

ENVIRONMENTAL ENFORCEMENT – ANNUAL ASSESSMENT OF THE LOCAL ENVIRONMENTAL QUALITY ENFORCEMENT STRATEGY AND ANNUAL PERFORMANCE REPORT 2015/16

CORPORATE COMMITTEE

13th October 2016

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

CORPORATE DIRECTOR

Kim Wright, Corporate Director of Health and Community Services

1. INTRODUCTION

This report sets out the annual performance report across the environmental enforcement remit for the 2015/16 financial year and an annual strategic assessment of the Local Environmental Quality Enforcement Strategy.

2. RECOMMENDATION

The Corporate Committee is recommended to:

- 2.1 **Note the annual performance report for the service and the annual assessment of the Local Environmental Quality Enforcement Strategy aligned to the Cross cutting Enforcement review.**

3. REASONS FOR DECISION

- 3.1 This report which is for noting, adheres to the requirement previously agreed by Regulatory Committee to report annually on the Environmental Enforcement service.

4.0 Summary of Performance in 2015/16

- 4.1 Appendix 1 details Key Performance and Appendix 2 an overview of fixed penalty and other statutory notices issued in 2015/16. A large proportion (72%) of enforcement actions concern waste and litter/urination volume crime issues; this includes commercial and residential waste enforcement, the tackling of unregulated waste and fly-tipping and volume crime offences such as street litter and urination. Highways enforcement such as skips, A-boards and hoardings is the third most active area for formal action taking up 9.0% of our outturn. Other areas of our remit such as dog control, illegal street trading, graffiti and legal notices make up the remaining actions. These actions are reflected in our priority work and achievements throughout 2015-16 concerning unregulated waste, volume crime and A-board policy changes and enforcement. Overall the service has performed very well against all set performance indicators with outturns achieved or exceeded.

- 4.1.1 The following sections provides narrative on work undertaken against our wider outcomes:

- 4.1.2 The A-board policy which was implemented in 13/14 is continuously being enforced by the environmental enforcement team. We have seen high levels of compliance with the policy once businesses become aware of the offence. There still remains a challenge with new businesses often displaying A-boards but once notified they fall into compliance. Officers are still proactive in identifying A-boards and taking relevant action. We also get referrals from members of the public where they have also seen A-boards as they are aware of this offence due to the publicity and information being published about A-boards.

- 4.1.3 TfL are responsible for the red route areas throughout Hackney and have uniformed officers who visit periodically and take action where required in line with their policy which mirrors the process we currently have in place in Hackney. We also have good working relationship where cases referred or identified by Hackney is actioned and feedback provided. However we are aware that some further work is required and is currently on-going regarding timely action being taken by TFL when requested by the Council, so that actions and enforcement work across the borough are consistent.
- 4.1.4 Members will be aware that previously Council officers have shared our best practice and protocols with other boroughs and TFL. We will again approach TFL directly regarding our current concerns and we will provide an oral update on our current position with TFL at Corporate Committee.
- 4.1.5 Overview of legal proceedings - The service has instigated a number of legal proceedings against a number of businesses who operate in Hackney and are unwilling to adhere to the Council's initial requests to change their behaviour or rectify issues through informal and formal channels. Prosecutions are normally the last resort. Over £38k have been awarded to cases that have been taken to court from the service. Below are a few cases summaries and outcome:

Kaca Express Limited/Cuma Altunatmaz 138A Upper Clapton Road:

Offences for Fly tipping and failure to comply with Duty of Care
Total in charges and costs outcome £2,743.45

Satmar Meats & Poultry Ltd 8-10 Stamford Hill:

Offences for fly tipping and failure of duty of care
Total in charges and costs £2,695.00

Le Cantine limited 6 Stoke Newington High Street:

Offences for fly tipping and failure of duty of care:
Total in charges and costs £2,870.00

Griller 66 Limited 66 Stamford Hill:

Offences for fly tipping and failure of duty of care
Total in charges and costs £1,810.00

