Report to Executive

Agenda Item: **A.2**

Meeting Date:	02 June 2021
Portfolio:	Environment and Transport
Key Decision:	KD 27/20
Within Policy and Budget Framework	Yes
Public / Private	Public
Title:	Local Environmental Crime, Action and Enforcement Strategy
Report of:	The Deputy Chief Executive
Report Number:	CS 23/21

Purpose / Summary:

The report presents the final draft of the Local Environmental Crime, Action and Enforcement Strategy for comment and approval of Executive. This strategy brings together in a single document how the Council meets its responsibilities for maintaining clean streets and neighbourhoods and highlights the wide-ranging activities of the enforcement team in raising awareness and taking robust enforcement action against those responsible for committing enviro-crimes.

Recommendations:

Executive is recommended to approve the Local Environmental Crime, Action and Enforcement Strategy.

Tracking

Executive:	14 December 2020 and 02 June 2021
Overview and Scrutiny:	14 January 2021 and 08 April 2021
Council:	N/A

1.0 Introduction

1.1 This report presents the final draft of the Local Environmental Crime, Action and Enforcement Strategy for comment and approval by Executive.

1.2 Executive has previously received a report summarising the content of the strategy but has not until now had opportunity to formally approve the final draft which is now presented at appendix one.

1.3 The draft strategy has also previously been considered by Health and Wellbeing Scrutiny Panel in January 2021 as part of its wider discussion on the review of the Public Space Protection Order for Carlisle. And, more recently in April 2021 as a separate agenda item where the strategy was welcomed and endorsed.

1.4 The strategy presented to Executive has been amended slightly following the discussion at Scrutiny and also now includes an expanded section on the Council's approach to graffiti (section 6.2). This change was reported verbally to Scrutiny in April 2021

2.0 The Local Environmental Crime, Action and Enforcement Strategy

2.1 The strategy combines in a single document, the Council's approach to maintaining clean streets and neighbourhoods and outlines how we will work in partnership with residents, businesses and community volunteers to achieve our aims. It also outlines the wide range of activities undertaken by Civil Enforcement Officers from raising awareness of enviro-crime and supporting community based responses, through to investigating offences, issuing fines and preparing cases for prosecution through the courts with the support of colleagues from Legal Services.

2.2 The strategy provides an opportunity to highlight best practice and innovative solutions across the service as the teams work to tackle stubborn enviro-crime challenges working with a range of partners and volunteers. Recent examples in this regard include the successful campaigns to target fly-tipping at recycling sites at Christmas and more recently the launch of the enforcement camera van to target roadside litter but also to act as a high-profile deterrent against other enviro-crimes such as fly-tipping and dog-fouling.

2.3 The full strategy is presented at appendix one for comment and approval. It is intended to produce a summarised, website friendly version to support awareness raising efforts.

3.0 MONITORING AND EVALUATION

3.1 Standards of street cleaning are monitored constantly across the year, but in addition, officers carry out local environmental quality (LEQ) surveys in key areas and streets to assess and report on the standard of appearance / cleanliness using Keep Britain Tidy ratings for cleanliness.

3.2 The Council receives and welcomes reports from residents and councillors regularly for example in relation to the standard of street cleanliness or incidence of fly-tipping or dog-fouling. Information is used to target intervention as appropriate. Executive has approved funding to support further work on the development / purchase of a web-based solution of mobile app to improve the reporting of enviro-crime incidents by residents (additional Environmental Clean-up and Enforcement budget 2021/22).

3.3 The strategy has been written in a style to avoid the need for frequent updates should legislation and powers change or as the levels of fine / penalties change. Where there is a more fundamental change, the strategy will be revised accordingly.

4.0 CONCLUSION AND RECOMMENDATIONS

4.1 The Local Environmental Crime, Action and Enforcement Strategy sits outside of the Council's formal policy framework and does not require formal consultation. The strategy has been welcomed and endorsed by Scrutiny.

4.2 Executive is recommended to approve the Local Environmental Crime, Action and Enforcement Strategy.

5.0 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 Maintaining clean, safe and attractive streets, neighbourhoods, villages and towns, cuts across a number of the priorities, as outlined in the strategy.

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Appendices attached to report: Appendix 1
Local Environmental Crime, Action and Enforcement Strategy

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS:

LEGAL The proposed Strategy will help and inform the Council's officers in carrying out their duties and ensure that we deliver our enforcement activities in a transparent and consistent manner.

FINANCE Any financial implications of implementing and monitoring this Local Environment Crime, Action and Enforcement Strategy can be met from within the existing base budgets under the control of the Community Services Directorate.

EQUALITY This report raises no explicit issues relating to the Public Sector Equality Duty.

INFORMATION GOVERNANCE Addressed within the strategy

PROPERTY SERVICES No property implications

Appendix 1

CARLISLE CITY COUNCIL

www.carlisle.gov.uk

Working together to keep Carlisle clean:

Local Environmental Crime, Action and Enforcement Strategy

(incorporating Litter Strategy)

Local Environmental Crime, Action and Enforcement Strategy

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- Appendix 01: Managing litter
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*All information subject to change - correct at time of first publication.

Section 01: Introduction, priorities and aims

Carlisle City Council is committed to maintaining a clean and safe environment for everyone. This commitment recognises the Council's statutory responsibility to keep the streets and local environment clear of litter, dog fouling, fly-tipping and to deal with other local environmental quality issues including working with a range of partners to tackle anti-social behaviour. This as a shared responsibility that cannot be achieved without the support of the people of Carlisle and visitors in taking responsibility for their own actions. There are many opportunities for people to volunteer in the local community to support litter picking activities, working together to keep Carlisle clean.

This document highlights the Council's approach to maintaining clean streets and neighbourhoods across the district of Carlisle and highlights the work of the Civil Enforcement Officers in raising awareness of environmental crime, including challenging unacceptable behaviour and taking robust enforcement action, when necessary.

1.1 Supporting local priorities

Maintaining clean, safe and attractive streets, neighbourhoods, villages and towns, impacts positively on:

- the quality of life for residents with opportunities to enjoy the place where they live, work, visit
- healthy and active lifestyle choices through play, exercise and sport
- building social cohesion and creating a stronger sense of community and civic pride
- local eco-systems and biodiversity
- inward investment and regeneration, creating employment and training opportunities to support the local economy and tourism.

As well as being unsightly, litter can have serious environmental consequences that persist for decades / hundreds of years and longer as different materials take a very long time to decompose and break down. This is not only unsightly but has serious consequences for the local environment.as local habitats are damaged with birds and other animals / wildlife at risk of poisoning, choking and trapping. Litter dropped in the street can travel through local water courses and drainage systems into the sea affecting fish and other marine life, potentially getting into the food chain, posing a risk to human health.

1.2 Aim of the strategy

The aim is to ensure Carlisle is a clean, safe, healthy and welcoming place to live, work and visit. To meet this aim, staff in the Neighbourhood Services are responsible for keeping the streets, town centres and residential areas clean and litter free. As the behaviour of a small minority of people falls short of acceptable standards, the Council employs a team of Civil Enforcement Officers to prevent, detect and deter enviro-crime…

Prevent: To prevent enviro-crime by raising awareness of the problem through education and

local awareness campaigns targeted at changing people's behaviour

Detect: To detect enviro-crime quickly and take swift and robust action with dedicated and responsive enforcement officers using modern technology and working in partnership with other enforcement bodies to ensure activities are intelligence led

Deter: To deter enviro-crime by making sure that those who commit crimes are caught, that the action taken is proportionate and through promoting success, to deter others from committing such selfish behaviour / offences



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Section 02: Our approach to maintaining clean neighbourhoods

This document sets out the Council's approach to maintaining clean neighbourhoods and highlights the action to be taken when enforcement becomes necessary. All the issues highlighted in this document are important in maintaining a clean and safe environment. It is recognised, however, that as resources are limited, to ensure that streets and neighbourhoods across the district of Carlisle are maintained to consistent standards, a mix of both programmed and responsive street cleaning, supported by intelligence-led enforcement activity targeted as necessary is vital.

Operational priorities may also change across the year depending upon the season, for example, resources may be diverted towards leaf-fall clearance in autumn or responding to severe weather events (snow clearance / flood clean-up). Resources may also be diverted to targeted activity or campaigns across the year in response to local or national issues.

The clean neighbourhoods team works seven days a week, 365 days a year to keep streets, pavements and town centres clean and litter free across Carlisle, its towns and villages. Resources are allocated to cleaning in response to demand to ensure that all areas of Carlisle are maintained to consistent standards. Some areas may require a light-touch whilst others may require more frequent or intensive input with a mix of manual and mechanical sweeping operations following a programmed approach. Most streets are swept every two weeks in the city / urban areas and every five weeks in the rural villages. The programme may be adjusted in response to changing demands, local incidents, or seasonal pressures.

Street cleaning activity is also coordinated with other neighbourhood services such as refuse and recycling collections, with teams programmed to follow the next day to sweep / pick any litter that may have been spilled during refuse collection.

Dedicated teams also support our city and town centres to ensure Carlisle remains the destination of choice for visitors and shoppers. Our officers will work with planning and regeneration officers, town centre managers and local businesses to remove clutter and ensure our streets and pedestrianised areas flow freely and any traps for litter are removed where possible. Litter and recycling bins are provided in locations based on need with street cleaning teams and civil enforcement officers maintaining a high-profile presence, engaging with members of the public and local businesses, particularly the well-known fast-food outlets. On popular weekends when the night-time economy is extra vibrant, additional temporary bin capacity may be deployed in key locations and removed the next day.

Provision of litter/recycling bins is informed by the guidance produced by WRAP – The Right Bin in the Right Place. The location of litter bins is regularly reviewed to ensure best practical use.

In 2020, the city centre cleaning regime was further enhanced to reduce Covid related risks and included the provision of hand-sanitsation units at key locations. The Council's coordinated response is supported by a team of Covid Marshalls providing a visible presence in the city centre to remind people and businesses of the need to continue to follow the rules and guidance.

