

Environment & Community Support Scrutiny: Penalties & Prosecutions

1. The following details Environmental Issues that feed into the Executives agenda detailing the problem, the primary legislation, the Council's performance and some examples of best practice.
2. The attached spreadsheet gives details on enforcement action and penalties imposed this financial year.

PRIMARY LEGISLATION

Air, contaminated land and water quality

Air quality

Pollution Prevention and Control Act 1999

3. POWER of Local Authorities to authorise installations and mobile plant carrying out activities that pollute in an attempt to regulate emissions to air.

Environment Act 1995,

4. DUTY of The Council to review air quality and to regularly conduct an assessment of air quality. The Authority must identify if and where air quality standards are not being achieved and to order an air quality management area where standards do not comply.
5. DUTY of The Council to assess how the quality standards are not being met in the designated area, and to prepare a report of the results of that assessment. The Authority must then prepare a written action plan designed achieve the quality standards.

Clean Air Act 1993

6. Empowers the Council to declare Smoke Control Areas
7. It is an offence to emit dark smoke from chimneys.
8. It is an offence to emit smoke from industrial or trade premises.
9. No new furnace may be installed unless notice of the proposal to install has been given to the Local Authority and unless it is, capable of operating without emitting smoke. Installation of a furnace in contravention of these provisions constitutes an offence.

Environmental Protection Act 1990

10. POWER of Local Authorities to authorise less polluting industrial operations prescribed by Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (LAPC) and to take enforcement action.

Road Traffic Act 1988,

11. POWER for Local Authority Officers authorised to issue fixed penalty notices for offences relating to use of motor vehicles, which do not comply with emissions requirements.

Contaminated land

Environmental Protection Act 1990,

12. The Authority has a DUTY to inspect its area for the purpose of identifying "contaminated land".
13. For any "contaminated land", the Authority is under a DUTY to decide whether that land must be designated as a "special site"
14. Where land has been identified as contaminated or designated as a special site. The Authority is under a DUTY to require remediation of contaminated land by serving a remediation notice.
15. The Authority has the POWER to take the necessary remedial action and then seek to recover its costs from the owners of the land.

Anti-social behaviour

Abandoned cars

Refuse Disposal (Amenity) Act 1978

16. The deliberate abandonment of any vehicle or part thereof on land in the open air or on any other land forming part of a highway is an offence, punishable by fine of up to £2500 and/or 3 months imprisonment.
17. The Council is under a DUTY to remove vehicles unlawfully abandoned on any land in the open air and can recover their charges from the owner, unless the owner did not know that the vehicle had been abandoned. i.e. the vehicle was stolen.
18. Where an authority intends remove a vehicle, which is abandoned and is in such a condition that it ought to be destroyed, the notice period for removal is reduced from 7 days to 24 hours from when a notice is affixed to the vehicle.
19. Where an authority has removed a vehicle (but it is not in such a condition that it ought to be destroyed) and has located the owner, the period during which the owner is required to remove the vehicle from the authority is reduced from 21 days to 7 days. The authority may dispose of the vehicle after the expiry of that period, provided there is no licence in force for that vehicle.

Anti-social behaviour and nuisance neighbours

Police Reform Act 2002

20. POWER of Chief Officer of police to establish and maintain a community safety accreditation scheme if he considers it appropriate to do so for the purposes of contributing to community safety and security and combating crime and disorder, public nuisance and other forms of anti-social behaviour. Powers and duties that may be conferred in accredited persons include:-
 - Issuance of fixed penalty notices in relation to cycling on a footway, dog fouling, and litter;-
 - POWER to detain for up to 30 minutes to await a constable;-

- POWER to require name and address of person acting in an anti-social manner.

Criminal Justice and Police Act 2001

21. POWER of Local Authority to make an order designating public places, where nuisance or disorder has been associated with the consumption of alcohol. Constables may, in a designated area, require persons to stop drinking and confiscate intoxicating liquor. Failure to comply is an offence punishable by a fine up to £500 and the person can be arrested without a warrant.

Crime and Disorder Act 1998,

22. POWER of relevant Authority to apply to Magistrates' Court for Anti-Social Behaviour Order - behaviour causing alarm, distress or harassment. Person must be aged 10 or over. Breach is a criminal offence, triable either way and punishable on summary conviction by a fine of up to the statutory maximum, imprisonment for a term not exceeding 6 months or both and on indictment by an unlimited fine or imprisonment for a term of up to 5 years.

Housing Act 1996

23. POWER of Local Housing Authority to apply for injunction restraining anti-social behaviour against tenants, and others in the vicinity – need to show actual or threatened violence – can apply for POWER of arrest to go with injunction (exercisable by constable only).
24. POWER of Local Authority, social landlords, housing action trust or charitable housing trust to seek injunctions to prevent breaches of a tenancy agreement. Consisting of conduct causing or likely to cause a nuisance or annoyance or a person residing, visiting or otherwise enjoying a lawful activity in the locality. Court can attach a power of arrest where evidence has occurred or is threatened against person in the locality (exercisable by constable only).

Education Act 1996

25. POWER of police or someone authorised by the local education authority to remove persons from school premises, if they believe they are committing an offence or causing or permitting annoyance of persons lawfully using the premises (whether or not there at the time) (punishable on summary conviction by fine up to £500 (level 2)).

Fly posting

Anti-social Behaviour Act 2003

26. Allows Authorised Officers of Local Authorities, "Accredited" Officers and Community Support Officers to issue fixed penalty notices of £50 to those people who physically commit 'minor' acts of graffiti and fly posting. These sections are due to be commenced in 2004.

Town and Country Planning Act 1990

27. DUTY on Secretary of State to make regulations restricting display of advertisements in the interests of amenity or public safety. POWER to make regulations enabling Local Authority to require removal of advertisements and discontinuance of use of the site for display of advertisements.
28. POWER to remove placards or posters, which are displayed in contravention of the regulations.

29. POWER of the Local Authority to serve notice on the owner or occupier of land requiring them to remedy the situation in a certain time where the amenity of part of the area is adversely affecting the condition of the land.

Fly tipping

Anti-social Behaviour Act 2003

30. Gives Local Authorities the POWER to stop, search and seize vehicles suspected of being used to fly tip waste. They will also have powers to investigate incidents to help track down and prosecute those responsible for dumping the waste. Commencement date 2004.

Town and Country Planning Act 1990

31. If it appears to a Local Planning Authority that the amenity of part of their area is adversely affected by the condition of land in their area they have a POWER to serve a notice on the owner and occupier requiring them to remedy its condition within a certain time.

Environmental Protection Act 1990

32. Fly-tipping or consigning waste to someone who the consignee knows or ought to know is going to fly-tip will be deemed a disposal or deposit of controlled waste without a licence. It may also be disposing of controlled waste in a manner likely to cause pollution of the environment or harm to human health. Fines can be up to £20,000 or six months imprisonment (or both) if convicted in a Magistrates court. If prosecuted in the Crown Court, the fine may be unlimited or two years imprisonment (up to five years if special waste is involved).
33. Consigning waste to someone who fly-tips may also be a breach of the duty of care. The penalties for failing to comply with the duty of care are, upon conviction in a Magistrates' Court, a maximum fine of £5,000. Upon conviction in Crown Court, the penalty is an unlimited fine.
34. The Local Authority has the POWER to serve a notice on the occupier requiring him/her to remove the waste on their land and/or eliminate or reduce the consequences of the deposit. Where the occupier fails to adhere to the notice provisions authority may fulfil the notice requirements and recover their reasonable costs from the occupier.

