



## **Sustainable Development Select Committee**

### **Report title: Update on Environmental Crime Enforcement Team**

**Date:** 8<sup>th</sup> September 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Seamus Adams – Head of Commercial Operations and Development

### **Outline and recommendations**

The purpose of this report is to update the Sustainable Development Select Committee on the progress of the Environmental Crime Enforcement Team in tackling fly tipping and irresponsible waste management.

Sustainable Development Select Committee is asked:

- To note and comment on the contents of this report and supporting presentation.

### **Timeline of engagement and decision-making**

Approval of Hybrid Enforcement Team – Mayor and Cabinet February 2021

## **1. Summary**

- 1.1. This report presents an overview of the current activities and performance of the Environmental Crime Enforcement Team in tackling fly tipping and irresponsible waste management.

## **2. Recommendations**

- 2.1. To note and comment on the contents of this report and supporting presentation.

## **3. Context**

- 3.1. In order to tackle the increasing amount of fly tipping and associated anti-social behaviour occurring in the Borough, an innovative and cost effective solution was required.
- 3.2. The solution was to work with NSL, the Council's parking enforcement contractor, to provide 6 officers and back office functions to support the existent Lewisham Waste Enforcement team.
- 3.3. The combined team, now known as The Environmental Crime Enforcement Team (ECET), have made a positive contribution to tackling those engaged with fly tipping and anti-social behaviour.

## **4. Background**

- 4.1. The Council is committed to making Lewisham cleaner and greener by working to protect and improve the local environment, where everyone can enjoy clean streets and benefit from a clean street environment.
- 4.2. Mayor and Cabinet agreed in February 2021 for a 6 month pilot between the Council and NSL to create a Hybrid Enforcement team that would target fly tipping and the issuance of fixed penalty notices for littering and fly tipping offences.
- 4.3. The Environmental Crime Enforcement Team provide a highly visible, re-assuring presence on the streets, tackling fly tipping and littering, and promoting responsible waste management and behaviour change.
- 4.4. The legislation used is primarily Sections 87 of the Environmental Protection Act 1990 for littering and 33 of the Environmental Protection Act 1990 for fly tipping. Payment of a fixed penalty notice is an opportunity to discharge liability to further enforcement action.
- 4.5. The Environmental Crime Enforcement Team have issued over 2200 fixed penalty notices since August 2021 to the time of writing this report with £200,000.00 of income and a payment rate of 56%. The income is spent on providing the service.
- 4.6. The team are pro-active, collaborative and supportive and work with other Council services and external agencies, Met Police, Environment Agency etc.
- 4.7. The team use the 4 E's approach – Engagement, Education, Encouragement and Enforcement, and have received relevant training to carry out their duties respectfully, effectively and proportionately.
- 4.8. The team manage their statutory functions – abandoned vehicles, forecourt licensing etc. as well as the fly tipping programme. They also have access to re-deployable CCTV equipment which is used effectively to trace owners of vehicles used in fly tipping incidents. Unfortunately CCTV isn't so useful in identifying individuals dumping rubbish.
- 4.9. The team is deployed effectively by using intelligence gathered from reports made on the Love Clean Streets App, from residents and from the Wearside Depot Cleansing team. Over 28,000 reports of fly tipping were made on the Love Clean Streets App from August 2021 – August 2022. The team cannot respond to every report, but fly tips are cleared routinely by the street cleansing service and any evidence found is passed back

to the Enforcement team for a decision on action.

- 4.10. The Environmental Crime Enforcement Team is issuing nearly 200 fixed penalty notices per month. The income is ring-fenced to the service. There is a discount for early payment of the fixed penalty notice. It isn't lawful to prosecute for non-payment of a fixed penalty notice, in this circumstance the person would be referred for prosecution of the original offence.
- 4.11. An escalation process has recently been put in place to encourage payment of outstanding fixed penalty notices. There is no formal appeals procedure against a fixed penalty notice, but mitigation is taken into account, and due lawful process is followed.
- 4.12. The Environmental Crime Enforcement Team have been supported by a communication campaign that promotes Cleaner Lewisham and responsible waste management..
- 4.13. The next phase of the communication campaign is focused on 'casual' fly-tipping among residents – highlighting the impact of even very small instances of fly-tipping in the borough, particularly in terms of the money wasted on clearing it up, that could go to other local services.
- 4.14. A recent channel insight survey carried out for the Communication team (using a representative sample of residents) found a 53% awareness rating of the Cleaner Lewisham campaign – much higher than usual for this sort of campaign.

## **5. Financial implications**

- 5.1. There are no direct financial implications arising from the recommendations in this report. Income from the receipt of fixed penalty notice payments is ringfenced and put back into the service.

## **6. Legal implications**

- 6.1. The service must comply with current legislation when dealing with environmental crime. Legislation authorises the issue of fixed penalty notices by the Council as an alternative to prosecution for littering and fly-tipping offences. If the recipient of the fixed penalty notice fails to pay the penalty, the Council may then prosecute for the original offence.

## **7. Equalities implications**

- 7.1. Cleaner streets benefit everyone.
- 7.2. When conducting PACE investigative interviews with those suspected of environmental crime, any special needs will be taken into account prior and during the interview process.

## **8. Climate change and environmental implications**

- 8.1. Changing peoples behaviour and encouraging responsible waste management are key drivers of the enforcement approach being taken.
- 8.2. Reducing the amount of waste left illegally on Lewisham's streets will improve the local street environment, reduce the costs and environmental impact of collection and disposal, and is congruent with Lewisham's Waste Management Strategy.

## **9. Crime and Disorder implications**

- 9.1. The actions taken by the Environmental Crime Enforcement Team are proportionate and follow due process. Waste crime is on the increase across the UK and the ECET follow data sharing protocols with external agencies to pass and receive relevant information concerning waste crime.

## **10. Health and wellbeing implications**

- 10.1. The actions taken by the Environmental Crime Enforcement Team will contribute to a positive impact on the wellbeing of people living and working in the Borough, which will
- 10.2. be beneficial to all.

## **11. Report author(s) and contact**

- 11.1. Seamus Adams. Seamus.adams@lewisham.gov.uk
- 11.2. Comments for and on behalf of the Executive Director for Corporate Resources
- 11.3. Shola Ojo]
- 11.4. Provide the name of the author of the financial implications.
- 11.5. Comments for and on behalf of the Director of Law, Governance and HR
- 11.6. Melanie Dawson
- 11.7. Provide the name of the author of the legal implications.

## **12. Appendix 1**

- 12.1. Presentation: Environmental Crime Enforcement Team – Update