Infrastructure

*All information subject to change - correct at time of first publication.

The team services over 800 litter bins throughout the city and rural areas. Litter bins are allocated on a demand / need basis and their condition and use regularly monitored. Mobile teams will empty the litter bins but also sweep and litter pick the immediate area. Requests for additional or replacement litter bins are considered based on evidenced demand, the amount of litter in the area, the proximity of other litter bins, the frequency of street cleaning services and ease of access. The location, condition, style and number of litter bins is reviewed at least annually.



Consideration is also given to the impact of the bin in the immediate area and a view is taken as to whether the provision of the additional bin will provide the desired solution. Criteria for the allocation of litter bins can be found in Appendix 02.

Our staff also work in partnership with groups such as Parish Councils and community groups to co-ordinate the litter strategy in their local area and to support local volunteer groups with litter picks and provide equipment

To reduce the frequency of collection, improve efficiency and effectiveness across our service and to help target 'hot-spot' or high-profile areas, the Council is working to increase provision of combined litter/recycling 'on the go' street bins in key locations to support the collection of plastic drinks bottles, drinks cans and paper/card. This will be supported with clear signage to reduce contamination and help protect the quality and value of the recycling. Such bins are already in place in our city and town centres, and local parks.



The design and appearance of bins is also a considering factor. Whilst most bins will be of the same 'corporate' appearance, there is scope to introduce a different design of bin, better suited to the local environment, play parks, retail areas, rural village settings etc. Contemporary, modern bins for example may be appropriate in some locations but more traditional, 'classic' style of bins are more suited in some city centre locations to reflect local surroundings and heritage. In all cases the bins will need to meet minimal standards in terms of safety and durability. The number, size, design and type of bin will be discussed with ward councillors. The provision of litter bins in areas with a busy footfall such as the city centre or at our transport hubs may require a different approach in line with Government guidance to reduce the threat from terrorism. This could see bins removed, relocated, or replaced with an alternative to mitigate such risks. More information on managing our litter and suitable bin types can be found in Appendix 01.

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In areas and routes popular with dog-walkers it may be more appropriate to site litter bins strategically supported by clear signage to encourage responsible dog ownership. Challenging irresponsible dog ownership and dog-fouling is a priority for the Civil Enforcement Team with the approach outlined further in this strategy.

Other waste receptacles may also include smaller bins to help deal with the stubborn problem of chewing gum and smoking related litter backed up by clear signage, education and awareness raising and enforcement where necessary by Enforcement Officers.

Whilst the bulk of street cleaning activity is programmed to ensure consistency in standards across Carlisle district, the team also provides a targeted response service for example to clear fly-tipping, remove offensive graffiti within 24 hours, pick up discarded needles, remove and clean bird droppings, pressure wash pavements, pick up dead animals and clean up animal faeces.

Monitoring quality standards

Standards of street cleaning are monitored constantly across the year but in addition, officers carry out local environmental quality (LEQ) surveys in key areas and streets to assess and report on the standard of appearance / cleanliness assessed against Keep Britain Tidy's standards for cleanliness.

Roadside litter

Activity is also programmed at key dates across the year to remove litter from roadside verges which is not only unsightly, but is harmful for local wildlife and can have lasting, negative impacts on the wider environment should such items enter local water courses, streams and rivers, ultimately spreading across oceans. This activity is time-consuming, expensive and high risk for staff given the risks of working in the highway close to moving traffic. To protect staff and minimise the impact on road users, such work is often carried out very early in the morning with traffic management controls and signage in place.



Reporting concerns

We welcome comments on the standard of street cleaning and invite constructive suggestions as to how we can improve our services for the people of Carlisle. Concerns about the cleanliness of streets can be reported at the Keep Carlisle Clean page at www.carlisle.gov.uk.

2.1 Shared responsibility

Working together to keep the local area clean helps to establish a sense of pride; it can bring

neighbours together to tackle loneliness and improve health and well-being, provide safer places for children to play or to just sit and enjoy a ‘cuppa’ with a neighbour in a clean outdoor space. In the bigger picture, clean streets and attractive gateways, vibrant neighbourhoods, active communities help to support inward investment in the city and attract visitors, growing the local economy.

To help us continue this good work we are looking for people to volunteer to take part in community based clean up events or as a local ‘litter champion’ to coordinate and lead such activity in your area. The Council will provide all the equipment and material needed to establish a community litter pick event and to coordinate the collection of any litter collected.

More information on being a Litter Champion or how to set up a community litter pick is available from Keep Carlisle Clean page at www.carlisle.gov.uk

2.2 Local action days / community response



The Council will also support targeted clean-up activity or action days for example organised by community groups, social landlords and businesses to help residents to clear homes, back-yards and gardens of clutter and reduce the risk of such items being fly-tipped as well as improving the overall general appearance of the area.

The Council welcomes the support of volunteers to support community clean-up. Resources, advice and information can be provided to volunteers and local groups across the year to support community-based litter picking activity or to help improve a local area. Typical resources include:

- Litter pickers (adult and children’s sizes)
- Hi-visibility vests and gloves (adult and children’s sizes)
- Refuse bags
- Risk assessments and safe working guidance
- Promotion material
- Gardening tools
- Vouchers for plants / shrubs / paint materials etc

2.3 Community Payback

The Council will work with a range of partners such as the Community Payback team on projects in local areas. Community Payback provides opportunities for low risk offenders, who pose no harm to the public, to carry out unpaid work on projects to improve the local area and help to ‘pay back’ the community for their crimes. Projects must benefit the local community but should not

take paid work away from others nor make a profit for anyone. Typical activities may include:

- removing graffiti
- clearing wasteland
- decorating a community centre

2.4 Parks and open spaces / cemeteries

Carlisle's parks and green spaces are open for everyone. Council staff and volunteers work hard to ensure the parks are an enjoyable and attractive place for people to visit and spend time in. The Council aims to keep its parks and green spaces safe, free from litter, dog fouling and anti-social behaviour. Carlisle's cemeteries are also special places to visit, not only to visit graves and take time to remember loved ones but also to walk through to enjoy the gardens and wildlife.

Visitors to parks and cemeteries must:

- Take all litter home or use the bins provided
- Pick up after their dogs
- Respect other park-users
- Keep dogs out of children's play areas and keep them on leads in designated areas
- Keep dogs on a lead at all time in cemeteries
- Behave appropriately and respectfully being sensitive to others particularly if there is a funeral or burial underway
- Respect the graves, memorials and floral tributes.

Section 03: Our approach to enforcement

Good enforcement practice should have clear standards, be carried out in an open, helpful manner, have a proportionate and consistent approach. This approach ensures that we:

- focus on prevention / education rather than enforcement
- provide advice to support businesses and others to meet their legal obligations
- are consistent, fair and equitable in the application of standards to all
- take robust and proportionate action to ensure that those responsible are accountable for their actions

This strategy sets out how we will use these powers to ensure an effective, consistent and clear approach to tackle environmental issues.

3.1 Awareness raising, education and advice

Carlisle City Council recognises the importance of raising awareness, giving advice, encouraging and educating people on positive and responsible behaviour. Officers will work with children and young people in schools, develop local campaigns on key themes and work with volunteer groups and partners in support of local community led action. Recent examples include:

- Keep Carlisle Clean campaign focussing on
    - dog-fouling
    - littering
    - fly-tipping
- Neat Streets Initiative
- Engagement with children and young people in schools
- Work with partners and volunteers on community led clean-up activity
- Engaging with business to ensure responsible commercial waste management
- Working with partners on responsible dog ownership
- Alley gating

Focused campaigns are also developed to highlight local environmental quality problems to a specific group or within a certain area (hot spot). The Strategy will also support national and regional environmental quality campaigns.

3.2 The enforcement team

Carlisle City Council employs a team of Civil Enforcement Officers with responsibility for:

- Providing advice and raising awareness
- Environmental enforcement
- Car parking enforcement

Officers work in shifts, seven days a week, in streets, town centres, parks and car parks across

Carlisle. The role of an enforcement officer can vary from offering advice and guidance on environmental crime issues, issuing penalty notices for various offences as well as working with others to encourage positive behaviour. They work within the Neighbourhood Services team which is responsible for the delivery of services such as street cleaning, refuse and recycling, fleet management and car parks.

Officers can usually be identified by their formal uniform although they also carry out 'plain-clothes' patrols. Officers will behave in a professional and respectful manner and will always present their official City Council photo-identity badge when challenging those responsible for committing offences such as dropping litter or failing to clean-up after their dog has fouled.

Officers do not accept cash payments and will never ask for any cash payments when dealing with an incident. Fixed penalty notices (fines) or penalty charge notices (parking tickets) include details on how to pay the fine / charge for the offence committed.

Officers will use a range of technology to support enforcement activity. This includes cameras operated from vehicles or fixed cameras mounted at key locations. Clear signage will be displayed to inform people that cameras may be in operation. Images captured may be used to support investigations and enforcement action as well as forming part of an evidence pack to support cases presented to the courts. Civil Enforcement Officers also use body-worn cameras to support our enforcement activity and to reduce health and safety risks.

Civil Enforcement Officers also work with partners such as the Police, Housing associations and support initiatives such as Carlisle 'Shopwatch' sharing information / intelligence as necessary for example in relation to anti-social behaviour in specific areas.

3.3 Respect our staff

The Council will not tolerate threats, intimidation, violence or abuse towards staff at any time. Concerns will be reported to the Police. Verbal or physical abuse of staff could result in prosecution. CCTV evidence, for example from body-worn cameras, may be provided as evidence where appropriate.

3.4 Authorised action / powers / legislation

Civil Enforcement Officers are authorised, qualified and competent for the purpose of exercising any and all the statutory powers related to their role on behalf of the City Council. As new powers emerge or as existing legislation is updated, further training is provided to officers as necessary to confirm competency. The list below should is not definitive.