Highways Act 1980

35. It is the DUTY of the highway authority to prevent the stopping up or obstruction any highways that are responsible for and to prevent any unlawful encroachment on any roadside waste.
36. The deposit of anything on a highway which interrupts its use, or the deposit of dung, compost or other material for dressing land or any rubbish either on or within 15 feet from the centre of a carriageway is an offence, punishable by a fine of up to £1000.
37. If anything is deposited on the highway as to constitute a nuisance Authority has a POWER to serve a notice on the person responsible for the deposit requiring its removal. If the deposit is a danger, the Highway Authority has the POWER to remove the deposit or apply to the Magistrates' Court for a disposal order. The Highway Authority may recover its reasonable expenses from the person who deposited the material.

Refuse Disposal (Amenity) Act

38. The deliberate abandonment of any matter on land in the open air or on any other land forming part of a highway is an offence, punishable by fine of up to £2,500 and/or 3 months imprisonment.

Refuse Disposal (Amenity) Act 1978

39. The Council has a POWER to remove articles other than vehicles abandoned on any land in the open air. If the land is occupied the authority is required to serve notice of its intention on the occupier. Costs are recoverable from the person who deposited the articles.

Graffiti

Anti-social Behaviour Act 2003

40. Empowers Authorised Officers of Local Authorities, to issue fixed penalty notices of £50 to those people who physically commit 'minor' acts of graffiti and fly posting. Commencement 2004.
41. Enable a Local Authority to serve "graffiti removal notices" on the owners of street furniture and statutory undertakers. If they do not remove the graffiti within a specified time, the Local Authority can intervene and clean up the graffiti themselves. Commencement date 20th January 2004.
42. A new offence is created of retailers selling spray paints to under 16's. This will be at the point of sale. The new offence carries a sanction of a level 4 fine. Retailers will be required to check the age of buyers if there is any doubt as to their being at least 16 years Commencement date 20th January 2004.

Town and Country Planning Act 1990

43. Local Planning Authority has POWER to seek financial contributions usually in the context of approving application for development to cover community benefits. This could arguably include anti-graffiti initiatives and/or unspecified environment improvements to the area.
44. POWER to Local Planning Authorities to serve notice-specifying steps for remedying condition of land, which is adversely affecting amenity of their area. Notice served on owner or occupier. The Local Authority has the POWER to take steps to recover their costs.

Public Health Act 1961

45. The Council has a POWER to deal with any rubbish which is in the open air and which is seriously detrimental to the amenities of the neighbourhood. There is no power for the authority to recover their costs from the owner. Rubbish means rubble, waste paper, crockery, metal and other refuse (inc. organic matter) but not material accumulated in relation to business

Noise

Anti-social Behaviour Act 2003

46. These sections give Local Authorities the power to close down premises to prevent noise that is causing a public nuisance. The premises covered are licensed premises, such as pubs and clubs. Under this clause, Local Authorities can issue a closure order requiring the manager to shut the premises for up to 24 hours. It makes breach an offence liable to 3 months in prison and / or a fine of up to £20,000. Commencement 2004.

47. Allows Local Authorities to issue £100 Fixed Penalty Notices to help control night-time domestic noise. It will also allow Local Authorities to retain any income from Night Noise Notices for spending on qualifying functions. Commencement 2004.

Noise Act 1996

48. Provides for a summary procedure for dealing with of noise from dwellings at night, and powers of entry and seizure.
49. DUTY to investigate complaints of night noise. POWER to serve a notice warning that the person responsible will commit an offence if night noise from a dwelling continues above the level specified in the notice.
50. POWER to issue directions specifying the maximum level of noise which be emitted from any dwelling at night.
51. POWER to issue a fixed penalty notice, for payment of £100, to a person who fails to comply with a warning notice issued in respect of night noise from a dwelling.
52. POWER to enter a dwelling from which noise exceeding the permitted level specified in a warning notice and to remove any equipment used in the emission of the noise. POWER to seize and remove any equipment used in emission of noise, which is a statutory nuisance.
53. Failure to comply with a warning notice issued in respect of night noise constitutes an offence.

Noise and Statutory Nuisance Act 1993

54. Special powers to control noise from construction sites, loudspeakers in the street, and plant and machinery
55. Local Authority may resolve that provisions relating to audible intruder alarms are to apply in its area including right to put a legal charge on premises in order to recover expenses reasonably incurred in abating a statutory nuisance.

Environmental Protection Act 1990

56. DUTY to investigate complaints of a statutory nuisance, (including noise which is prejudicial to health or a nuisance, including noise emitted from or caused by a vehicle, machinery or equipment in the street – noise includes vibration).
57. Failure to comply with an abatement notice without reasonable excuse is an offence. A person who commits such an offence on industrial, trade or business premises is liable on summary conviction to a fine not exceeding £20,000. In all other cases a person is liable on summary conviction to a fine not exceeding level 5 on the standard scale, and with a further fine for each day on which the offence continues after the conviction. Where an abatement notice is not complied with, the Local Authority may itself abate the nuisance and recover the costs. Criminal and civil sanctions may be imposed on the persons responsible.
58. Where an abatement notice has not been complied with, the Local Authority has POWER to abate the nuisance, including POWER to seize and remove any equipment, which is being or has been used in the emission of the noise in

question. Expenses incurred in abating the nuisance may be recovered from the person who's by act the nuisance was caused.

Local Government Planning and Land Act 1980

59. Local Authority has POWER to make by laws to prevent noise or control certain noise sources.

Control of Pollution Act 1974

60. Where a Local Authority considers construction works are being carried out, they may serve notice-imposing requirements as to the way in which the works are to be carried out.
61. Where a person on whom a construction site notice has been served without reasonable excuse contravenes any requirement of the notice he is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Housing

Housing Act 1996

62. POWER to remove tenants (regain possession) for breach of tenancy consisting of anti-social behaviour and nuisance and annoyance to neighbours

Landlord and Tenant Act 1985

63. Landlord and Tenant Act 1985 – Landlords responsible for keeping in repair and proper working order the structure and exterior of the dwelling let.

Housing Act 1985

64. DUTY on Local Authority to inspect and take action in respect of Houses that are unfit for Human Habitation. DUTY on Local Authority to inspect and take action on larger Houses in Multiple Occupation that have inadequate fire safety arrangement, poor management, are overcrowded or lack sufficient and adequate amenities. POWER on Local Authority to inspect and take action on all HMOs.

Trees

Town and Country Planning Act 1990

65. DUTY of the Authority to make adequate provision for the preservation of trees when granting planning permission. POWER to make a tree preservation order when it is in the interests of amenity.
66. The wilful damage or destruction of a tree, which is the subject of a tree preservation order, is an offence punishable on conviction on indictment to a fine or on summary conviction to a fine not exceeding £20,000.

Town and Country Planning Act 1990

67. Any person who, in relation to any tree in a conservation area in respect of which no tree preservation order is in force, does any act, which might be prohibited by a tree preservation order, commits an offence punishable on conviction on indictment to a fine or on summary conviction to a fine not exceeding £20,000.

National Parks and Access to Countryside Act 1949

68. POWER the Authority to plant trees in their area for the purposes of preserving or enhancing the natural beauty and may carry out such works as appear to be expedient to improve or reclaim the land or land which is derelict, neglected or

unsightly in either case or land it owns or with consent of landowner for other lands.