Andrew Wise & Wise Skip Ltd

Offences of unlicensed skip
Total in charges and costs £4,662.00

Nazar Restaurant, 228 Well Street

Offences for Waste Duty of Care
Total in charges and costs £1,503.00

Shepherds Hackney Ltd 25 Marsh Hill,

Offences for Waste Duty of
Total in charges and costs £5,765.00

Hackney Coffee Company Limited / Hackney Bureau

Offences for Waste Duty of Care

Total in charges and costs £1,702.00

Mr Mahmou Hasnaoui 11C Chapman Road

Offences for Waste Duty of Care

Total in charges and costs £1,422.00

Lift 574 Limited 574 -576 Kingsland Road

Offences for Fly-tipping and Waste Duty of Care

Total in charges and costs £9,870.00

Britannia Café 299 Mare Street

Offences for Fly-tipping and Waste Duty of Care

Total in charges and costs £1,765.00

Barrel Boulangerie, 110-112 Hoxton Street

Offences for Fly-tipping and Waste Duty of Care

Total in charges and costs £880.00.

- 4.1.6 To enhance the work that is currently being done, the enforcement team have continued to provide training to the Community Wardens in the issuing of volume crime offences e.g. littering/urination; and they are now fully aware of both the legal and practical elements in dealing with Illegal Street trading, but they however still require police support in order to be more effective.
- 4.1.7 We have continued our ongoing campaign regarding Dog Control working with Keep Britain Tidy in the use of their “We are Watching” programme; both in educating all dog owners/walkers and enforcing against where necessary. Particularly work has progressed with our Parks department concerning green spaces with dog issues including operations in Clapton Common, Daubeney Fields, Shepherdess Place and with Clissold Park. Clissold Park is seen as our largest used green space for dogs and action days have been carried out throughout the year to tackle irresponsible owners and to imbed the rules; educational work has specifically been progressed around the café area.
- 4.1.8 The main objective of the Unregulated Waste Programme was to deliver behaviour change amongst residents and businesses so that the local environment would benefit from improved compliance with waste management processes. This principle was embedded in each operational objective delivered within the programme in relation to environmental enforcement to identify non-compliant residents and businesses, take appropriate action and change behaviours. Specific streams of the project targeted the main roads which had amongst the highest volume of unregulated waste, namely the A10 (Kingsland Road through to Stamford Hill), Broadway Market and Chatsworth Road. The programme has produced a reduction in unregulated waste through direct enforcement; changes to contracts (both private and Hackney), new contracts where none were in place previously, positive behaviour change around placing out of waste in the right locations and during the correct time for collection (timebands in place). Positive changes have also been progressed through wider findings and

changes to operational resources i.e. a dedicated principal enforcement officer with a focus on the night time economy and weekends with scheduled and robust monitoring and enforcement in key locations/areas of concern.

- 4.1.9 A number of enforcement actions have been carried out on Estates across Hackney. Enforcement activities included a number of advisory notices under the Environmental Protection Act 1990 issued against offenders. Nightingale Estate was referred to the service as the levels of dumping had increased as such, a number of formal enforcement actions such as FPNs and simple cautions have been issued and paid. Recent reports have indicated that the zero tolerance approach on Nightingale has seen a dramatic improvement in the state of the estate as well a massive reduction in the levels of dumps seen on the estate. The enforcement Service will continue to work with the housing operatives to maintain and improve even further the general environmental quality of the estates across the borough.
- 4.1.10 Partnership working is effective via good working relationships with cross Council services. Environmental Enforcement managers utilise partnership tasking to share intelligence and inform other services regarding protocols and best practice. This has included risk raising and best practice planning concerning effective relationship with the Police, particularly concerning resources and support in our Night Time and Weekend Economy (NTWE) areas. A continued relationship of strength and effectiveness with the Waste Operations Service has supported on going communications regarding waste issues and compliance across the borough.