- Clean Neighbourhoods and Environment Act 2005- Parts 2; 3; 4; 5; and 6
- Environmental Protection Act 1990 (EPA 1990) – Parts 2 and 4
- Anti-social Behaviour Act 2003, Part 6
- Anti-social Behaviour, Crime and Policing Act 2014– Part 4
- The Microchipping of Dogs (England) Regulations 2015
- he Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016
- The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regs 2018
- The Environment Act 1995

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Decisions about the most appropriate enforcement action to be taken are based upon professional judgment, legal guidelines, statutory codes of practice and local priorities / factors. Most decisions will be taken by Civil Enforcement Officers with advice from senior officers or Council solicitors when necessary.

*All information subject to change - correct at time of first publication.

Section 04: Enviro-crime

Enviro-crimes are illegal acts which harm the environment and are liable for prosecution. They can also have serious impacts on our health, wellbeing and our natural environment. There are no acceptable excuses for committing enviro-crimes and no community should have to put up with such irresponsible and selfish behaviour by a small minority of people. Environmental crimes include:

- Littering
- Fly-tipping
- Illegal disposal of household refuse
- Illegal disposal of commercial / business waste
- Dog-fouling
- Abandoned vehicles

4.1 Littering

The Environmental Protection Act 1990 (S.87 as amended) states that If any person throws down, drops or otherwise deposits in, into or from any place to which this section applies, and leaves, anything whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place commits an offence, this also includes smoking related items and chewing gum.

In order to tackle littering, Civil Enforcement Officers will:

- Promote campaigns to encourage behaviour change
- Carry out high profile patrols and utilise technology such as cameras to support enforcement
- Take enforcement action through issuing Fixed Penalty Notices or pursuing cases through the courts as necessary
- Publicise successful prosecutions through the courts, releasing details of the offender and the sentence through the local media to deter others from offending.
- Roadside litter is an increasing problem. Not only does it look unsightly, it is harmful to wildlife and the environment and dangerous and expensive to clean up. The registered keeper of a vehicle is responsible for any littering offences which take place from their vehicle. The Council will pursue enforcement action against those who throw litter from their vehicles. This includes deploying a dedicated camera vehicle to highlight the issue of roadside litter and to support enforcement action by capturing robust video evidence of offences committed. As part of the enforcement process the team will gather information from external agencies including the DVLA.

As the operator of a fleet of vehicles with on-board cameras, the Council may also draw on video footage from its other vehicle cameras where incidents of littering have been observed by Council staff to support enforcement action.

As the use of dash-cam footage extends, the Council welcomes video evidence from other motorists of littering offences committed from vehicles. Video evidence submitted needs to be supported with signed witness statements.

The Council would typically deal with littering offences through the issue of a fixed penalty notice or fine. Should the matter be referred for prosecution, the courts are able to impose fines up to £2,500* plus costs.

4.2 Litter from Businesses

It is recognised that commercial businesses do not necessarily have any control or influence over the behaviour of their customers after leaving their premises and items purchased may end up as litter. Businesses are therefore encouraged to consider their wider social responsibilities and recognise the impact of their operations in the local community. The Council aims to work in partnership with businesses to minimise the impact of litter from fast-food outlets and shops, for example encouraging litter pick activities within the community or exploring other options to identify those dropping litter. The Council has the power to issue Community Protection Notices to businesses that contribute on an on-going basis to a litter problem in an area. FPN powers may be used if the conditions of the notice are breached.

4.3 Fly-tipping of waste on public and private land

Fly-tipping is the illegal dumping of waste that can have a detrimental impact on the appearance of the area. The size can vary from one bag of rubbish, a mattress or several bags of builder's rubble and garden waste. At the larger end of the scale fly-tipping can involve several truckloads of construction and demolition waste being tipped.

The Council takes the offence of fly-tipping very seriously and will pursue enforcement action against those responsible. The Council will:

- Encourage people to take responsibility for their own actions and behaviour
- Deploy CCTV and signage in key areas
- Remove fly-tipping as soon as possible after investigation to deter others adding to it
- Take enforcement action through issuing fixed penalty notices
- Pursue cases through the courts where necessary.

The City Council is responsible for clearing fly-tipping on public land within the boundary of Carlisle where it is safe and practical to do so. The Council is not responsible for clearing fly-tipping from private land. Private landowners are responsible for the safe and legal disposal of fly-tipped waste on their land and to meet any costs associated. Where cases are reported to the Council, officers may be able to investigate and use all relevant powers to ensure that those dumping waste on private land are prosecuted and any clear up costs recovered from the offender.

The Environment Agency is responsible for investigating larger scale incidents. Typically, this would be where there is more than 20 cubic metres (or a tipper load), or where it was linked to criminal business activities, or for hazardous waste (greater than 75litres) where there is potential to harm the local environment.

Whilst all incidents of fly-tipping are recorded, it can unfortunately be very difficult in many cases to pursue enforcement action due to the lack of evidence or robust witness statements to identify those responsible.

*All information subject to change - correct at time of first publication.

To maintain standards of street cleanliness, operatives are empowered to quickly remove fly-tipped items where it is clear there is no evidence to support an investigation. Where there is potential evidence to support further investigation, such staff are empowered to photograph the fly-tipping incidents, including any evidence, before removing the dumped waste, logging the location, date and time. This information is then forwarded to the Enforcement Team.

In some cases, it may be more appropriate to report the incident immediately to the Enforcement Team for investigation in which case there may be a delay in clearing the items, pending any investigation. The items / fly-tipping site will be 'marked' during this time, so residents know the Council is aware of and dealing with the matter. This will also avoid repeated calls to report the same fly-tipping incident to the Council.

4.4 Fixed Penalty Notices (FPNs) and prosecution for fly-tipping

Civil Enforcement Officers have power to issue a fixed penalty notice for fly-tipping offences as an alternative to prosecution. This is a more efficient and appropriate sanction to deal with incidents of 'low level' fly-tipping. A low-level incident could be described as anything from two black bags, mattresses, sofas etc. up to a van load of dumped waste. Officers may deal with the dumping of a single black bag as a littering offence rather than fly-tipping.

The offence of fly-tipping can be dealt with by issuing a fixed penalty fine of up to £400*. However, consideration may also be given to prosecution should it be deemed that the Fixed Penalty Notice was not proportionate for the offence committed.

For larger fly-tipping incidents, for example commercial or hazardous waste, prosecution may be the preferred option.

The fly-tipping of waste is a serious criminal offence with the potential for an unlimited fine or up to five years imprisonment.

It is also an offence for owners / occupiers to allow / permit fly-tipping on land / premises that they own or rent.

Illegally dumping items from vehicles is also classed as fly-tipping. The person controlling the use of the vehicle can be prosecuted. It is possible for a prosecution to occur when only the vehicle, not the driver, is identifiable. The police also have the power to seize vehicles used for fly-tipping.

4.5 Fly-tipping hot spots

As resources are limited, it is vital that enforcement activities are intelligence-led and targeted to priority 'hot-spot' areas, supported by the deployment of modern technology such as fixed and mobile cameras where appropriate. Signs are displayed in the areas being monitored to make it clear that CCTV cameras are in operation and any video evidence gathered may be used for the prevention and detection of crime. Some cameras may be visible in the area, for example mounted on posts or on the side of buildings, but in more rural locations, or as part of a targeted initiative, the cameras may not always be visible. In all cases, signs will however confirm that cameras may be in operation.

*All information subject to change - correct at time of first publication.

Enforcement Officers may also carry out direct observation in hot-spot areas from vehicles or may be on patrol on foot either in uniform or in some cases, in plain clothes.

Video footage from cameras will be viewed as part of the investigation into a fly-tipping incident. This can be particularly effective in dealing with fly-tipping incidents where vehicles are involved as the registered keeper of the vehicle can be identified and interviewed in relation to the offence. If waste is dumped from a vehicle, the registered keeper can be held legally responsible for the fly-tipping. The Council will work in partnership with external agencies as part of our investigations including the DVLA.

Any decision to deploy cameras needs to be assessed to ensure their use is both proportionate for the intended purpose and appropriate in the location.

4.6 Waste dumped in un-adopted back streets (Neat Streets Initiative)

Some fly-tipping hotspots are close to residential areas and sometimes the fly-tipping is carried out by those who live in the immediate area. It is often difficult to identify and take enforcement action against those responsible and community-based solutions are often the only option. An example of this, is rubbish dumped on un-adopted back streets where the Council has worked with residents to support the clean-up operation under the Neat Streets Initiative.

There are many rear lanes across Carlisle that are not the responsibility of the City Council to clean. Such responsibility typically rests with the occupiers in the properties adjoining the lane. This does not mean that the Council will not support communities in their efforts to keep the lanes clean and nor does it mean that the poor standards of cleanliness, littering, fly-tipping and general anti-social behaviour in private, unadopted lanes will be tolerated.

Poorly maintained lanes and alleyways can have significant negative knock-on effects in the immediate local area in terms of the visual appearance (bringing the wider area into disrepute); this can increase the risk of arson, crime, anti-social behaviour and provide inviting habitats for rats and other vermin to thrive. Rear lanes, if cared for can become inviting places to support safe-play for children, to encourage neighbours to socialise to help tackle loneliness and isolation and with a few strategically placed planters, can support local bio-diversity and local wildlife, as well as adding to property values as areas become more desirable places to live.

The Neat Streets initiative targets private back lanes and helps occupiers to clear the area to make it a usable, safer place for residents and children to access and to add value to the community.

The initiative encourages responsible behaviour and helps keep back lanes and communal spaces free of rubbish and fly-tipping. Letters are hand delivered to the residents whose properties are connected to the back lane to advise them what is happening, when and how they can help.

The initiative reminds occupiers of their responsibilities and duty of care to ensure that communal areas are kept clean and safe for everyone to use, and they are not an area to dump waste.

The initiative also outlines the support available from the Council to help occupiers to clear their back-lanes and outlines the action the Council will take against those responsible for committing enviro-crimes in the unadopted lanes.

*All information subject to change - correct at time of first publication.