Vacant and derelict land

Building Act 1984

69. POWER to serve notice requiring repair or demolition of buildings or structures (including removal of demolition rubble) by owner of building in a ruinous or dilapidated condition that are seriously detrimental to the amenities of the neighbourhood.

Derelict Land Act 1982

70. The Secretary of State has the POWER to make grants to any persons, with the consent of the Treasury, in respect of relevant expenditure incurred by them for the purpose of reclaiming land which is derelict, neglected or unsightly or, in relation to a Local Authority, land which is likely to become derelict, neglected or unsightly.

National Parks and Access to the Countryside Act 1949

71. Where a Council carries out the functions of a Local Planning Authority, it has the POWER to carry out such works on land (including land not owned by the authority) as appear expedient to improve it where it is "derelict, neglected or unsightly".

Public Health and Consumer Safety

Food and Health and Safety

Food Safety Act 1990

72. Provides a DUTY on the Authority to inspect, detain, seize and destroy food that does not comply with current safety standards. DUTY to inspect food premises to determine standard of hygiene and food safety. The Authority has the DUTY to serve improvement notices where standards of hygiene and food safety are poor.
73. Where condition present an imminent risk to health the Authority has a DUTY to serve Prohibition orders and orders to close food premises.
74. It is an offence to falsely label food.
75. The Authority has a DUTY to inspect and register certain food premises.
76. Penalties for offences under to act are up to a maximum of £20,000 and/or 2 years imprisonment.

European Communities Act 1972

77. POWER to enter premises, sample and detain food including imported food. POWER to inspect and seize documents. POWER to serve notices requiring the re-dispatching or destruction of illegally imported food.

Public Health (Control of Diseases) Act 1984

78. DUTY on the Authority to take steps to prevent the spread of disease. The Authority has a DUTY to require information about notifiable diseases including food poisoning. POWER to exclude persons from work and school.

Health and Safety at Work Act 1974

79. DUTY for an Authorised Officer of the Council to inspect business and commercial premises. The Act provides for the service of improvement notices and where there is an imminent risk prohibition notices. Failure to comply is an offence, which carries a maximum penalty of £20,000(Magistrates Court)

Entertainments Licensing

London Government Act 1963

80. This Act covers public music, music and dancing, indoor sports, outdoor boxing and wrestling licences;

London Local Authorities Act 1990

81. Requires the Council to license night cafes.

London Local Authorities Act 1991

82. Requires the Local Authority to inspect and license premises providing special treatments such as massage, electrolysis etc
83. Each of the above Acts provides a DUTY to consider applications for the granting, renewal, transfer and variation of licenses and allows the Authority to grant licenses subject to terms, conditions and restrictions or to part grant or refuse.
84. The Acts make provision for Authorised Officers to inspect licensed premises at all reasonable times to check that premises are operating in compliance with terms, conditions and restrictions. They set offences for breach of license terms, conditions and restrictions; of provision of unlicensed activity and allows the Local Authority to revoke licenses following prosecution.

London Local Authorities Act 1995

85. Allows the Local Authority to register door supervisors in respect of places of entertainments. The Act provides the authority with a POWER to register applicants and renew their registrations and the POWER to refuse applications.
86. Offences are set for breach of licence terms, conditions and restrictions; of being or employing a non-registered floor supervisor; and allows the Local Authority to revoke registrations on specified grounds.

Trading Standards/Consumer Safety

Protection of Children (Tobacco) Act 1986 and Young Persons (Protection From Tobacco) Act 1991

87. Prohibits and makes it an offence to sell tobacco to children.

Clean Air Act 1993

88. Controls the lead content of petrol and the sulphur of diesel fuel in order to reduce atmospheric pollution.

Consumer Credit Act 1974

89. Provides for control of consumer credit and hire. Requires licensing of credit and hire traders.
90. Controls credit and hire advertising; debt collecting and credit reference agencies. Controls credit and hire documentation and format used to indicate credit charges. Provides POWER to revoke licences of traders offering credit or

hire charges. Provides certain safeguards to consumers who purchase goods and services on credit.

Consumer Protection Act 1987

91. Prohibits and makes it an offence to supply goods not in accordance with the general safety requirement or are unsafe. Allows for approved safety standards to enable compliance with general safety requirements and for seizing and forfeiture. POWER to suspend the sale of suspected unsafe goods.

Criminal Justice and Police Act 2001

92. DUTY to enforce and allows the making of test purchases on the sale of alcohol to persons under 18 years of age.

Explosives Acts 1875 & 1923; Explosives (Age of Purchase) Act 1976

93. Control on the selling of fireworks and the registration of explosive stores. Controls on the sale of fireworks to under-aged persons.

Food Safety Act 1990

94. Prohibits sale of unfit or adulterated food. Controls the quality, standard and claims made for food. Controls its description, advertising and labelling.

Weights and Measures Act 1985

95. Regulates weighing and measuring equipment used for trade. Protects against deficient quantity in the sale of goods. Allows provision of metrological technology service to trade and industry.

Intoxicating Substances (Supply) Act 1985

96. Prevents the sale to young persons of intoxicating substances and equipment to aid misuse of such substances.

Knives Act 1997

97. Prevents the marketing of dangerous knives, and prohibits their sale to minors.

Licensing (Young Persons) Act 2000 LICENSING (YOUNG PERSONS) ACT 2000

98. Control on the sale and consumption of intoxicating liquor to persons under eighteen.

Green and open spaces

Dog and other animal faeces

Dogs (Fouling of Land) Act 1996

99. A Local Authority can designate land upon which it is an offence not to clean up after your dog. The maximum fine for an offence is £1,000. Alternatively, councils have the POWER under the Act to issue a £50 fixed penalty.

Local Government Act 2003

100. Allows Local Authorities to retain any sums, which they receive from fixed penalties for leaving litter and dog faeces. Commencement 18th November 2003.

Public Health Act 1961

101. The Council have the POWER to take any steps for the purpose of abating or mitigating any nuisance, annoyance or damage caused by the congregation in any built-up area of house doves or pigeons or of starlings or sparrows.

The Prevention of Damage by Pests Act 1949

102. The Council has a DUTY to keep the area free of rats and mice as far as practicable. This includes the POWER to remove rubbish on infested land which maybe encouraging vermin and recharge the owner(s).

Highways and roads

Road works and disruption to streets and pavements

Countryside and Rights of Way Act 2000

103. Where a person is convicted of an offence of obstruction, and the obstruction is continuing and it is in the persons POWER to remove the obstruction, the court, in addition to or instead of imposing any punishment, may order him/her to take, within a reasonable period, steps for removing the cause of the obstruction. If the person fails to comply with the order, they are guilty of an offence and liable to a fine not exceeding level 5 on the standard scale; and if the offence is continued after conviction he/she is guilty of a further offence and liable to a fine not exceeding one-twentieth of that level for each day on which the offence is so continued.

New Roads and Street Works Act 1991

104. The Secretary of State can make provision by regulation requiring an undertaker to pay a charge to the highway authority where the duration of works exceeds a prescribed period, or the works are not completed in a reasonable period.