4.2 Annual Assessment of the Local Environmental Quality Enforcement Strategy

- 4.2.1 The LEQ Enforcement Strategy continues to provide a sound approach for managing Hackney's local environment in partnership with Environmental Operations and other corporate stakeholders. It is recognised as a good example of published policy and the setting of standards and the service's strategic framework of Prevention, Protection and Sustainability is an effective one and supported within the ongoing cross cutting review of enforcement services. The strategy drives integration of enforcement related support within partners' services and develops improved back-office functions to ensure efficiency of delivery and a consistent approach. The integrated relationship formed between Environmental Enforcement and Environmental Operations has enabled the Environmental Operations team to be trained as professional witnesses enabling a greater contribution to the enforcement process. In the past year Environmental Operations managers have also received direct training from Keep Britain Tidy to give them and even greater insight into Environmental Enforcement. The Ward Improvement Programme also supports this process providing evidence of standards failure and intelligence. These examples have been referenced in the cross cutting enforcement review with the suggestion that they be harnessed and maximised across the services.

- 4.2.3 The objectives of the strategy remain the same; they are:

- Ensure that improvements, both proposed and implemented, are sustainable and incorporated into systems and procedures, to ensure standards are maintained and not short lived.
- Improve local environmental quality in neighbourhoods.
- Be persistent and determined to tackle the potential extent of non-compliance, particularly where offenders seek to gain financially from their behaviour at the Council's expense.
- Reduce overall costs of non-compliance.
- Improve public satisfaction with their local environment.

4.3 Policy Context

4.3.1 The LEQ strategy will continue pending any changes that are proposed as part of the cross cutting enforcement programme. The Cross Cutting Enforcement programme is about re-stating the purpose of the Council's different enforcement functions from the point of view of all of the people who live and work in Hackney - to promote a better quality of life, and to provide public protection. The programme is exploring the realignment of the Council's enforcement functions to better achieve our aims, while also dealing with the additional demand arising from an increased population and economic growth, and at the same time also making savings. Structural change proposals are likely to affect the current Environmental Enforcement Function and any proposals will be reported through the Delegated Powers reporting process for implementation later in financial year 2016/17. The LEQ Enforcement Strategy will be reviewed post this time.

4.4 Legislative Considerations:

4.4.1 The Regulators Code - aims to improve the way regulation is delivered at the front line. It sets out a clear framework for transparent and accountable regulatory delivery and establishes clear principles for how local authorities should interact with those they are regulating. The Code is underpinned by the statutory principles of good regulation, which provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.

4.4.2 All Councils were written to by the Government Department BIS in March 2014 drawing attention to the complaints process detailed in the code. In response to this the service undertook a review of its provisions in the LEQ Enforcement Strategy and processes.

4.4.3 The service found that the LEQ Enforcement Strategy and processes contained within were fully complying with the provisions of the code. One key area of the review related to the transparency of the complaints process in relation to Fixed Penalty Notices (FPN) and proportionality of use. The service's FPN process is transparent in relation to allowing complaints to be made, describing how they can be made and in terms of spelling out the resolution process and the FPN process itself. The service

further allows representations to be made in relation to the specific case where an FPN has been used.

4.4.4 The LEQ Enforcement strategy also clearly defines how the service applies penalties and in what circumstances, ensuring these are appropriate to the offence committed and the individual circumstances.

4.4.5 Where necessary the service has reviewed operations and formal processes taking account of the Anti-Social Behaviour, Crime and Policing Act 2014. Litter Control Notices (Section 92 and 93 of the Environmental Protection Act 1990) have been replaced with Community Protection Orders/Notices. Under this legislation the Councils existing Dog Control Orders (DCOs) will transition into a Public Space Protection Order (PSPO) in October 2017. A new FPN will be implemented in 2016-17 under S33 of the Environmental Protection Act 1990 to enable more effective progression of fly-tipping offences.

4.5 Equality Impact Assessment

4.5.1 The current EIA for the LEQ Enforcement Strategy remains appropriate for the service. An EIA will be undertaken for any new policy changes arising from the Enforcement review.

4.6 Sustainability

4.6.1 The objectives and delivery of the LEQ Enforcement Strategy as covered in this report support improving the sustainability of Hackney's public realm and environmental operations.