4.7 Fly-tipping at local recycling sites

The Council operates recycling sites at places accessible to the local community for example in some car parks, supermarket sites, community centres and schools. The facilities are provided for the convenience of residents to sort their household recycling. The Council will take enforcement action against:

- businesses that use the facility to dispose of their waste or recycling
- people who dispose of refuse / waste / bulky items etc at the site other than those items that can be recycled using the bins and skips provided
- people who drop litter at the site
- people who drop recycling on the ground, on top of or next to bins or leave litter anywhere other than in the designated bins or skips, irrespective as to whether the skip is full or not at the time.

Campaigns at key times of the year, for example Christmas and New Year, may be promoted to encourage responsible use of these community facilities and to highlight the action the Council will take against those committing fly-tipping or littering offences. Clear signage will be deployed at sites and CCTV may also be deployed.

4.8 Seizure of vehicles for suspected waste crime

The Council has powers to seize a vehicle, trailer or mobile plant and their contents if it is believed it is being, has been or will be used to commit a waste crime such as fly-tipping. Vehicles and their contents can be seized under the Control of Pollution (Amendment) Act 1989 or the Environmental Protection Act 1990.

The Council can only seize a vehicle if it suspects it has been:

- used to illegally dump waste in a way that could cause pollution to the environment or harm to human health
- driven by someone not registered as a waste carrier
- used at a site that is breaking the rules of an environmental permit
- used to transfer waste to someone not registered as a waste carrier.

Having decided a vehicle must be seized, the Council must inform the Chief Constable and ask the Police to stop the vehicle, making sure the vehicle and its contents are stored securely until claimed by the owner.

The Council also has power to destroy a vehicle, if it will “pollute the environment or be a risk to people’s health”. The Council does not need the owner’s consent but must record the reason it was destroyed and inform the owner, the DVLA and the Chief Constable.

4.9 Interview under caution

As part of an investigation into the offence of fly-tipping, people may be invited to attend an interview under caution when there are grounds to suspect that the person may have committed a

criminal offence. The interview provides the opportunity for people to provide an explanation of the events that have happened. Evidence gained from the interview may be used to support enforcement action / prosecution. People are informed of their right to be accompanied at the interview by a friend, relative, solicitor / legal adviser in the correspondence sent to them.

4.10 Failure to engage

The Council will use a range of powers to support its enforcement activity. To encourage people to 'engage with the process' the Council may serve a Section 108 Notice (Environment Act 1995) which compels people to attend the formal interview with a Civil Enforcement Officer. This has proven particularly effective in dealing with fly-tipping incidents where failure to attend the interview may be regarded as an offence and may result in prosecution.

4.11 Household waste

Households in Carlisle are supplied with a wheeled bin for domestic refuse or a 'sea-gull sack' as an alternative to the wheeled bin. Households are also supplied with a suite of boxes and bags for recycling. Such receptacles remain the property of the Council.

Residents are responsible for their own waste and recycling until it is collected and are asked to present their bins, bags and boxes in line with published service standards, typically:

- Bins, bags and boxes to be placed out on collection day by 07:00 or no sooner than the night before collection.
- Bins, bags and boxes to be taken back in the same day after collection.
- Bins must be presented with the lids closed.
- No additional bags of waste should be put out
    - Bins / bags must not be too heavy and should only contain household waste or recycling sorted appropriately.
    - Items that can be recycled should be sorted and presented in the recycling bags and boxes

To encourage recycling, reduce household waste and to improve the local street scene, Civil Enforcement Officers will work in partnership with refuse and recycling staff to ensure the standards are maintained: For example, the Council will:

- Not empty bins that are overflowing, too heavy or 'contaminated' and offer advice as necessary to avoid future problems
- Not empty recycling containers that are not sorted correctly or if they are contaminated with refuse or other non-recyclable material and offer advice as necessary
- Offer advice and / or take enforcement action for littering / fly-tipping for those not using the correct bins, bags and containers for example, for those placing additional bags of rubbish on the street
- Offer advice and / or take enforcement action against those not taking their bin back on to their property in a timely manner after collection.

*All information subject to change - correct at time of first publication.

4.12 Householder duty of care

Householders have a duty of care to ensure that only a registered waste carrier removes household, garden or construction waste from their household / property. Civil Enforcement Officers investigating incidents of fly-tipping that can be traced back to an individual property may ask residents to provide evidence in the form of a waste transfer note (paper or electronic) to confirm that the waste was handed over by the resident to a registered waste carrier. To raise awareness of this duty of care, the Council will continue to promote this information through local campaigns.

The Council also provides a comprehensive waste collection service for household refuse, recycling and garden waste and offer a chargeable collection service for household bulky waste items and white goods. Before booking bulky deliveries, residents are asked to consider whether the items they are disposing would be suitable for re-use by a local charity. Residents are also able to access two local household waste and recycling sites in both Carlisle and Brampton to dispose of household waste safely, legally and without charge.

4.13 Accumulation of rubbish in gardens and on private land

The Council has power under the Anti-social Behaviour (Crime & Policing) Act 2014 to serve Community Protection Notices (CPN) to encourage householders and landowners to keep their property clean, tidy and free of rubbish accumulations. Non-compliance with a CPN is a criminal offence and offenders can be issued with £100 FPN or prosecuted. Fines can be up to £5,000 for householders and £20,000 for businesses.

Where the CPN is not complied with, the Council may seek Remedial Orders (Court Orders) to ensure the notices are complied with and rubbish is cleared from the land or garden. In addition to CPNs, officers will use a range of other legislation to ensure landowners are held responsible for any accumulations of rubbish on land.

4.14 Commercial / trade waste

All businesses, including those operating from home, have a legal responsibility (duty of care) to safely contain and dispose of any waste that is produced from their business. The law applies to all types of business, no matter how small they are, what type of waste they create or how much. Waste is considered as anything that is no longer required such as:

- Letters / unwanted mail
- Cleaning products
- Food eaten on business premises
- Cardboard, plastics and sweepings
- Damaged goods that cannot be returned.

Businesses must be sure that their waste is transferred to a company licensed by the Environment Agency to collect, transport, recycle or dispose of it safely. This transfer of waste must be officially recorded on a Waste Transfer Note (WTN). Businesses will receive a WTN from their authorised waste company and this record must be kept and stored by the business for two years. Electronic WTNs are acceptable. WTN may need to be presented to Civil Enforcement Officers on request.

*All information subject to change - correct at time of first publication.

Placing waste from businesses into a household bin or a street litter bin is an offence. It is also an offence to dispose of trade waste at a local recycling site or a household waste recycling centre. Where businesses fail to comply with the Duty of Care, the Council will take firm enforcement action which may include issuing statutory notices, FPNs or prosecution where necessary.

*All information subject to change - correct at time of first publication.

Section 05: Responsible dog ownership

The Council will work with partners to encourage responsible dog ownership and will take formal action against those that do not fulfil their responsibilities. To encourage responsible dog ownership, officers will:

- Support awareness raising campaigns and deploy signs in key locations to highlight the problem of dog fouling and the action the Council will take against those responsible
- Carry out regular high-profile patrols to target dog fouling, out of control dogs and dogs not on leads in the designated areas.
- Continue to work with partners such as the Dogs Trust at roadshows and events to offer free microchipping and advice on how to be a responsible dog owner.
- Advise on legislation and take enforcement action when needed
- Work with partners to tackle nuisance issues caused by dogs / irresponsible owners
- Release information to the local media following successful prosecution through the courts in relation to dog fouling etc to deter others and encourage responsible behaviour.

5.1 Dog fouling

The Council takes the offence of dog fouling very seriously. Not only is dog fouling unpleasant and unsightly, it can be a serious risk to health. It can cause toxocariasis in humans, which is a serious illness and can lead to blindness.

Those in charge of dogs should always be ready to clean up after their dog and carry dog poo bags or other means to pick-up. Any dog fouling should be picked up immediately. The dog-poo bags can be placed in city council street litter bins (not recycling bins). If there are no bins available, then poo-bags should be discarded responsibly later. Bags must not be tied to trees, left lying on the ground or thrown into bushes. Dog poo bags must not be put into bins designated for recycling only.

The person in charge of the dog at the time is responsible for cleaning up after the dog has fouled, and failure to do so may result in a fixed penalty fine being issued. Should the matter be referred for prosecution, offenders could face a fine of up to £1000* plus costs

5.2 Dogs on leads

Public Space Protection Orders allow enforcement officers to challenge dog owners and to make sure dogs are kept under proper supervision and control in designated areas. A list of designated ‘dogs on lead’ areas is available from www.carlisle.gov.uk

5.3 Dogs in restricted areas

Restrictions on dogs are imposed in enclosed play areas to provide children with a safe place to play and to keep these areas clean. A list of the restricted areas is available from www.carlisle.gov.uk. There are exceptions for guide dogs and assistance dogs.

*All information subject to change - correct at time of first publication.

5.4 Stray dogs

The Council provides a 24-hour stray dog service in partnership with a local kennel operator. If a stray dog is contained, the service provider will collect the dog and provide care / kennelling and seek veterinary treatment as necessary until the dog is claimed.

- Owners will be charged fees covering the cost of collection, kennelling and welfare of the dog covering the period from the date picked up to the date returned to the owner (charges are applied per day). The fees are payable to the Council and cover the cost of service prior to the release of the dog back to the owner.
- Additional costs may be charged to cover any urgent treatment that the service provider feels the dog may need from a veterinary practice.
- Additional / enhanced costs are charged for repeat 'offenders' with the aim of encouraging responsible dog ownership.
- Stray dogs will be kennelled for seven clear days after their collection
- If a dog is not claimed, then the Council will make efforts to either re-home the dog or pass it onto an animal welfare charity. The Council will not normally euthanise a healthy dog and will take veterinary advice at all time before making any decisions.
- The Council, and its designated service provider, will report cases to the Police / RSPCA where it believes the dog has been abused, neglected or mistreated.
- Check the website for contact details on how to report a stray dog.
- Dangerous dogs should be reported to the police.