Rights of Way Act 1990

105. A person who, without lawful authority or excuse, so disturbs the surface of a footpath, bridleway or other highway which consists of or comprises a carriageway other than a made-up carriageway, as to render it inconvenient for the exercise of the public right of way is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

Highways Act 1980

106. If the footway of a street that is a highway maintainable at the public expense is damaged by or in consequence of any excavation or other work on land adjoining the street, the Authority may make good the damage and recover the expenses reasonably incurred by them in so doing from the owner of the land in question or the person causing or responsible for the damage. This does not apply to excavation or any engineering operation. It is the DUTY of the highway authority to enforce these provisions.
107. If a highway which consists of a carriageway is being damaged in consequence of the exclusion from it of the sun and wind by a hedge or tree (other than a tree planted for ornament, shelter, courtyard or hop ground) a magistrates' court may by order require the owner or occupier of the land to cut, or prune the hedge or prune or lop the tree where the highway authority makes a complaint. Failure to comply with such an order renders the owner/occupier guilty of an offence and liable to a fine. The carryout the work and recover the expenses.
108. If a person served notice to cut or remove any shrub, tree or vegetation from the highway or other road or footpath fails to comply, the authority that served the notice may carry out the work and recover the expenses.

109. If a person, without lawful authority or excuse allows any filth, dirt, lime or other offence matter to run or flow on to a highway from any adjoining premises then he/she is guilty of an offence not exceeding level 1 on the standard scale.

Street cleansing

Highways Act 1980

110. A person who, without the consent of the Authority paints or otherwise inscribes or affixes any picture, letter, sign or other mark upon the surface of a highway, or upon any tree, structure or works on or in a highway is guilty of offence and liable to a fine not exceeding level 4 on the standard scale.

London specific powers

111. Some Local Authorities in London have been successful in creating and using London specific POWER, these cover a range of local environmental quality issues.

London Local Authorities Act 2000

112. POWER to designate certain places (car parks, open spaces under the control of the council and streets where the public have access) as areas where free literature may only be distributed with the consent of the council, subject to conditions. An offence can lead to confiscation of the literature and a £500 fine.
113. POWER to serve a cleansing notice on the person responsible to specify the standards and frequency at which relevant land requires to be swept and cleansed so as to keep it reasonably clear of litter and refuse. Relevant land is any street and its adjacent land. After 42 days, the council may clean the land itself and recover its expenses.
114. POWER for Local Authority to designate streets (including open areas within 7 metres of a street to which the public commonly have access) where buskers must be licensed where there has been, or is likely to be interference, inconvenience or risk to safety. Busking without a licence or in contravention of a licence is punishable upon conviction by a fine of up to £1000.

London Local Authorities Act 1996

115. PROHIBITION on holding an occasional sale within a borough unless the person holding the sale has a licence. POWER for the licence to include reasonable conditions relating to arrangements to be made for controlling road congestion, litter and noise caused by the occasional sale.

London Local Authorities Local Authorities Act 1995

116. The provisions in Road Traffic Act 1984, s.101 as to the ultimate disposal of a vehicle which has been removed are amended to allow disposal after three months of its removal where a licence was in force for the vehicle (as opposed to waiting for the expiry of the licence).
117. When exercising powers under Town & Country Planning Act (TCPA) 1990, a participating borough council has the POWER to recover its costs from the person who displays or causes to display a placard or poster in contravention of TCPA 1990. (See fly posting above)
118. POWER to serve a notice on the occupier or owner of premises requiring the removal or obliteration of a sign, which the council consider it to be detrimental to

the amenity of the area or offensive. The council may clean the land itself and recover its expenses if not complied with.

London Local Authorities Act 1991

119. The owner or occupier of premises with an audible intruder alarm must register with the police and the council, ensuring that the alarm shuts down after 20 minutes and provide the names of nominated key holders to the police. Failure to do so is an offence with fines of up to £5,000. A court may warrant council officers to enter premises and deactivate an alarm, which is operating for more than one hour and is causing annoyance to neighbours.

120. The categories of statutory nuisance are extended in London to include smoke, fumes or gases emitted from any vehicle, machinery or equipment on a street so as to be prejudicial to health or a nuisance. This does not apply to vehicle exhaust.

Greater London Council (General Powers) Act 1969

121. POWER to serve a notice on the owner of any premises adjoining or comprising any part of a walkway within the borough, require him/her to carry out on those premises, such works as may be specified in the notice, being works required to prevent danger or inconvenience to persons or to allow for the improvement of the walkway. The council may carry out the work itself and recover its expenses if not complied with.

London County Council (General Powers) Act 1959

122. The owner or occupier of a building used for trade, manufacture or business is required to have trade refuse disposal facilities. The council has the POWER to serve a notice requiring trade refuse disposal facilities to be provided. The council may carry out the work itself and recover its expenses if not complied with.

123. The owner or occupier of a building altered or built after 01 April 1960 is required to have trade refuse disposal facilities. The council has the POWER to serve a notice requiring trade refuse disposal facilities to be provided. The council may carry out the work itself and recover its expenses if not complied with.

London County Council (General Powers) Act 1954

124. It is an offence to deface the surface of any public street within the "Council" or of any structure or erection situated on or in any street by inscribing any propaganda writing. It applies to any building wall or fence on adjacent land. Penalties for breach are a fine of up to £1000.

London County Council (General Powers) Act 1951

125. POWER to plant trees in and carry out such other works as considered expedient for restoring or improving the appearance of any lands being any unenclosed land abutting upon a highway vested in them or under their management.

London Building Acts (Amendment) Act 1939

126. A court, on receiving a complaint from a Local Authority, has the POWER to order the owner to take down or repair or rebuild a structure if it is ruinous or so far dilapidated as to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood. The authority may perform the work itself and recover its expenses if not complied with.

Open space byelaws

127. A byelaw is a local law, which is made by a statutory body, such as a Local Authority, under an enabling power established by Act of Parliament. Byelaws create criminal offences and cannot come into effect unless the Secretary of State has confirmed them.

Waste and litter

128. In isolation the act of dropping a piece of litter or dumping waste whether it be a crisp packet, drinks can, chewing gum or cigarette end appears insignificant in the context of environmental pollution. However the collective issue of dropping litter and waste is costing the taxpayer almost half a billion pounds annually to clean up. Even with this investment our public spaces are often still blighted with the problem.

Environmental Protection Act 1990

129. Where an occupier fails, without reasonable excuse, to place household waste in certain types or numbers of receptacles is guilty of an offence leading to a maximum fine of £1000.

Trade waste and Trade Waste Containment

Environmental Protection Act 1990

130. Where an occupier fails, without reasonable excuse, to comply with any requirements to place commercial or industrial waste in certain types or numbers of receptacles, he is guilty of an offence leading to a maximum fine of £1000.

131. If the Authority believes that there is likely to be situated, on premises in its area, commercial or industrial waste which, is likely to cause a nuisance or to be detrimental to the amenities of the locality, the authority has the POWER to require the occupier of the premises to provide receptacles for the storage of such waste of kind and number specified.

132. The Council has the POWER, with a view to the prevention of accumulations of litter or refuse in and around any street or open land adjacent to any street, issue street litter control notices imposing requirements on occupiers of premises in relation to litter or refuse. Failure to comply with a Street Litter Control Notice is an offence and can lead to a maximum fine of £2500.

Enviro-Crime and the Environment in Southwark

General

133. The following changes have been introduced to improve Southwark's response to Enviro-Crime:-

- The Service has been restructured resulting in the mainstreaming of enforcement work
- Enforcement staff have been trained to understand and utilise the law relating to Enviro-Crime
- Street Wardens have been introduced with Peckham Wardens being the first in London to have environmental enforcement POWER.
- Street Action Teams have been set up and provide a multi-disciplinary team including the Police, Council Officers, Councillors, Partners, Local

Groups and other stakeholders to target Environmental problems and Crime at a neighbourhood level.