4.7 Consultations

4.7.1 There are no consultations to report.

4.8 Risk Assessment

4.8.1 Rate of growth – Business and household growth in the borough has been significant and will continue. Keeping up with this rate of growth is a particular challenge for the service within its current resource provision especially relating to waste management and sustaining local environmental quality. This includes controlling the environmental impacts from businesses such as litter and staining throughout their operating hours and managing appropriate commercial and household waste enforcement. Officers and partners are managing this through measures including more night time weekend activities, improving behaviour of patrons, minimising highway obstructions such as A Boards and ensuring businesses and households have correct arrangements for the waste containment and disposal/recycling.

4.8.2 Administering the enforcement process – Mobile ICT working solutions and business intelligence software are currently being managed through

corporate ICT delivery programmes. These will provide Council services with new technology that will assist in ensuring efficiency and effectiveness of delivery. Environmental Enforcement is part of this programme, however in the interim more immediate mobile solutions are being sort as part of the cross cutting enforcement review.

4.8.3 Resource deployment - Pressure to provide a visible presence on street impacts upon resource available for high priority case progression/investigation, sustainable problem solving and behaviour change initiatives. Getting the balance right between these is critical for the Council moving forward and the joint working approach currently being developed supports this. Communications both Borough-wide and locally needs to be further utilised alongside physical resources so that together they are directed in a way that maximises the feel of “Presence” whilst ensuring a keen focus on cost and effectiveness. Environmental Enforcement currently benefits from corporate communications support.

4.8.4 The cross cutting enforcement programme is picking up on measures to ensure coordinated and accountable processes for cross departmental problem solving. This will support a cross departmental approach to managing problems in localities and neighbourhoods to bring about solutions that are not within the gift of a sole service to resolve. This approach would help address problems associated with NTWE, Neighbourhood Management and Environmental Crime. Partnership Tasking delivers this in part in relation to the crime and anti-social behaviour agenda; however it is not designed to take a holistic approach to problem solving relating to all the matters highlighted.

5. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

5.1 This report is an annual performance report across the Environmental Enforcement remit for financial year 2015/16. The Environmental Enforcement service budget and outturn position for the year ending 2015/16 is summarised in the table below. The primary cost of which is the 14 FTE posts within the function.

	2015/16 Budget £'000	2015/16 Outturn £'000	Deficit (surplus) £'000
Total Expenditure	920	819	(101)
Total Income	(49)	(49)	0
Net Expenditure	871	770	(101)

5.2 There are no direct financial implications emanating from this update and any initiatives arising from this will need to be reviewed separately. It is noted that the ongoing cross enforcement programme will have an impact on the service, looking forward.

6. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

6.1 Legal have achieved significant results in Prosecution cases during the year as outlined in the Report. Keeping up with the volume of Prosecution cases received is a particular challenge for Legal services due to current resources. Legal will however, endeavour to ensure Prosecutions are progressed, whilst also continuing to consider that all cases submitted are proportionate, transparent and consistent in its approach. Legal will also provide ongoing advice on legislative changes as and when required.

7. FORWARD PLANNING

7.1 Objectives, Priorities and Key Performance Indicators for 2016/17

7.1.1 The objectives for 2016/17 are as follows:

- Tackling Unregulated Waste
- Behaviour change and associated cost avoidance including, but not limited to tackling volume crime such as litter, responsible dog ownership, increasing recycling take up.
- Improved levels of compliance, cost avoidance and sustained improvements in Local Environmental Quality particularly in NTWE and contribution to Area Regeneration.
- A full review of current time bands.
- Fly-tipping Campaign