The Council will not disclose the name or location of its service provider for health and safety reasons.

5.5 Identification / microchipping

All dogs must wear a collar and tag that bears the name of the owner and their contact details. Owners are legally required to have their dogs microchipped and to ensure the details are kept up to date. This is one of the best ways to increase a lost dog's chance of getting home quickly and avoiding kennelling fees. Information on microchipping is available from local veterinary practices.

The owner of a dog could be fined if they fail to keep their dog microchipped or ensure the keeper details on the micro-chip are up to date. This is an offence with fines of up to £500.

5.6 Local Environmental Awareness of Dogs (LEAD)

LEAD is designed to offer a co-ordinated approach across partner agencies to deal with irresponsible ownership, welfare and anti-social behaviour relating to dogs. LEAD will address an incident involving a dog or the irresponsible ownership of a dog, including criminal offences. This will include low-level incidents where a dog has caused, or was likely to cause, harassment, alarm or distress to a person or domestic animal or livestock.

*All information subject to change - correct at time of first publication.

This joint approach ensures that opportunities to prosecute are maximised by increasing the legislative power available to each agency. In partnership with the Police and housing associations, the Council will tackle most incidents involving dogs through the LEAD initiative. In the first instance this may involve the sending of warning letters, where appropriate, before proceeding with more formal action.

5.7 Dangerous dogs

Dogs that may injure people, that are dangerously out of control in a public place, that are believed to be a serious danger to the public or are a prohibited named breed may fall under the definition of a dangerous dog. It is illegal to breed from, sell, abandon or give away a banned dog. There are four types of dogs currently banned in the UK:

- Pit Bull Terrier
- Japanese Tosa
- Dogo Argentino
- Fila Braziliero.

Most cases involving dangerous dogs will be dealt with by the police who may initiate proceedings through the court. The magistrates may make an order without proof that anyone has been injured. The control order may specify the means of control, namely muzzling, keeping on a lead, exclusion from named places or any other measures of control. (including neutering). A destruction order may also be made, but usually a control order will be made first.

Section 06: Anti-social behaviour / Public Space Protection Order

Anti-social behaviour is a general term that describes a wide range of unacceptable activity that may cause harm to an individual, to their community or to their environment. This could be an action by someone, or a group, that leads people to feeling alarmed, harassed or distressed. It also includes fear of crime or concern for public safety, public disorder or public nuisance. The Council will work in partnership with the Police and other partners such as housing associations to tackle such behaviour. Examples of anti-social behaviour include:

- Nuisance, rowdy or inconsiderate behaviour
- Vandalism, graffiti and fly-posting
- Environmental damage including littering, fly-tipping and abandonment of vehicles
- Inconsiderate or inappropriate use of vehicles

There is currently a Public Space Protection Order (PSPO) in place that covers the behaviours above. The PSPO provides wide ranging and flexible powers to a council and its partners to help tackle anti-social and nuisance behaviour. The PSPO does not focus on individuals, groups or properties; rather it focusses on the identified problem behaviour in a specific location and impose restrictions on behaviour that apply to everyone in that locality.

The Council may issue a fixed penalty notice against those whose behaviour breaches the conditions of a PSPO. Where appropriate the matter may also be referred to the magistrates' court for prosecution with the potential

6.1 Alley gates

To help prevent and reduce crime and anti-social behaviour the Council has installed alley gates in a number of streets through consultation with residents. The gates restrict access to non-residents and help to reduce environmental crimes such as fly-tipping and dog fouling. They are generally suited to terraced houses and allow a safe place for children to play. However, these gated areas will only work with the support and responsible behaviour of the residents living within the gated area. More information on alley gates, including a list of current gated lanes, is available from www.carlisle.gov.uk.

6.2 Graffiti

It is important to recognise the difference between authorised street art and graffiti:

- Street art is an authorised / permitted activity often undertaken in a specified location and restricted to a defined space such as on a board or wall, but very importantly, this is always with the prior, express consent / permission of the property owner.
- Street art must also be of an appropriate standard in terms of quality / content / safety. Images and slogans must be sensitive to the local area and to the potential audience and reflect shared values. Action may be taken to remove / obscure street art if deemed to be:
    - Ageist
    - Anti-faith
    - Homophobic
    - Personal
    - Political
    - Racist
    - Sexist
    - Offensive

*All information subject to change - correct at time of first publication.

- Graffiti is the illegal or unauthorised defacing of a building, wall, object, or surface by painting or otherwise marking it with words, pictures or symbols
- Street art carried out without prior express consent would be regarded as graffiti

It is illegal to graffiti on any surface without the owner's permission. Graffiti can range from someone's initials written on a wall in pen to a whole painted mural covering the side of a building. This includes “tagging” which often can be seen to be associated with groups or gangs to mark territory. Graffiti can also encourage further anti-social behaviour including fly-posting and fly-tipping.

Reports of graffiti will be categorised as follows:

Category 1:	Considered to be of a racist, homophobic, obscene or inflammatory nature that could offend different sectors of the community or incite hate crime.
Category 2:	General graffiti which is not racist, homophobic or offensive such as tags or unauthorised murals/artwork.

Graffiti can only be removed by the Council where it is safe and practical to do so. In some instances, the graffiti may be painted over to obscure the message / image, pending later removal and / or where removal of the graffiti may require specialist treatment to avoid causing further damage to property.

In most cases, offensive graffiti on both public and private property will be removed or obscured within 24 hours. Offensive graffiti includes any words or images which could be deemed:

- Ageist
- Anti-faith
- Homophobic
- Personal
- Political
- Racist
- Sexist
- Offensive

The Council will take action to remove graffiti on council owned property and structures but may need to gain prior permission before removing graffiti from others’ land or property. Each case will be assessed individually, and the risks of action balanced. The costs of graffiti removal on private property may be charged to the land / property owner. For category 01 graffiti, the Council may determine it is in the public interest to act in the absence of prior permission from the property owner, depending upon safe access and subject to risk assessment.

In most circumstances, property owners or managing agent will need to provide prior permission before action is taken. This includes signing an indemnity form and agreeing to the fees structure in place as the Council makes a charge for this service to businesses / commercial operations. The removal of category 01 graffiti is carried out free of charge for domestic properties.

The Council will make all reasonable attempts to contact property owners. We will make no charge to homeowners for the removal of category 01 graffiti subject to the signing of the indemnity form within two attempts of asking. Every effort will be made to remove / obscure the

graffiti and avoid causing further damage, but the council is not able to return all surfaces to the previous standard; this remains a matter for the property owner.

The removal of category 02 graffiti will be chargeable in line with the Council's schedule for fees and charges and subject to property owners signing the relevant indemnity forms and safe, practical access. Fees will be payable in advance of any works.

Graffiti can have a lasting, negative impact on the reputation of a local area. The Council will encourage property owners to remove graffiti from private property where this is may have a detrimental impact in the local area. Enforcement action may be taken against those property owners who do not recognise their responsibilities in this regard.

6.3 Working to change behaviour (Deter)

The Enforcement Team works closely with the Communications Team to develop campaigns and notices to highlight enviro-crimes and to confirm the action we will take against those responsible. To reinforce this message, successful prosecutions for enviro-crimes may be publicised through the press and social media with the aim of deterring others from doing the same but also to reassure residents that the Council takes its responsibilities in this regard very seriously.

6.4 Enforcement options available

When dealing with enviro-crimes, the options open to the Council include:

- Informal action and advice – written or oral (where appropriate)
- Anti-social Behaviour Contracts: Restorative Justice Options
- Simple Caution
- Formal statutory notice
- Execution of work in default i.e. required by a statutory notice where the recipient has not complied with a notice
- Fixed penalty notice for specific offences
- No action for cases where there is insufficient evidence to pursue action, or where it may not be cost effective to continue of in the public interest
- Prosecution

The method of enforcement used should be balanced and proportionate to achieve the highest reasonable standards of compliance within the least time.

6.5 Informal action and advice

Informal written warnings may be issued to support messages that further breaches will be treated seriously and that these may be subject to formal enforcement action. Written advice on good practice, industry guidance or technical information may be provided where there is a need to assist the person in meeting these requirements. A written warning will

- clearly state the nature of the problem and may suggest specific remedies or a standard to achieve
- state the actions that may follow if matters do not improve
- designate a named officer as a point of contact
- clearly distinguish between legal requirements and desirable standards
- indicate any follow up action eg. a revisit after 14 days, offer to work with the person(s) responsible in finding a solution if appropriate
- and be robust, clear, formal, unambiguous, polite and helpful

6.6 Community Protection Warning (CPW)

Under the Anti-social Behaviour, Crime and Policing Act 2014, local authorities have powers to deal with a range of behaviours that cause nuisance. As part of the process in dealing with behavioural issues a warning letter is issued to the person / business outlining the behaviour that is causing a nuisance and the steps they are expected to take to change that behaviour. A warning (CPW) is issued prior to a notice being served should there be no improvement.

6.7 Formal Enforcement

Formal enforcement includes legal proceedings through the magistrates' court (or for civil offences the County Court), the issuing of statutory nuisances or the offer of a fixed penalty notice or simple caution. The Council would consider formal enforcement action where the:

- informal approach has already failed
- nature of the offence warrants the offer of a fixed penalty notice
- nature of the offence warrants legal proceedings being implemented

6.8 Community Protection Notice

A Community Protection Notice (CPN) may be used to deal with ongoing problems or nuisance behaviour which is having a detrimental effect on the quality of life within a community by targeting those responsible for the behaviour. A CPN may be issued against an individual aged 16 years or over, a business or an organisation committing anti-social behaviour which impacts negatively on quality of life. A CPN can be issued by:

- Authorised Council officers
- Police officers and Police community support officers (PCSOs) if designated; and
- Social landlords (if designated by the council).

Behaviour must:

- have a detrimental effect on the quality of life of those in the locality
- be of a persistent or continuing nature, and
- be unreasonable.