- Street Leaders have been introduced. This unique approach adopted by Southwark has been acknowledged by many, tackling the issues that schemes in other boroughs have often failed to tackle successfully. Engaging with hard to reach communities and encouraging groups from ethnic minority groups to become involved. Asking volunteers to sign up to an environmental charter.
- A new Enforcement Policy has been adopted taking a zero tolerance approach to all envirocrimes reinforced by the Living Southwark Campaign and educational work we are undertaking.
- A significant increase in enforcement work, targeting problem areas and establishing a proactive approach.

134. The above has resulted in:-

- Southwark's work on Enviro-Crime receiving a national high profile including television, radio, press coverage and input into best practice guidance documents. Documents include those produced by the ALG, GLA and ENCAMS (charity which runs the Keep Britain Tidy Campaign).
- Other Local Authorities, the Home Office, DEFRA, ENCMAS (to name but a few) recognising Southwark as the leader in the field on a number of initiatives and wanting to visit to determine how the work has been achieved.
- One member of currently seconded to the Home Office to work on Enviro-Crime initiatives within the Anti Social Behaviour Unit.

Specific Issues:- problems and what Southwark does

Air, contaminated land and water quality

135. Poor air quality containing high concentration of nitrous oxides, sulphur and particulates to mention a few is known to be detrimental to the health of flora and fauna alike . In humans the main health implications relate to the respiratory system, increasing the likelihood of diseases and conditions such as bronchitis and asthma, which are particularly dangerous in the young, elderly and people with general poor health.

Authorisations

136. Southwark presently has 8 (Part B) industrial processes and 26 fuel filling stations, which we authorise. Fees are charged for inspection / compliance set by Department Environment Food Rural Affairs. – Currently all our operations are compliant. Although the number of installations has declined in recent years, the regime is due to be extended to bring into control smaller car spraying premises and dry cleaners in the future.

Air Quality

137. Southwark has undertaken the required technical Review and Assessment Process of 7 key pollutants, produced and consulted upon its reports and findings, identified the parts of Southwark, which will not meet United Kingdom

Air Quality standards. (For Nitrogen Dioxide (NO₂ and Fine Particles PM₁₀). Southwark declared an Air Quality Management Area, formulated, consulted and published its Air Quality Strategy and Improvement Plan which was endorsed by Council Assembly January 2003. DEFRA and Greater London Authority have set out a 10-year timetable of milestones for further technical reviews and progress reports to be submitted by all Boroughs. There are progressively stricter limits and additional pollutants being included in the regime

138. It will be necessary to implement the plan, undertake further modelling and report preparation.

Air Quality & Traffic Monitoring

139. It is necessary to maintain a degree of air pollution monitoring to record trends, make comparisons, alert episodes, and to validate predictive modelling. Southwark is equipped with 2 computerised sites (Old Kent Rd & Walworth Rd), shares a 3rd with 4 Boroughs at Crystal Palace. Data is validated and managed by the London-wide Network (Kings College). Nitrogen Dioxide and Benzene is also monitored locally, which provide site comparison within the Borough and between Boroughs.
140. Southwark is progressively extending its network of traffic monitoring sites to record trends and changes resultant from implementation of London wide and local schemes. Such data when linked to DEFRA & GLA emission inventories, will provide air pollution and traffic noise data.

Smoke Control

141. The whole Borough is covered by smoke Control Order (2003). Publicity has been supplied to fuel suppliers reminding them of controlled sale of authorised fuels within Southwark. For new Chimneys and Furnace the Authority requires prior consent. Failure to do so constitutes an offence. To date this year 10 applications have been received and dealt with. Smoke emissions including bonfire nuisances are observed reactively and regulated by Clean Air Act and/or Environmental Protection Act within the Noise & Air Quality Team 24/7 service. The team receives approximately 100 bonfire complaints per annum.

Vehicle Exhaust Emissions

142. **Vehicle Emission Testing** -. Roadside Testing and Penalty scheme was introduced in July 2003 as a Pan-London contract rotating around London at 2 locations each day. Southwark has sites on South Circular, Old Kent Rd, Waterloo Rd and River Bridges. Some 300 vehicles have been stopped and 5% issued with fixed penalties.
143. **Stationary Vehicles running engines** - fixed penalty scheme. Formal arrangements for implementation within Southwark are still under development jointly with Parking and Wardens. However informal action jointly with London Buses at Bus stands within the Borough has lead to tighter control and sanctions on drivers.

Contaminated Land

144. One of the major problems is that contamination or contaminated land is not easily identifiable. In some cases where land had a historical polluting industrial

past the process is easier. However, most of the industrial northern part of the Borough was redeveloped before the regime was introduced, as a result we are unable to gauge the effectiveness of the remediation methods employed to deal with contamination.

145. There are cases where construction practices such as the use of ash or other polluting materials used as infill to make up level has resulted in the contamination of land that would normally expect to be 'clean'.
146. In a similar way our infill docks forms potential areas for contamination because of the lack of control and records of the nature of the infill used.
147. The geology of the Borough has areas of chalk outcropping that make the ground water susceptible to surface contamination.

What we have done

148. Southwark has produced and consulted on its Inspection Strategy endorsed by Committee May 2001 and has commenced implementation of our inspection.
149. Areas have been rated according to risk to health in 3 categories A, B, C 'A' being the 'hotspots'. We have inspected over 70% of the more potentially polluted parts of the Borough, although this represents approx 25% Borough area to date (Dec 2003)
150. Remediation treatment is being driven by regeneration / redevelopment of 'brown field sites' and we need to be engaged in the planning application process to ensure that conditions are applied to ensure adequate exploration, remediation schemes which are documented and approved.
151. We have worked in partnership with other London LA to develop guidance for developers and rationale for risk assessments.
152. Although there is a requirement to keep a Public Register, there are no entries at present, and the likelihood is that these will be negligible since there are unlikely to be areas of the Borough left derelict in want of remediation for which statutory notices will need to be served
153. Other - Public Registers are maintained for all polluting processes both local and Environment Agency regulated by hard copy and electronic means and are accessible by the public or officers via post code access.

Water

154. Southwark is responsible for regulating drinking water supplied from Private Sources to ensure it is potable. There are 2 registered supplies in Southwark (Dulwich Golf Course, Dulwich Hospital).

Anti-social behaviour

Abandoned cars

155. To the public abandoned cars are untaxed, don't move and look derelict. They lower the amenity of the local environment, deprive local people of parking spaces and make it difficult to clean the streets. Abandoned cars are often in a

very poor condition, damaged, wrecked, and dangerous because of the fuel and oil they contain. The cars are unsightly and make the street look unsafe and unkept. Such vehicles fall into 3 categories:

- Near end of life vehicles being stored, repaired or dismantled,
- Abandoned end of life vehicles
- Near end of life vehicles being sold on the street.

156. The number of such vehicles has in recent years risen dramatically partly because of the decline in the value of scrape metal.

What we have done

157. The Council responds to complaints about abandoned vehicles within 24 hours of receipt. Removal depends on the classification of the abandonment:-

- Burnt out vehicle and arson targets are removed instantly,
- Vehicle that present a Health /Safety risk are moved within 24 hours.
- Other abandoned vehicles are subject to Police, and DVLA checks, depending on the type, year and condition of the vehicle, the most appropriate legislation is used to remove and destroy vehicles as quick as possible. The maximum time is 7 days.