7.1.2 The priorities for 2016/17 are as follows:

- Ensure compliance improvements delivered in 2015/16 are sustained.
- Maintain processes to monitor the implementation in new developments of waste related planning conditions and, where this isn't the case, utilise legislation to stipulate requirements.
- Work with Hackney Housing to ensure processes are in place to tackle estate based fly tipping and dog control aligned to on street processes.
- Campaign to tackle litter and stainage via a voluntary agreement with NTWE premises, deploying litter control legislation in the worst cases.
- Continue to review and propose licence conditions on NTWE premises to improve levels of prevention of environmental impacts such as through waste training of staff etc.
- Prioritise tackling the worst fly-tipping cases and deliver tonnage reductions of unregulated waste as a proportion of total waste through Unregulated Waste Project and fly-tipping campaigns.
- Improve standards of cleanliness on RSL land through the Ward Improvement Programme processes and applying appropriate legislative controls.
- Minimise the spread of Street Art Graffiti containing any new art to an appropriately defined area.
- Tackling local issues/problems through locally defined and targeted, enforcement and communications campaigns.

7.1.3 In addition the following KPI's have been reported in 2015/16:

PI Code	Short Name	Frequency of reporting	2014/15	Annual Target 2014/15	2015/16	Annual Target 2015/16
			Outturn		Outturn	
HCS PR 058	Tonnage of unregulated waste	Years	5458.0 tonnes	5890.0 tonnes	5624 tonnes	5250
HCS PR 063	Number of Environmental Enforcement formal notices served (cumulative measure)	Quarters	3,474	2,500	3263	2,500 (Positive above target)
HCS PR 057	Number of businesses in the borough with a trade waste agreement in place	Quarters	6307	6000	6171	6000 (Positive above target)
HCS PR 059	Number of litter, dog fouling, graffiti and highway obstruction operations carried out in period	Quarters	660	260	280	75 (Positive above target)
HCS PR 060	% of environmental crime complaints responded to within 2 working days of receipt	Quarters	98.0%	98.0%	99.0%	98.0% (Positive above target)

7.1.4 APPENDIX

Appendix 1: Environmental Enforcement – Performance Report 2015/16
Appendix 2: Fixed Penalties and statutory notices.

BACKGROUND PAPERS

None

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APPENDIX 1

1. SERVICE PERFORMANCE - CORPORATE KEY PERFORMANCE INDICATORS

- 1.1 The service monitors performance against a set of 5 performance indicators (PIs). The performance information provided in this appendix provides the annual out-turns with commentary.
- 1.2 **HCS PR 057 (Quarterly)** – (Number of businesses in the borough with a trade waste agreement in place).

Time Period	Value	Activated	Target	Note	Short Tre...	Long Tre...	Status
2014/15	6307	✓	6000		↑	↑	✓
2015/16	6171	✓	6000		↓	↑	✓

- 1.3 A business that produces waste is required to have a Trade Waste Agreement (TWA) which confirms that arrangements are in place for the disposal of waste produced by that business. There are approximately 12,000 businesses within Hackney according to a study undertaken in relation to the Hospitality agenda (2014) however an unknown proportion of these businesses are operated from home and are low risks in terms of breaches of waste legislation. An overall definitive figure for non-domestic rate premises that are likely to produce waste isn't available at present, however the Environmental Enforcement team have been driving a process to develop a business case for the creation of a "Business Index" working with ICT, Business Rates and other key stakeholder across the Council.
- 1.4 The number of businesses known to have a TWA in place shows an overall decrease of 136 from 6307 (2014-15) to 6171 (2015-16). Whilst these are known to have a TWA in place this does not indicate whether those businesses are compliant with the terms of those agreements however the work to improve levels of compliance are available in later sections of this report.
- 1.5 **HCS PR 058 (Bi Annual) – (Tonnage of Unregulated Waste).**

Time Period	Value	Activated	Target	Note	Short Tre...	Long Tre...	Status
2014/15	5458.0 tonnes	✓	5890.0 tonnes		↑	↑	✓
2015/16	5624.0 tonnes	✓	5250.0 tonnes		↓	↑	⚠

- 1.6 This indicator is reported on a bi annual basis and captures the estimated amount of unregulated waste within the borough. Although the tonnage of unregulated waste increased by 166 tonnes from 2014-15, so did the level of commercial waste contracted to be collected by the Council. As the economy of the Borough grows, particularly the night time economy, regulated (contracted) commercial waste tonnage also increases along with unregulated waste. Measured as a proportion of the commercial waste portfolio, the level

of unregulated waste remained the same. Also the 3% growth in unregulated waste tonnage was lower than the 3.8% overall growth in municipal waste collected by the Council.