A CPN can deal with a range of behaviours that meet the above ‘test’ and can include such things as noise nuisance and litter on private land. Written warnings will be sent prior to the issue of the CPN outlining the problem behaviour, requesting those responsible to stop / change behaviour and where appropriate to take action to prevent a repeat of the anti-social behaviour in future. The warning letter will also outline the future steps if there is no improvement / compliance.

A CPN may be issued should there be no improvement / change in behaviour.

Where relevant the CPN can allow the Council to carry out works in default on behalf of a ‘perpetrator’ and to seek to recover costs as appropriate.

6.9 Breach of a Community Protection Notice

Breach of a Community Protection Notice is a criminal offence:

- A fixed penalty notice can be issued of up to £100 if appropriate.
- A fine of up to level 4 (for individuals), or £20,000 for businesses may be imposed should the matter proceed to court.

Where there are rights of appeal against the issue of a notice, the service will, at the time the Council acts, issue clear written advice on how to appeal. Whenever possible, the type of advice or information will be issued with the enforcement notice.

Section 07: Offences by children and young people under 18 years

The Council works in line with Government guidelines for dealing with young offenders. This includes keeping parents / carers involved throughout the process and letting them know as soon as possible when an offence has been committed. Officers will work closely with the Police and schools, including going into schools to talk to groups about littering and dog fouling etc.

7.1 Children 15 years or younger

The Council does not wish to subject young people to criminal proceedings unnecessarily. Fixed Penalty Notices will not therefore be served on young people aged 15 years or under. Instead, the Council will adopt a broader approach to the problem of offending by young people, including work through schools and finding other community-based remedies. Acceptable behaviour contracts may also be drawn up in partnership with the Police and adopting a restorative justice / reparation approach where appropriate.

When dealing with young offenders a warning letter will typically be sent in the first instance to the young person, their parents and potentially to their school should they have been wearing school uniform at the time. A copy of the letter will also be sent to the Police and the Youth Offending Team who may decide to deal with the matter under the “It’s Your Choice” programme. Repeat offenders will receive further warning letters with the matter escalated to the Local Problem-Solving Group for further consideration / action.

7.2 Young people aged 16 or 17 years

The Anti-social Behaviour Crime and Policing Act 2014 introduced the Community Protection Notice process. Under this process if an individual’s conduct is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and that this conduct is unreasonable, a warning letter can be served. Failure to comply with a warning letter can lead to the issuing of a Community Protection Notice, followed by a fixed penalty notice. This is the preferred process for dealing with young people aged 16 or 17 years for offences such as dog fouling and littering which ordinarily would attract an immediate fixed penalty. The expectation is that the formal warning process will encourage immediate and ongoing positive behaviour change.

Section 08: Enforcement options

8.1 Fixed Penalty Notices

Enviro-crimes dealt with by Civil Enforcement Officers will typically be resolved through the issue of Fixed Penalty Notices (FPN). An FPN may be issued when an authorised officer observes an offence being committed or where there is evidence to confirm that an offence has been committed. The standard of evidence needs to be sufficient to support prosecution through the courts which would be the next step should the FPN not be paid.

The efficient use of FPNs will improve the effectiveness of the enforcement process, resulting in officers being able to focus more detailed attention on more serious cases. The FPN must be paid within 14 days of it being served. If the FPN is not paid, a reminder letter will be issued requesting payment and setting out what action the Council intends to take. If the FPN remains unpaid, following the reminder letter, the case will be prepared for prosecution in the Magistrates' Court.

8.2 Levels of Fixed Penalty Fine

The following table contains a list of all the various fixed penalty notices available for use by the Council in relation to Environmental offences:

Offence	**Level of fine**
Depositing litter	£150
Failure to comply with a Community Protection Notice	£100
Failure to produce authority to transfer waste	£300
Failure to produce waste documents	£300
Failure to comply with a waste receptacle notice	£80
Failure to comply with a Public Space Protection Order	£100
Offence of fly-tipping	£400
Abandoned vehicle	£200
Fly-posting	£80
Graffiti	£80
Distribution of free printed material	£80
Householder Duty of Care	£200

Note: this list is not exhaustive. Legislation / fines are subject to change

8.3 Caution

A caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction. For a caution to be issued certain criteria must be satisfied:

- evidence sufficient to prove the case must be available
- the offender must admit the offence
- it must be in the public interest to use a simple caution
- the offender must be 18 years or over.

*All information subject to change - correct at time of first publication.

If the offender commits a further offence, the caution may be a factor in influencing future action. If during the time the caution is in force, the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the caution may be cited in court and this may influence the severity of the sentence that the court imposes.

8.4 Formal Notice

Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately where the circumstances relating to health, safety, environmental damage or nuisance demand. In other circumstances, the time allowed will be reasonable, and take account of the seriousness of the contravention and the implications of the non-compliance. All notices issued will include details of any applicable appeals procedures. Non-compliance with a Formal Notice will be considered for prosecution. Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) any necessary works to satisfy the requirements of the notice may be carried out by the Council.

Where the law allows, a charge may be levied against the person / business served with the notice for any cost in carrying out the work. Works in default will only be carried out where there is a significant risk to public health. In the majority of cases non-compliance

with a notice will result in prosecution. In the case of a breach of a Community Protection Notice (CPN), upon successful prosecution the Council will make an application for a Remedial Order which requires the defendant to undertake any necessary work as opposed to the Council doing the work and recharging the defendant. Breach of a Remedial Order can result in a significant fine and / or imprisonment.

8.5 Criminal Behaviour Order

Criminal Behaviour Orders (CBO) were introduced under the Anti-social Behaviour, Crime and Policing Act 2014 and replaced the former powers of the court to make orders such as an ASBO or a drinking banning order on conviction.

A CBO is an order designed to tackle the most serious and persistent cases where the anti-social behaviour of individuals has brought them before a criminal court. The anti-social behaviour to be addressed does not need to be connected to the criminal behaviour, or activity which led to the conviction. However, if there is no link the court will need to reflect on the reasons for making the order.

A CBO can deal with a wide range of anti-social behaviour following the offender's conviction, for example threatening violence against others in the community, or persistently being drunk and aggressive in public. However, the order should not be designed to stop reasonable, trivial or benign behaviours that have not caused, or are not likely to cause anti-social behaviour.

Any application for a CBO will be made by the 'prosecution'. Applications are likely therefore to be made by the CPS, either at their own initiative, or at the request of the police. However, it may also be applied for by local councils, providing they are the prosecuting authority in the case.

*All information subject to change - correct at time of first publication.

8.6 Prosecution

In some cases, the Council will refer cases to the local Magistrates' Court for consideration. Typically, this would be when:

- The 'offender' has not paid the Fixed Penalty Notice issued to them
- The 'offender' has refused to engage with Civil Enforcement Officers, for example failing to attend an interview in relation to an investigation
- Where there may be repeat offences or where the scale of the offence warrants a more serious sanction above FPN limits.

Before any cases are referred for prosecution, Civil Enforcement Officers will seek legal advice to ensure that there is robust evidence base, that all relevant individual circumstances are considered and to assess any public interest arguments.

8.7 Income generated through enforcement action

The Council retains any funds accrued from the serving of FPNs. Payments collected will be used to help offset the costs of the enforcement function by helping fund, for example, surveillance cameras, environmental improvements and relevant educational, operational, and publicity initiatives.

Any income from fines imposed by the courts is retained by the courts. The Council receives income should the court award any costs to be payable as part of the sanction imposed in the form of fees and victim surcharge.

Section 09: Complaints and appeals

There is no obligation for the Council to offer an appeals process to someone that might want to dispute a Fixed Penalty Notice. However, the Council does allow for representation to be made in writing. This is then considered by the appropriate team manager and once a decision has been made the applicant will be notified in writing of the outcome. If the representation is upheld, no further enforcement action will be taken, and the fine will be withdrawn. If the representation is rejected, the outstanding penalty amount needs to be paid within the original timescale set out. It is usual practice for cases to be referred to the court automatically in the event of non-payment and therefore those issued with fines retain the option to present a plea of not guilty that will then be assessed by the court.

The Council has an established process for investigating and responding to complaints against set timescales as part of its complaints policy. It is recognised, however, that due to the nature of enforcement action, some people may seek to use the three-stage complaint process to 'frustrate' the enforcement process. In this regard, any complaints received relating to enforcement action will be reviewed by a Service Manager at Stage One. This will allow a swift decision to be reached, based on the merits of the individual case and without prejudice, as to whether the enforcement action should be paused, pending investigation of the complaint, or revoked, based on the information presented. In all cases, the complainant will be advised accordingly. This action will avoid any delays to any enforcement action, and, will provide a further level of reassurance that the decision to pursue enforcement action, or not, is a reasonable action based on the individual merits of the case, taking account of legal advice as necessary.

Section 10: Car parking / vehicle related nuisance

10.1 Car parking enforcement

Civil Enforcement Officers also patrol the Council's pay and display car parks providing advice to customers and checking for compliance. Officers are authorised to issue Penalty Charge Notices for:

- any vehicle parked without a valid parking ticket on display
- any vehicle parked in a disabled bay without a valid disabled badge on display
- any vehicle in any other restricted bay without the appropriate reason, for example:
    - Non-electric vehicle in a designated electric vehicle bay
    - Electric vehicle in a charging bay but not charging
- inconsiderate parking – eg. a vehicle straddling the white lines (out of bay)
- commercial vehicles, minibuses, campervans, coaches etc that may not be permitted within certain car parks

Penalty charge notices are reduced by 50% to encourage early payment and a speedy resolution. This is illustrated using the 2020 rates as follows:

- £50 penalty, reduced to £25 for early payment
- £70 penalty, reduced to £35 for early payment

10.2 Challenging a Penalty Charge Notice

Penalty Charge Notices issued by Carlisle City Council have a CA pre-fix. These can be challenged online or by post. Challenges cannot be made over the telephone.

