduce future offences of fly-tipping and other waste crime in the Borough.</p> <p>Failure to robustly investigate serious environmental crime offences will result in offenders evading prosecution and the likelihood of increased offences of fly-tipping and other waste crime in the Borough.</p>
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. No</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? Click here to start typing</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk. Click here to start typing</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Crime and Disorder	<p>Fly-tipping is a particularly damaging form of anti-social behaviour which has a serious impact upon the communities in which it occurs. It reduces individual security and degrades quality of life, often blighting neighbourhoods and undermining local investment. Serious illegal waste crimes have become more prevalent and often involve organised crime groups.</p> <p>The enforcement of environmental legislation and prosecution of offenders will result in the reduction of such offences which will in turn reduce the fear of crime and associated disorder.</p>
Digital and website implications	<p>The outcome of environmental enforcement activity, including Court prosecutions is communicated via social media. Public response to enforcement activity has been overwhelmingly positive and this appears to be having an impact on reducing the number of incidents and reports being received.</p>
Safeguarding children and vulnerable adults	<p>No direct implications.</p>