1.7 **HCS PR 059 (Quarterly)** – (Number of litter, dog control/fouling, graffiti and highway obstruction etc. operations and patrols).

Time Period	Value	Activated	Target	Note	Short Tre...	Long Tre...	Status
2014/15	660	✓	260		↑	↑	✓
2015/16	280	✓	75		↓	↓	✓

1.8 The above represents the planned, structured operations undertaken by the environmental enforcement team. These are driven by intelligence generated from service requests, corporate complaints, Ward Improvement Programme (WIP), Partnership Tasking and the enforcement officers' awareness and knowledge of their own areas.

1.9 In 2015-16, 280 targeted patrols/operations were delivered, this is a clear decrease from 2014-15 and represents an agreed approach at the beginning of the year to deliver larger planned campaigns producing higher quality operations and patrols based on intelligence rather than a continual quantity; this is reflected in the target set at the beginning of the financial year.

1.10 **HCS PR 060 (Monthly)** – (% of environmental crime service requests responded to within 2 working days of receipt)

Time Period	Value	Activated	Target	Note	Short Tre...	Long Tre...	Status
2014/15	98.0%	✓	98.0%		↑	↑	✓
2015/16	99.0%	✓	98.0%		↑	↑	✓

1.11 When the Team receives a request, Officers contact the person highlighting the issue (if this is possible) and tell them what action the officer proposes to take. This invariably involves a visit to the site, an assessment of the issue and determination of the action to be taken. Subsequent to this the person may be contacted again for further information and/or updated.

1.12 This breakdown below represents all external service requests for initial contact with the customer/complainant, the KPI does not reflect the internal service requests dealt with which amounts to around the same number of request over 2015-16. This customer response performance indicator shows an improved percentage above the set target and an increase from 2014-15 of 98% to 99%

Dog Control Orders	30
Flyposting	12
Graffiti	42
Highway Obstruction	302
Litter on Private Land	20

Litter on Public Land	61
Overgrown Hedge - Enforcement	2
Overgrown Land/Garden	1
Street Trading	20
Vehicle Over Highway	7
Vehicles for Repairs	2
Vehicles for Sales	1
Waste Management Private Land	270
Waste Management Public Land	218
Grand Total	988

Detailed Quarterly Breakdown of External Service Requests received:

Q1 (April-June)	372
Accumulation of Refuse	1
Dog Control Orders	18
Fly Posting - Enforcement	3
Fly Tipping - Private Land	91
Fly Tipping - Public Land	60
Graffiti - Enforcement	21
Highway Obstruction	113
Litter on Private Land	6
Litter on Public Land	28
Overgrown Hedge	1
Overgrown Land/Garden	1
Residential Waste Duty of Care	20
Street Trading - Enforcement	5
Vehicle Over Highway	3
Vehicles for Repairs on Highway	1
Q2 (July-Sept)	165
Dog Control Orders	3
Fly Posting - Enforcement	3
Fly Tipping - Private Land	45
Fly Tipping - Public Land	30
Graffiti - Enforcement	6
Highway Obstruction	47
Litter on Private Land	3
Litter on Public Land	6
Residential Waste Duty of Care	19
Street Trading - Enforcement	3
Q3 (Oct-Dec)	229
Dog Control Orders	3
Fly Posting - Enforcement	5
Fly Tipping - Private Land	64
Fly Tipping - Public Land	38
Graffiti - Enforcement	8
Highway Obstruction	70
Litter on Private Land	5
Litter on Public Land	19