158. This year 1204 cars have been removed with 894 destroyed.

159. The Service recently carried out a joint operation regarding vehicles for sale on the highway in and around the Aylesbury Estate, Albany Road, Thurlow Street and Peckham Hill Street, a total of 46 vehicles were removed of which 41 were claimed and paid the removal / storage

160. Fees, only 5 are outstanding which are due to be destroyed.

161. A successful campaign was held informing the public on how to dispose of vehicles correctly.

Anti-social behaviour and nuisance neighbours

162. Anti-social behaviour range of problems these include noisy neighbours, abandoned cars, vandalism, graffiti, litter and youth nuisance. Southwark receives over 40,000 complaints a year about these issues and spends over £250,000 a year on cleaning up graffiti alone.

Fly Posting, Fly tipping and Graffiti

163. Fly posting is unsightly, and contributes to urban decay. It may also cause visual obstruction to pedestrians, cyclist and motorists endangering health and safety.

164. Fly-tipping has a considerable negative affect on the local environment and can represents serious risk to public health particularly if Special Waste is involved. Fly tipping attracts vermin and can cause obstructions. It costs the Council

hundreds of thousands of pounds to clear fly-tips. Fly-tips on private land are also a problem particularly where it is difficult to trace the owner.

165. There are a number of reasons that people resort to fly-tipping, including:
- Poor collection services
 - Lack of proper disposal facilities
 - Limited opening hours at civic amenity sites
 - Charges for bulky refuse collection
 - Charges for trade waste collection
 - Ignorance
 - Avoiding paying landfill tax
166. Graffiti lowers the quality of the local environment and adds to the fear of crime.
167. Last year the Council spent approximately £250,000 cleaning up graffiti. Although more will be spent this year, the amount is still unexpected to satisfy public demand. The occurrence of Graffiti is increasing and the public expects the Council to remove it, not just from Council owned premises but also from private walls and end of terraces that have been defaced by vandals.

What we have done

168. A number of the measures mentioned in this paper have had an impact in reducing the amount of anti social behaviour. The removal abandoned vehicles, graffiti and litter; as well as dealing with problems from noisy neighbours are just a few examples.
169. Southwark Council has an Anti Social Behaviour Unit. The Noise team works closely with the ASBU in dealing with anti social behaviour and have dealt with 25 serious cases this year.
170. Over 800 Fixed Penalty Notices (FPNs) for littering have been issued this year. Southwark has an extremely high payment rate of 90%, which compares very favourably compared to other authorities. National average payment rates released by DEFRA for the last financial year are 40%, and 48% for year 2001/2002. Those who do not pay in Southwark are prosecuted. The number of prosecutions currently stands at 155, roughly 85% of which are for littering and dumping offences. stands at 155.
171. Notices have been served on those responsible for flyposting throughout the borough reinforcing the zero tolerance approach to envirocrime. Utilising legislation within the Town and County Planning and London Local Authorities Act we are able to ensure the removal of any illegal flyposting. This targeted enforcement work is making an impact. Sony Music has ceased this activity considerably within the borough as a result, and a targeted campaign reinforced by ENCAMS is being taken against other major offenders including Universal and EMI.

Our zero tolerance approach means we will target all forms of envirocrime. The abandonment of shopping trolleys around the borough has become a major concern for many people who live and use the borough. Our enforcement team are utilising legislation within the EPA to retrieve trolleys and charge for their

return, or dispose of them. To date, for this financial year, we have received approximately £30K in fines, £20K of which came from Tesco's'.

The re-investment of fines from envirocrimes has included more targeted enforcement work including the purchase of motorbikes with CCTV to pursue and gather evidence for fly-tipping prosecutions. Further work is being undertaken with schools as well as awareness raising, and encouraging more responsible ownership of the borough.

172. Tackling Fly-Tipping' with Metropolitan Police Support and part Council funding is expected to go live on 9 February. The project aims to pre-empt impending legislation including the ASB Act. With funding from the Home Office we will be targeting all waste carriers who travel through the borough in partnership with other bodies including the police and Environment Agency

Enforcement officers and wardens working with the Police have specifically targeted litterouts and carried out a Town Centre blitz. A recent blitz in East Camberwell resulted in 16 FPNs being issued for littering which included people dropping cigarette butts. CCTV and bus lane cameras have been used to identify offenders throwing rubbish out of their cars.

173. Strong publicity such as the Living Southwark campaign has proved very successful. The campaign has utilised the refuse collection vehicles for promoting the campaign. Strong links to the zero tolerance approach and the association of rats with litter is underlining the message being taken by Southwark.

174. Our Bin It to Win It scheme has received national praise including coverage on Carlton TV's Urban Spies programme. The half hour slot followed the work of the enforcement team highlighting Southwark's innovative approaches including the Envirocrime stickers and Bin It to Win It. The scheme rewards those who are seen using one of Southwark's litterbins taking the 'carrot approach' whilst raising awareness. The success of the scheme includes short listing for ENCAMS National Awards in the Innovation category.

175. The award also recognises the success of our Shop Them and Stop Them Campaign. The initiative, which targets prominent taggers within the borough who have been degrading our local environment, has proved so successful that the Home Office has taken it forward that in their 'Name that Tag' campaign being used on bus and train routes.

Noise

176. Nuisance from noise is one of the most disruptive factors to the reasonable enjoyment of living. Chronic exposure to noise can have a detrimental effect on mental and physical health. The main reported causes tend to be the following:-
- Amplified music in domestic premises
 - Parties, both domestic and commercial
 - Noisy animals, particularly dogs
 - Domestic and commercial intruder alarms and car alarms
 - Construction site noise
 - Entertainment venues and outdoor events.

What we have done.

177. Southwark formally adopted the Noise Act in 1998. For the past 5 years a 24-hour a day 7 day a week Noise Team has been in operation, which receives between 10,000- 12,000 service requests per annum. The Team has a target to respond to 75% of complaints within 45 minutes of receipt and manages to achieve this 78% of the time.
178. To date this year the team has:
- Prosecuted 22 noise offenders, securing total fine of over £23,000
 - Served 935 noise abatement notices.
 - Seized and destroyed 9 sets amplified noise equipment
 - Responded to 9,500 service requests
 - Obtained a High Court injunction in respect of a noisy dog.
 - Secured the eviction of an anti social tenant after 3 seizures of noise equipment.
179. Our Benchmarking demonstrates that the Council's service provision for noise nuisance is one of the best nationwide achieving upper quartile performance in terms of service responds and value for money.
180. The Service also limits noise disturbance by having a pro-active approach to regulating construction sites through its Environmental Code of Construction Practice.

Built environment

Housing

181. Poor quality housing particularly in the private rented sector often provides cheap unsafe accommodation that will adversely affect the health, safety and welfare of the occupants. The tenants of such accommodation are generally the most disenfranchised members of our community and include the poor, asylum seekers, people with learning difficulties, mental health problems, recovering drug abusers and alcoholics and ex offenders.
182. In Southwark there are 2,700 private sector dwellings that are unfit for human habitation, housing over 12,000 people. A further 8,000 dwellings are in substantial disrepair, that is are likely to be prejudicial to the health of the occupiers.
183. There are 3,800 Houses in Multiple Occupation (HMO's) in Southwark, 70% of which are in such a condition as to place the occupiers at risk of ill health or injury.
184. Poor quality housing gives rise to poor mental and physical health of the occupiers. Such housing lowers the amenity of the surrounding area and provides for an unkempt and uncared for environment. This in turn gives rise to a fear of crime and an increase in crime and Enviro-Crime.