- Online, by completing / submitting an online challenge form.
- By post – in writing write to:

    Carlisle Parking Services, PO BOX 3584
    Chippenham, Wiltshire, SN15 9EF

Those submitting written challenges through the post are recommended to use recorded / registered delivery options to confirm receipt of the submission.

10.3 Payment of Penalty Charge Notice

Penalty Charge Notices issued by Carlisle City Council have a CA pre-fix. Payment can be made as follows:

- On-line
- Telephone (24hour automated line 0300 111 0077)
- By post, with payment made out to Carlisle City Council Parking Services:

    Carlisle Parking Services, PO BOX 3584

*All information subject to change - correct at time of first publication.

Chippenham, Wiltshire, SN15 9EF

10.4 Abandoned and nuisance vehicles

The Council has a duty to investigate, remove and dispose of any motor vehicle that has been abandoned on "land, which is open to the air". A vehicle will be considered abandoned if at least one of the following applies:

- it has no keeper on DVLA's database and is untaxed
- it is stationary for a significant amount of time
- it is significantly damaged, run down or unroadworthy - for example, has flat tyres, missing wheels or broken windows
- it is burned out
- a number plate is missing

Civil Enforcement Officers can legally enter land (at a reasonable time) to investigate and remove abandoned vehicles. Action can be taken against those who abandon vehicles or parts of vehicles on roads or land in the open air by either:

- issuing a fixed penalty notice (if the offence is relatively minor)
- prosecution

The Council understands that parking can sometimes be a source of frustration in a community particularly where there may be over-demand for parking spaces and people are not able to park in front of their own property. This does not however mean that there are powers to deal with this.

- Vehicles parked in breach of local parking regulations should be reported to Cumbria County Council.
- Vehicles that may be causing an obstruction or danger should be reported to the Police (101)

10.5 Anti-social behaviour in car parks

To reduce the incidence of anti-social behaviour in car parks, the Council has taken steps to close three city centre car parks, Caldew Riverside, Castle and West Walls, overnight. Barriers block access in to and out of the car parks. Nuisance and reckless anti-social behaviour, such as that caused by 'boy racers' will not be tolerated, and forms part of the Public Space Protection Order. More information on this can be found www.carlisle.gov.uk

10.6 The sale or repair of vehicles from domestic properties

The offences under the Clean Neighbourhoods and Environment Act 2005 apply only to activity carried out on a public road. There is generally no prohibition on working from home or running a business from home, and this is increasingly common. However, where the property has a material change to enable a business to be operated, then planning consent would normally be required.

A business operating from home may also have to pay business rates on the part of the property used for business, subject to assessment by the relevant agencies. Those considering operating

a home-based business should speak to the planning department if intending to make to make alterations to the home. Further information is also available from Government in terms of setting up small businesses as well as understanding tax and insurance issues. The Council may take action against those operating a business from home where the activities cause a nuisance to others.

10.7 Selling or repairing vehicles on the street

An offence is committed if two or more motor vehicles are either exposed or advertised for sale and left on a road or roads within 500m of each other by a person acting for the purpose of a business of selling motor vehicles.

This offence is aimed at those selling motor vehicles as a business and park them for long periods of time on the road, which can cause a nuisance to residents. The provision is not aimed at individuals selling cars privately.

Repairing vehicles on a road may be an offence. This is to stop people who use the road as a workshop. Doing so can be a danger to other people and harmful for the local environment, for example through oil spills. It may also take up parking space.

Restricted works to vehicles cannot be carried out on a road if it is during the course of a business or for gain or reward. If neither apply, where this gives reasonable cause for annoyance to people in the vicinity. Restricted works include:

- works for the repair, maintenance, servicing, improvement or dismantling of a motor vehicle or of any part of or accessory to a motor vehicle
- works for the installation, replacement or renewal of any such part or accessory

The only exception is in cases where the repairs are carried out following an accident or break down and where it was necessary to do the repairs on the spot or within 72 hours.

10.8 Engine idling

Idling is the act of leaving a vehicle with its engine running while stationary. Whilst this is often the result of busy traffic, there are some instances, such as waiting for children outside of schools, when idling is not necessary and can be avoided. Not only is this a waste of money, idling increases the amount of exhaust fumes in the air affecting local air quality. The fumes contain a number of harmful gasses including carbon dioxide, which contributes to climate change, as well as a range of other harmful gasses including nitrogen dioxide, carbon monoxide and hydrocarbons which are linked to asthma and other lung diseases.

The issue of engines not being switched off when vehicles are parked is an offence. Rule 123 of The Highway Code concerns ‘The Driver and the Environment’, stating that drivers must not leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while that vehicle is stationary on a public road.

Local authorities have the power to issue fixed penalties, currently £20, for emission offences and stationary idling under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. The fine can only be imposed should the driver refuse to switch off their engine when asked to do so by an authorised person**.**

*All information subject to change - correct at time of first publication.

Section 11: Reporting enviro-crime

All reports of enviro-crime will be treated in confidence and can be reported via:

- email: enforcement@carlisle.gov.uk
- website: www.carlisle.gov.uk
- phone: 01228 817 000

Reports can be submitted anonymously although those reporting incidents are encouraged to provide contact details, in full confidence, should further information be needed to support the investigation.

11.1 Reporting fly-tipping

When reporting fly-tipping, people are encouraged to provide as much information as possible, such as the date, time and location of the incident as well as a description of the person/s involved. Other information such as the make, model, colour and registration number of any vehicles involved is also helpful as well as providing a brief description of any waste that has been fly-tipped. Photographic and video evidence is helpful for example from mobile phones or vehicle cameras, but people should not put themselves at risk to obtain such evidence, nor should they put themselves at risk by challenging those committing the offence.

The Council advises residents not to move or touch any dumped waste unless it is blocking access / egress or where it may be presenting an immediate risk to others eg to road users or where it may increase the risk of arson. In doing so, people should not put themselves or others at risk and should be aware that fly-tipped waste may include hazardous / contaminated material and there may be a risk of injury / disease from sharps or needles. Moving the fly-tipping may also disturb the evidence chain and may make it more difficult to achieve a successful outcome after investigation. The Council will take action to investigate and clear fly-tipping or in the case of fly-tipping on private land, to contact the landowner to arrange removal.

11.2 Reporting littering / dog fouling

Incidents of dog fouling / littering can be reported anonymously. The Council will look at all complaints received and will advise accordingly of the action we may be able to take. In some cases, to support enforcement action, further information in the form of a witness statement may be needed from residents.

*All information subject to change - correct at time of first publication.

Section 12: General Data Protection Regulation (GDPR)

Data may be collected at times on individuals in order to support enforcement activity. Data could be used to inform decisions in relation to the gathering of intelligence for potential enforcement action or to record the information received. The processing of personal information will be undertaken in line with the Council's Information Governance Framework, associated Policies and Procedures.

More information on the privacy policy available from www.carlisle.gov.uk/privacypolicy

Section 13: Further information / notes

Further information on the work of the Enforcement Team and the latest list of powers and fines is available from www.carlisle.gov.uk

Sanctions / fines

The levels of fixed penalty fines referred to in this strategy are correct at time of first publication and are for illustration purposes only. All fine levels are subject to change, up or down. The limits are typically set nationally and reviewed annually as part of the Council's fees and charges process. This process allows for some flexibility to reflect local priorities for example to offer a reduced fine for early settlement if this option is felt to be reasonable and proportionate for offences committed, ensuring that they remain at the right level to continue to serve as a deterrent.

As legislation and sentencing guidelines change it is also possible that the sanctions imposed by courts may change in terms of the level of fine, custodial sentences etc.

*All information subject to change - correct at time of first publication.

Appendix 01: Managing litter

The Council is working to reduce the tonnage of non-recyclable litter collected in street litter bins or from litter picking activity through the provision of:

- additional recycling bins at key locations, potentially in trial areas, to support 'on-the-go recycling – with data collected to support monitoring.
- Different resources for street cleaning operatives to enable the sorting of recycling from general waste collected as part of routine street maintenance activities, where practical
- Awareness raising campaigns targeted at reducing litter and encouraging recycling.

Key locations include high streets in our towns and villages, retail parks and play parks and popular recreational green spaces. Different bin options and designs appropriate to the location will be tried and the impact monitored and evaluated.

- Collections crews will record this data on a daily worksheet and feedback to the Operational Team for analysis.

- Recyclable waste collected will be recorded and kept separate from general litter and sent for processing with our contractor.

- Litter bins will be regularly inspected to establish a suitable collection rota. Bins will be checked for cleanliness, contamination, overflowing materials and remedial action taken where necessary. This will encourage maximum use.

- A range of monitoring will be carried out, including; quarterly Local Environmental Quality Surveys, daily data from street cleaning operatives, service complaints, feedback from local businesses, on-street surveys and web surveys (at least one each per financial year).

- New bin installation will follow the scoring criteria and bins will be regularly assessed for their suitability in the current location.

- New bin innovations will be considered to make the service more efficient. Additional 'recycling on the go' bins will be considered in other public open spaces (such as parks) to increase the opportunities for residents to recycle.

- This will be supported through general marketing / awareness raising as well as through more targeted communications in key areas / hot spots.

*All information subject to change - correct at time of first publication.

Appendix 02: Litter Bin Scoring System

Requests for new bins

Requests to install additional or replacement bins will typically be received from:

- members of the public
- Parish councils or local councillors
- other interested parties such as the local business community or community groups.

Due to the on-going resource implications associated with the installation and maintenance of any new bin (financial and staffing), consideration will be given to all requests for bins, using a scoring system to determine need and suitability of location. This scoring system is shown below and will be followed for each request for a new bin.

The council welcomes contributions toward the provision and installation of new bins for example from a councillor's annual 'ward budget' or from business groups or voluntary organisations. Although welcome, such contributions do not guarantee that the application will be successful as all requests will still be assessed through the consistent application of the scoring system. This is due to the ongoing costs of servicing and maintaining bins that fall upon the council.