Residential Waste Duty of Care	9
Street Trading - Enforcement	3
Vehicle Over Highway	3
Vehicles for Repairs on Highway	1
Vehicles for Sales on Highway	1
Q4 (Jan-Mar)	222
Dog Control Orders	6
Fly Posting - Enforcement	1
Fly Tipping - Private Land	69
Fly Tipping - Public Land	32
Graffiti - Enforcement	7
Highway Obstruction	72
Litter on Private Land	6
Litter on Public Land	8
Overgrown Hedge Enforcement	1
Residential Waste Duty of Care	10
Street Trading - Enforcement	9
Vehicle Over Highway	1
Grand Total	988

1.15 **HCS PR 063 (Quarterly)** – (Number of formal notices issued)

Time Period	Value	Activated	Target	Note	Short Tre...	Long Tre...	Status
2014/15	3,474	✓	2,500		↑	↑	✓
2015/16	3,263	✓	2,500		↓	↓	✓

1.16 The current enforcement strategy is in line with the nationally accepted enforcement concordat. This requires a balanced graduated approach through education and advice to more formal legal action including prosecution. Generally such an approach is effective in tackling enviro-crime however the service is careful to ensure that the type of enforcement action is proportionate to the seriousness of the offence.

1.17 The number of “formal notices” (part of the formal enforcement process) including advisory notices, issued in line with the guidance on PR 063, but does not include the range of other actions undertaken to ensure compliance or intended outcomes are achieved, such as education, verbal warnings, advisory letters, etc. Effective enforcement relies upon sound selection of an appropriate level of enforcement proportionate to the offence and circumstances, with the aim of achieving compliance and resolution of problems.

1.19 The above figure represents a slight decrease of 211 in the number of formal notices issued in 2015-16 compared to the previous FY. This is due to the volume crime of Fly-posting which we progressed as a priority area in 2014-15, but did not have this as a set priority for 2015-16.

- 1.20 For Financial Year 2015/16 the payment receipts for FPN's was **£62,589.77** which is an increase of £12,480.71 in comparison to 2014-15.
- 1.21 The Team has received a total of 146 corporate complaints, this represents a decrease from 2014-15 of 28 from 174 corporate complaints.

2. LEGAL CASEWORK AND PROSECUTION ACTIONS

2.1 The Environmental Enforcement Team have progressed a number of cases to the prosecution stage. However at this stage depending on the nature of the offence, offenders still have the opportunity to settle before the start of the hearing. In settling this may lead to:

- The fine being paid and no further action is taken in relation to that offence.
- A simple caution signed by the offender which stays on file for 5 years
- A simple caution issued and costs are also paid by the offender. Costs may include the recharge for clearing the waste, and any other rechargeable costs incurred as a result of the case being progressed to this level.
- Decision taken by our legal team that the case might not be in the public's interest to progress.

2.2 Below is a breakdown of the cases that have been progressed to the prosecution stage.

TYPE OF OFFENCES	No. of Prosecution Cases	Outcome
Nuisance (ASB Act)	1	pending
Fly tipping & DOC	11	pending
Fly –tipping	1	pending
Littering	10	2 successful - 8 pending
Illegal Street Trading	1	withdrawn
Total	24	

2.3 A total of 14 simple cautions have been signed by offenders over the period April 2016 to present these relate to DOC & Fly tipping offences.

2.4 Fixed penalty notices (FPN) have always been a very useful tool for the enforcement service. We have a number of offences where FPNs can be used an option to discharge liability from prosecution and also acts as a deterrent to future offences. The service has brought in an overall total of £16,215.00 which have been generated from FPNS.

APPENDIX 2

1. SERVICE PERFORMANCE BREAKDOWN– Fixed Penalty and other Statutory Notices

- 1.1 Concerning our delivery of formal enforcement notices (including fixed penalty and statutory notices), please see the below table which outlines our outturns of these formal notices by the offence (environmental crime action) type and total 2339 (coincidentally the same number as 2014-15 – see below comparison table).
- 1.2 As you can see a large proportion 47% of enforcement actions have concerned volume crime issues regarding littering and urination; this primarily related to work progressed in our two biggest commercial and WNTE neighbourhoods of Shoreditch and Stoke Newington. 25.3% of actions taken are aligned to Waste Enforcement, this includes commercial and residential waste enforcement and the tackling of unregulated waste and fly-tipping. Highways enforcement such as skips, A-boards, hoarding is our second most active area for formal action taking up 9.1% of our outturn. These action are reflective in our priority work and achievements throughout 2015-16 concerning unregulated waste, and Highways Act Enforcement and volume crime.