What we have done

185. Southwark has the best performance in London for improving unfit housing through a combination of enforcement action and neighbourhood renewal programmes.
186. Southwark has declared 3 HMOs registration schemes designed through rigorous enforcement to improve the quality of such housing.
187. We have been praised by the Local Government Association for the work that is done to ensure that asylum seekers placed by the Council into the private rented sector are provided with safe and adequate accommodation.
188. To date this year we have:-
 - Prosecuted 12 irresponsible landlords with fines totalling £25,000
 - Served 159 formal notices
 - Served 120 informal notices
 - Improved through intervention 214 dwellings, providing safe and improved conditions for over 1,000 tenants.

Vacant and derelict land

The Problem

189. Derelict and vacant land gives rise to fly tipping, graffiti, and vandalism; it can also be used by drug users and for other criminal activity. Such land becomes overgrown and attracts pests and vermin through the accumulation of dumped rubbish. Pockets of derelict land adversely affect the local environment, affecting both property values and adding to a perception of crime and lack of responsibility. The Council receives over 1,500 complaints a year about vacant land however many of these are about the same piece of land.
190. To date this year the Council has taken enforcement action in respect of 30 different vacant sites which had given rise to rat of mice infestation or where otherwise a nuisance.

Public Health and Consumer Safety

Food and Health and Safety

191. There are 2,500 premises in the borough that handle or trade food and food products. 480 food premises are categorised as high risk. Ill health caused by food poisoning or eating poor quality, contaminated or spoilt food is of major concern and can cause chronic illness including disability and death.
192. There are over 7,000 premises in the borough for which the Council has a responsibility to inspect to ensure adequate health and safety at work. Ensuring adequate health and safety at work prevents accidents and ill health.
193. Many businesses are owned/managed by persons whose first language is not English; this can result in breaches of U.K food legislation through lack of understanding.
194. There is increasing propensity to trade in illegally produced or illegally imported foods within the Borough and the increasing risk of an outbreak of an infectious disease alien to the UK due to ease of travel and climate change.

195. There are 10 major food manufacturers requiring approval.
196. The regeneration of the north of the Borough has resulted in a significant and growing tourist trade.
197. The rise in the workforce in the Borough increases the health & safety enforcement workload

What we have done

198. A specialist health and safety team was set up in 2003. 11 prosecutions of unhygienic food premises are pending. 2 prosecutions have been heard this year with fine of over £4,000 being imposed. 247 formal notices served and 996 premises improved and made safe as a result of the Council's intervention. The productivity of the service has improved by 60% over the last 9 months. This Service will be in the upper quartile by the end of 2004.
199. Over the past 3 years the number of food premises categorised as high risk has been halved as a result of our intervention and the level of compliance continues to improve.
200. Environmental Health & Trading Standards have carried out a Race Impact Assessment in an attempt to highlight and redress problems caused through communication difficulties.

Entertainments Licensing

201. In order for premises to be licensed it will have adequate arrangements for the public safety and adequate sound insulation/attenuation to minimise noise transmission and likely disturbance to neighbours.
202. Hours of opening will be specified and the person responsible will be required to make sure clients leave the premises quietly.
203. Premises without such controls are likely to offer unsafe condition, noise disturbance within the local environment and other criminal activity such as drug pushing thereby placing clients and local people at risk.

What we have done

204. 8 prosecutions have been taken this year against premises that have either offered unlicensed entertainment or have been in breach of license conditions with a total of £10,000 of fines being imposed. The service has licensed 275 premises ensuring safe, satisfactory conditions in each. License fees are payable to the Council and to date this year £285,000 has been collected.

Trading Standards/Consumer safety

There is an issue with regard to Enviro-Crime and anti social behaviour and the ease of young people being able to purchase aerosol cans, alcohol, tobacco and fireworks. Legislation is now enforce to prevent this. Trading Standards have the responsibility to uncover the illegal sale of such products. This in turn will serve to prevent the problem before it occurs.

The unit is also engaged in covering, seizing and prosecuting for the sale of unsafe and counterfeit goods.

What we have done

- There are 13 prosecutions are either pending or have been heard.
- 274 formal enforcement notices have been served
- 212 commercial premises have been improved as a result of our intervention.
- 23 Formal cautions made

Green and open spaces

205. Parks and green spaces are as essential to our towns and cities. They breathe life into communities, bringing charm, beauty, character, wildlife and a sense of place. Decent parks and green spaces not only contribute to a higher quality of physical environment, but also assist in area regeneration and contribute to the health and well being of local residents as a network of spaces.

Dog and other animal faeces

206. Last year the Council receive numerous complaints about dog fouling. Although there are many cases that are not reported. Feedback from residents tells us that Southwark parks and streets were fast becoming dog conveniences. The clean up was carried out at the cost of approximately £30,000. .

207. Dog mess is unhealthy, anti-social, and unpleasant in the extreme It is associated with a number of diseases including Toxocara, which is a roundworm found in dogs. Roundworm eggs are found in dog mess, which can easily be picked up by young children. This causes stomach upsets, sore throats, asthma and in rare cases blindness. The eggs can remain active in the soil for many years, long after the dog mess has weathered away.

What we have done

208. The work of animal welfare officers, park rangers and enforcement officers have been co-ordinated to educate park users and where necessary to issue FPNs and prosecute offenders.

209. Dog stencils promoting the 'Bag It and Bin It' campaign are being used on pavements where there is a particular problem or offenders. The Living Southwark campaign is also linking in the problems with dog fouling and that we are taking a zero tolerance approach.

Highways and roads

210. Highways, roads and pavements are often managed as strategic routes into towns and cities and therefore play an important role in resident and visitor perception of an area.

Road works and disruption to streets and pavements

What we have done

211. Penalties issued against statutory undertakers for failing to complete works with prescribed times are in excess of £ 1.35 million this year. However the legal process is currently on hold pending the test case by Leicestershire County Council going to appeal at the House of Lords.

Some Examples of Best Practice

We were asked to provide some examples of best practice from around the Country. A search on the internet and discussion with colleagues gave the following as some examples. However, it is our view that a significant amount of best practice and cutting edge work is actually taking place in Southwark.

Abandoned Vehicles

212. The Abandoned Vehicle Initiative Leeds City Council
213. A co-ordinated multi-agency process to combat the problem of abandoned vehicles ensuring rapid removal, de-pollution, and recycling and appropriate disposal of abandoned vehicles.
214. Leeds City Council in partnership with West Yorkshire Police have piloted the abandoned vehicles initiative aiming to co-ordinate the agencies involved in dealing with abandoned vehicles, remove vehicles from public land within 24 hours and dispose of the vehicles properly.
215. The scheme involves developing a multi-agency, co-ordinated approach; improving the channels of communication between all agencies involved. Vehicles are now removed, by a council contractor, within 24 hours of being classified as abandoned, they are then stored (typically for 21 days) and then if the vehicle remains unwanted, under the terms of the council contract, it is de-polluted, broken down into it's constituent parts and fully recycled. Members of the public can enquire about the status of any abandoned vehicle and can see the results of the scheme with vehicles being moved within a day.
216. Since its inception the project has been supported at every stage by members and all three-ward councillors have been involved in publicising the scheme.
217. What has the project achieved?
- Vehicles are now removed within 24hrs (previously vehicles were left for at least 7 days).
 - Minimising the environmental impact of abandoned vehicles through extensive recycling and de-pollution of cars (85% of vehicles are recycled).
 - A significant reduction in the amount of waste going to landfill.
 - The rapid removal of abandoned vehicles from public spaces reduces the risk of injury to the public.
 - Reduced chance of litigation against the council.
 - Reduced instances of land/water pollution from abandoned vehicles.
 - Limits the nuisance created by abandoned cars and improves the visual amenity of an area.
 - Information on specific abandoned vehicles is easily available and enquiries from members of the public can be quickly answered.