The suitability of location is a key factor (pass or fail). If the Council deems the location to be unsuitable for reasons of safety, such as the lack of a safe location to stop a vehicle to service the bin, proximity to housing, or installation difficulties, the request may be rejected prior to scoring. An alternative location may be suggested.

Areas that may not be suitable include:

- the installation of litter bins in solely residential areas with no mixed usage as this may lead to the dumping of household waste around the litter bins and complaints from residents
- the installation of litter bins in alleyways, back-lanes or excluded locations which may be prone to vandalism, fires and graffiti
- the installation of recycling bins too close to fast food outlets mostly supporting the night-time economy which may lead to significant levels of contamination. In such cases the Council will work with business owners to resolve any litter issues associated with their activities to improve the local street scene, reduce litter and provide practical recycling options.

Should the request be rejected following assessment, it will not be considered again within six months, unless the circumstances have significantly changed with evidenced need. For example, sustained increase in litter in the area for example following the opening of a new and popular walking or cycling route or social space, or the opening of a new fast food retail outlet / drive-through or new local 'attraction'.

*All information subject to change - correct at time of first publication.

Bin Installation Scoring System

All requests for new bins will be assessed using the following scoring system.

Suitability of location:	**Yes**	**No**
Q.1A Is the suggested location easily accessible to support safe collection?	Complete the assessment below	See Q.1B
Q.1B. Is there an alternative location that would be more appropriate and provide safe collection?		Application rejected

No.	Category	Options	Max	Score
2A	Street cleaning zone (covers tourist hotspots and lay-bys)	Zone 1: High intensity of use, such as busy public areas	15	
		Zone 2: Medium intensity of use, such as residential areas	7	
		Zone 3: Low intensity of use, such as rural roads	3	
		Zone 4: Other	3	
2B	Proximity / access to existing bins. eg the bin may be close but do people need to cross a busy road to access it?	>100 metres to any bins	10	
		<100 metres to nearest bin	3	
		<100 metres to nearest bin (capacity or access issues experienced – eg across a busy road)	5	
		<100 metres to more than 1 bin (no capacity or access issues experienced)	0	
2C	Proximity to facilities	<100 metres to a school (must be on a walking route)	5	
		<50 metres to take-away outlets	10	
		<50 metres to shops	5	
		<100 metres to sports facilities	5	
		<50 metres to bus stops	5	
		<100 metres to parks & play areas	5	
		<100 metres to other public facilities such as pub, church, community centre, established dog walking routes	5	
2D	Number of **'justified'** requests for de-littering received in last six months	1 to 10 (one point per request)	Up to 10	
2E	Other factors	Up to 10 points to recognise unusual or individual factors relating to the request	Up to 10	
			Maximum score: **85….**	**Total score**

*All information subject to change - correct at time of first publication.

Successful applications:

A successful application will typically achieve a minimum score of 45 (56%).

But, before the approval is granted, consideration will need to be given to the following questions:

- Is there a sustained demand for a litter bin in this location?
- Will the installation of the additional bin achieve the desired outcome?
- Would alternative actions / measures provide a solution in the short, medium or long term?
- Could consideration be given to the temporary installation of the bin over a shorter trial period to allow time for assessment of its impact in the local area?

*All information subject to change - correct at time of first publication.

EXCERPT FROM THE MINUTES OF THE HEALTH AND WELLBEING SCRUTINY PANEL HELD ON 8 APRIL 2021

HWSP.33/21 LOCAL ENVIRONMENTAL CRIME ACTION & ENFORCEMENT STRATEGY

The Neighbourhood Services Manager presented report CS.21/21 containing the final draft of the Local Environmental Crime, Action and Enforcement Strategy which set out in a single document how the Council would meet its responsibilities for maintaining clean streets and neighbourhoods. The report further highlighted the wide ranging activities of the enforcement team in raising awareness and taking robust enforcement action against those responsible for committing enviro-crimes.

The Team Manager – Parking and Enforcement gave an overview of the changes to the Strategy which related to: the power to issue Fixed Penalty Notices (FPN) for drivers who refused to turn off a vehicle engine that was idling; litter bin scoring system, and response to increasing reports of graffiti, details of which were set out in the report.

In considering the Strategy Members raised the following comments and questions:

- How many prosecutions had the service undertaken in the last six months?

The Team Manager responded that the following FPNs had been issued since April 2020:
- Littering – 60
- Flytipping – 27
- Dog fouling – 4
- Vehicle – 1
- Micro chipping Notices – 50
- Breach of Community Protection Notice – 9
- Duty of Care (Householder) – 2
- Dogs off leads – 2

No court action had been taken as a result of the Covid 19 pandemic restrictions due to pressure on the court system: the Council had 34 cases awaiting prosecution through the Magistrate's Court..

Responding to a further question from a Member regarding the level of charges that were imposed via FPNs, the Team Manager stated that fees imposed for a FPN ranged from £75 to £400.

- Would the enforcement of vehicles idling cover beyond the city centre?

The Team Manager confirmed that enforcement activity on that issue was able to take place more widely in the district than the city centre.

The Member set out an issue regarding HGV's idling in Longtown, which the Team Manager undertook to investigate. The Member further detailed an issue in relation to flytipping which the Team Manager advised she was aware of and work was currently being undertaken with the landowner.

- A Member noted that the Strategy was currently intended as an internal document for use by Council Officers, she suggested that a version be made for the public so that they were aware of the services provided by the team.

The Neighbourhood Services Manager responded that once the Strategy was adopted it was intended that a public version would be made available on the Council's website.

The Member also noted that some of the online links contained in the draft Strategy were not working.

The Neighbourhood Services Manager thanked the Member for bringing the matter to his attention. The maintenance of the website was a large task, therefore should a Member be aware of a link not working in future, it should be reported to the team and it would be addressed.

The Member commented that the priorities within the draft Strategy related to those contained within the previous version of the Carlisle Plan.

The Neighbourhood Services Manager explained that following the adoption of the draft Carlisle Plan, the Strategy would be updated to reflect the new priorities.

- What enforcement actions were Officers able to take in relation to littering caused by businesses as part of their operations?

The Neighbourhood Services Manager responded that the Enforcement Team would liaise with businesses to attempt to minimise littering. Sometimes littering was caused by business customers and Officers were able to advise on step the business could take to reduce that, in addition, other actions such as the erection of signage may be considered. Deploying Officer(s) to an area that had been identified as having a particular problem would minimise littering or the failing to pick up dog fouling the monitoring was being undertaken. Often times when the monitoring stopped the behaviour commenced again, therefore the team also sought to raise awareness with residents. Where preventative and deterrent action did not prove effective, Officers would then consider enforcement action.

- What reduction in the tonnage of non-recyclable waste did the Council hope to achieve?

The Neighbourhood Services Manager undertook to provide a written response regarding the particular percentage reduction. He advised that the figure had been identified as part of a bid for government funding, which had been successful with the Council receiving £25,000.

- A Member expressed support for use of an app for residents to report issues such as dog fouling and asked how far it had been developed.

The Team Manager explained that a variety of options were being considered from bespoke apps to "off the shelf". Were one to be adopted it would use geo location tags which would inform the team of the particular whereabouts of an enviro-crime. An app would also allow data to be collected and then analysed to identify trends and hotspot areas to enable the team's resources to be better deployed.

The Member reiterated her support for the app as she considered that it may increase the reporting of enviro-crimes as people would be able to do so anonymously.

- How effective had the dog poo bag dispensers been and would they be reintroduced to Rickerby Park?

The Team Manager responded that the result of the trial of the dispensers had generated mixed results, some had been used well, others less so and the one in Rickerby Park had been

vandalised a short time after its installation. The dispensers required a lot of resource as they needed to be monitored and replenished. Given the mixed results of the trial it had been decided that they would not be rolled out widely.

Moreover, the Team Manager advised that dog owners needed to take responsibility for animals ensuring they removed faeces and disposed of it appropriately, as failure to do so was a criminal offence.

A Member commented that 4 FPNs in a year for dog fouling was a low number.

The Neighbourhood Services Manager agreed, but noted that it was an increase on the preceding year. He reiterated his earlier comments regarding the impact of monitoring a particular area in reducing incidences of enviro-crimes and the recurrence when monitoring ceased. Were an offence to be witnessed by an Officer enforcement action would be taken, including court action if necessary.

- Did the services participate in national projects such as the Great British Spring Clean and Keep Britain Tidy?

The Neighbourhood Services Manager confirmed that the service did participate in campaigns. He noted that sometimes such schemes excluded local councils, therefore it often may be more appropriate for community groups to sign up to the schemes.

The Neighbourhood Services Manager gave an overview of the litter picking and gardening resources the service had available to loan to groups to help make an area more attractive.

- How much enforcement action had been taken in relation to the selling/repair of vehicles on the roadside?

The Team Manager stated that no action had been taken in the preceding year as no offences had been reported. Enforcement action had been taken in the past and there was a court case pending, such enforcement action required a significant amount of investigation work for a case to be built.

The Member responded that she had not been aware it was an offence and suggested that some public awareness raising activity be undertaken.

The Team Manager agreed to consider some appropriate communications and educational messages.

- How effectively had the on-street recycling bins been used?

The Neighbourhood Services Manager reported that, thus far, the recycling bins had not been well used and that there was a lot of contamination of different materials. There was an increasing demand for the recycling bins, so the service would consider the location of those bins going forward and additional educational messages on how to use them. Furthermore, street cleaners were also picking up an increasing amount of recyclable material on their rounds. It was difficult to sort the material in situ without having an impact on the environment through an increase in the number of journeys made.

A number of Members thanked the Officers for the work undertaken by the team across a range of issues, noting that matters raised were dealt with promptly and efficiently.

The Neighbourhood Services Manager thanked the Members for their comments, advising that they would be passed on to the teams.

RESOLVED – 1) That report CS.21/21 be received.

2) That the Neighbourhood Services Manager circulate to the Panel details of the percentage reduction in the tonnage of non-recyclable waste the Council hoped to achieve from the installation of additional on-street recycling bins.