1.3 Table Breakdown 2015-16

2015-16		2014-15 Comparison		
Formal Notices Issued	Count of Enforcement	Percentage of overall	Count of Enforcement	Percentage of overall Output
Dog Control Enforcement	10	0.4	20	0.9
Section 59 Dog Fouling FPN	10			
Graffiti Enforcement	4	0.2	12	0.5
Community Protection Notice	2			
Community Protection Penalty Notice	1			
Unauthorised Marks on the Highway FPN	1			
Highways Act Enforcement	213	9.1	321	13.7
Highway Obstruction 48 Hour Removal Notice	5			
Highway Obstruction 5 Day Removal Notice	5			
Highway Obstruction 7 Day Removal Notice	87			
Highway Obstruction FPN	116			
Illegal Trading	100	4.3	26	1.1
Illegal Shop Front Trading FPN	1			
Section 38 Illegal Street Trading FPN	99			
Litter Control Enforcement	16	0.7	0	0
Community Protection Notice	10			
Community Protection Penalty Notice	6			
Littering Enforcement Volume Crime	1116	47.7	572	24.5
Section 88 Litter FPN	307			
Section 88 Urinating FPN	809			
Poster/Advertsing Volumn Crime	14	0.6	334	14.3
Fly Posting FPN	7			
Fly Posting FPN (without advisory)	7			
Prosecution instigation	261	11.2	206	8.8
Intention To Prosecute Letter	261			
Request for information during investigation process	14	0.6	23	1
Section 108 Notice	14			
Waste Enforcement	591	25.3	1031	44.1
34(5) Notice	256			
34(6) FPN	72			
47ZA FPN for Section 46 Notice	3			
47ZA FPN for Section 47 Notice	26			
Community Protection Notice	20			
Community Protection Penalty Notice	9			
LBH Waste Contract Details / Section 47 Notice	146			
NON-LBH Waste Contract Details / Section 47 Notice	19			
Section 46 Notice	40			
Grand Total	2339			

1.4 Detailed Quarterly Breakdown 2015-16

☐ Dog Control Enforcement	10
Q1 (April-June)	3
Q2 (July-Sept)	4
Q4 (Jan-Mar)	3
☐ Grafitti Enforcement	4
Q2 (July-Sept)	1
Q4 (Jan-Mar)	3
☐ Highways Act Enforcement	213
Q1 (April-June)	62
Q2 (July-Sept)	65
Q3 (Oct-Dec)	24
Q4 (Jan-Mar)	62
☐ Illegal Trading	100
Q1 (April-June)	21
Q2 (July-Sept)	39
Q3 (Oct-Dec)	25
Q4 (Jan-Mar)	15
☐ Litter Control Enforcement	16
Q1 (April-June)	4
Q2 (July-Sept)	4
Q3 (Oct-Dec)	4
Q4 (Jan-Mar)	4
☐ Littering Enforcment Volume Crime	1116
Q1 (April-June)	234
Q2 (July-Sept)	224
Q3 (Oct-Dec)	267
Q4 (Jan-Mar)	391
☐ Poster/Advertsing Volumn Crime	14
Q1 (April-June)	1
Q3 (Oct-Dec)	12
Q4 (Jan-Mar)	1
☐ Prosecution instigation	261
Q1 (April-June)	51
Q2 (July-Sept)	66
Q3 (Oct-Dec)	84
Q4 (Jan-Mar)	60
☐ Request for information during investigation process	14
Q1 (April-June)	10
Q2 (July-Sept)	2
Q4 (Jan-Mar)	2
☐ Waste Enforcement	591
Q1 (April-June)	140
Q2 (July-Sept)	139
Q3 (Oct-Dec)	115
Q4 (Jan-Mar)	197
Grand Total	2339