- The project will ensure that Leeds City Council more than meets its obligations under the new European legislation.
- The scheme has been so successful a phased expansion is planned so that all vehicles abandoned in the city will be dealt with in the same manner.

Anti Social Behaviour

218. **Sentencing Guidance for Magistrates:** This guidance pack has been used successfully by some Local Authorities to run training sessions with their Magistrates to raise the profile of Enviro-Crimes and levels of fines awarded.
219. **Leeds City Council** has made its fight against anti-social behaviour a priority. The existing anti-social behaviour unit has received significant additional investment and expanded the scope its work to draw up new ways of tackling anti-social behaviour utilising the Crime and Disorder Act as well as housing legislation.
220. The unit has received extra funding to fulfil it's new remit (£6m over 5years), this has led to an expansion in staff and a restructuring of the way in which anti-social behaviour is being tackled.
221. The ASBU now has three area teams that fit the four new policing areas across the city. Each team comprises of a team leader, 2 Senior Enforcement Officers and 8 to 10 enforcement officers.
- Prevention
 - Enforcement
 - Support and Resettlement
222. Each of these strands of the strategy is being delivered in association with different partners.
223. **Prevention** – Working with Education Leeds for schools to implement a prevention message through their citizenship lessons & the youth service to provide diversionary activities for young people.
224. **Enforcement** – Primarily through the work of the anti-social behaviour unit and the police.
225. **Support & Resettlement** – Victim support, Leeds Racial Harassment Project, Social Services, family support and the voluntary sector.
226. The team will take referrals from other agencies and the public. The team then work with appropriate partners to develop an action plan to address the problem.
227. Methods of dealing with anti-social individuals include:
228. **Acceptable Behaviour Contract** – Usually used with young people who sign an agreement to refrain from unacceptable behaviour.
229. **Court injunction** – This can be applied for quickly through the civil courts and its terms can restrict individuals from certain actions.

230. **Anti Social Behaviour Order** – This is more wide-ranging than a court injunction and can stop an individual from carrying out certain actions. The ASBO is not a punishment, it doesn't force people into doing anything but it does demand that that do not do certain things and thus fit into the rules of acceptable society.

Why is this project innovative?

231. The new unit co-ordinates for the first time all the agencies responsible for tackling anti-social behaviour. By widening the remit of the unit anti-social behaviour is tackled wherever it occurs and across all tenures. As well as citywide initiatives funding has been made available to local community involvement teams who then allocate resources to where local residents identify the most need. Money can be used to pay for additional police hours, youth crime diversion schemes and target hardening initiatives.

What has the project achieved?

- Greater awareness amongst the community that unacceptable behaviour will not be tolerated by the Council
- A reduction in petty crime and vandalism in crime hot spots across the city.
- The public can refer anti-social behaviour to a dedicated hotline and know that action will be taken to address the problem.
- The attraction of significant government funding has enabled schemes such as a hotline to report noisy neighbours to be introduced and CCTV coverage to be extended.
- Councillors are seen to be delivering on their election pledges to improve community safety and build better neighbourhoods.

Graffiti

232. **City of Worcester:-** The problem of graffiti, fly posting and sticky advertising labels in the historic heart of Worcester exploded from virtually nothing to a major squalor issue in twelve months to spring 2001. A detailed survey revealed that over 190 walls and items of street furniture in a dozen streets and alleys were affected.
233. A city clean-up campaign was organised, involving councillors, business members of the City Centre Forum, a local environmental charity, the police, and volunteer students from Worcester College of Technology. This clean-up blitz, coupled with much publicity, has cut the incidence of graffiti, fly posting and advertising labels.
234. The business community donated £3,000 and water was donated by Severn Trent plc. Where graffiti could not be over-painted, an environmentally friendly citrus-based chemical was applied and then cleaned off by pressure lance. Posters and labels were scraped off by hand. Over 30 people took part in the month long clean up. Volunteers spent 12 half days attacking the problem with paintbrushes and scrapers.
235. Council staff cleaned public buildings whilst the charity staff cleaned private buildings and street furniture. The police increased their vigilance of general antisocial behaviour in the city centre over the period. One graffiti vandal was captured on CCTV at night and was prosecuted

236. Graffiti, labels and posters quickly re-appeared and the cleaning teams had to re-visit the areas four or five times before a clear improvement could be seen. An extensive media campaign and information boards made everyone aware of the work being done. The public and the business community gave strong backing to the campaign and particularly to the involvement of volunteers.
237. The council has kept on top of the problem in the city centre since the clean up with the purchase of a gum removal machine with a hot pressure wash. Graffiti, fly-posting and sticky labelling has been cut considerably.

Dog and other animal faeces

238. Derry City Council announced a new pilot initiative aimed at cleaning up on dog fouling in public areas. The new anti-dog fouling campaign will raise awareness among dog owners of the issue of responsible action as well as increasing the level of enforcement in particular problem areas.
239. The campaign involved designated officers visiting priority areas in the Council district on a regular basis. The enforcement effort took the form of a fixed penalty notice of £25 in situations where dog owners have permitted their animals to foul and fail to clean up after them. If a case goes to court a maximum fine of £500 may be incurred.
240. Tameside Metropolitan Borough Council used a combination of education, publicity and enforcement to reduce the problem of dog fouling. Over 10,000 on responsible dog ownership and control and care of dogs were distributed. Several anti dog fouling posters were
241. Produced for display in public places.
242. **Publicity:-** Local newspapers were keen to publish information as they received many readers' letters complaining about irresponsible dog owners. Publicity stunts proved extremely valuable for awareness raising and ensure press coverage of the issue. The Council's 'Dusty Dog' mascot helps to promote all aspects of responsible dog ownership.
243. **Enforcement:-** Practically all Council owned land was designated a 'poop scoop' area. All roads, footpaths, schools, cemeteries, sports fields and parks were incorporated. Tameside has a large force of town wardens who patrol the Borough. The Wardens role has been developed using elements of best practice from warden schemes across the country. Tameside Wardens have a very flexible role and cover a wide range of environmental issues. Wardens in Tameside are unique as they have an enforcement role and have been particularly successful with respect to dog fouling.
244. **Enforcement in Practice:-** Dog Wardens & Town Wardens are all trained in evidence taking and will interview anyone seen not cleaning up. A pro-forma record of interview has been developed to assist wardens during interviews. All prosecution procedures are documented within the ISO 9002 quality manuals.
245. **Consultation:-** Consultation with residents over recent years highlighted significant dissatisfaction with respect to dog fouling and concerns with respect to community safety. Residents told the Council that a presence on the streets would alleviate the fear of crime and that tough action should be taken against those who do not clean up after their dogs.