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Street Scene Enforcement Strategy (East Dorset District Council)

Policy Details

What is this policy for?	To improve the quality of the local environment, as this affects and reflects the well-being of the people living there.
Who does this policy affect?	Local residents and businesses. Employees of the council.
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Does this policy relate to any laws?	Section 89 of the Environmental Protection Act 1990
Is this policy linked to any other Dorset Council policies?	
Equality Impact Assessment (EqIA)	A new EqIA will be completed when the policy is reviewed before April 2021.
Other Impact Assessments	

Status and Approvals

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Member/ Partnership Board Approval	East Dorset District Council	Date approved	

STREET SCENE ENFORCEMENT STRATEGY



APRIL 2007
(amended March 2010)

CONTENTS

	Page No
1. Introduction	
1.1 Strategic Overview	4
1.2 The Clean Neighbourhoods and Environment Act	5
1.3 Achieving clean neighbourhoods	5
1.4 Fixed Penalty Notices	5
2. Core Offences	
2.1 Depositing Litter	6
2.2 Abandoning a vehicle	6
2.3 Nuisance vehicles	7
2.4 Dogs	7
2.5 Fly posting and Graffiti	8
2.6 Fly tipping	8
3. Other Offences	
3.1 Waste Receptacles	10
3.2 Powers to prevent littering	
3.2.1 Street litter outside premises	10
3.2.2 Controlling the distribution of free literature	10
3.2.3 Litter Clearing Notices	11
3.3 Failure to produce waste transfer note	12
3.4 Abandoned Shopping and Luggage Trolleys	12
4. Enforcement Procedures	
4.1 Written Warning	13
4.2 Official Cautions	13
4.3 Fixed Penalty Notices	13
4.4 Prosecution	14
5. Issuing Fixed Penalty Notices and other enforcement actions	
5.1 Request for personal details by an authorised officer	15
5.2 Evidence	15
5.2.1 Addressed documents	16
5.2.2 Witness statement from an authorised officer	16
5.2.3 Witness statement from other persons	16
5.2.4 Interview of alleged offenders	16
5.2.5 Interviewing by letter	16
5.3 Persistent offenders	17
5.4 Juveniles	17
5.5 Payment of Fixed Penalty Notices	17
5.6 Non payment of fixed penalty notices	18
6. Authorised officers	

6.1 Authorisation	19
6.2 Format of authorisation	19
4.3 Parish and Town Councils	19
	Page No
Appendices	
Appendix A – Enforcement Concordat	20
Appendix B – Existing Street Scene Services Provision	22
Appendix C – Summary of Clean Neighbourhoods and Environment Act	24
Appendix D – Extract from National Fly tipping Protocol	26

1. Introduction

1.1 Strategic Overview

This enforcement strategy complies with the National Enforcement Concordat that was adopted by the Council in April 2000 and is attached at Appendix A. The concordat commits the Council to use consistent, fair and equitable enforcement policies.

The government has established an initiative entitled Cleaner, Safer, Greener Communities. One of the aims of this initiative is to improve the quality of the local environment, as this affects and reflects the well-being of the people living there. Whether it's a town centre, local park or street, it is important that these areas are attractive and safe places to be.

The East Dorset Community Partnership has identified the reduction of litter, fly-tipping and dog fouling as key objectives for its Environment Theme Action Group.

The Council's Corporate Plan includes Corporate Objective ENV2:

To promote the reduction, reuse and recycling of household waste and ensure the District is kept clean.

The Council has a duty under Section 89 of the Environmental Protection Act 1990 to ensure that public highways and public land that it controls are, so far as is practicable, kept clear of litter and refuse, and in the case of highways, clean.

In order to comply with its Section 89 duty, the Council will carry out the street scene services as detailed in Appendix B.

All of this must be set against the fact that East Dorset is an area where environmental crimes are relatively low. Performance indicators show:

Indicator	Period	East Dorset	National Quartile
Percentage of residents who are satisfied with the Council's service to keep land clear of litter and refuse (BVPI 89)	2008/09	67%	First
Percentage of streets that have unacceptable levels of litter (NI 195a)	2009/10	1%	Second
Percentage of streets that have unacceptable levels of detritus (NI 195b)	2009/10	4%	First
Percentage of streets that have unacceptable levels of graffiti (NI 195c)	2009/10	1%	Second
Percentage of streets that have unacceptable levels of fly posting (NI 195d)	2009/10	0%	First
Percentage of abandoned vehicles inspected within 24 hours of report (retained BVPI 218a)	2009/10	69.44%	Not available
Percentage of abandoned vehicles removed with 1 day of Notice to Remove expires (retained BVPI 218b)	2009/10	90.91%	Not available
Number of fly tips dealt with by the Council	2009/10	388	No data

1.2 The Clean Neighbourhoods and Environment Act

The Clean Neighbourhoods and Environment Act 2005 (CNEA 2005) introduced new offences relating to litter, fly-posting, waste, vehicles and dogs. It also expanded the offences for which Fixed Penalty Notices can be issued for low level environmental crimes to allow local authorities deal with these offences more effectively. A summary of the CNEA 2005 is attached at Appendix C.

1.3 Achieving Clean Neighbourhoods

To achieve clean neighbourhoods the Council will enforce legislation regarding environmental crimes. The enforcement action will work alongside a programme of education and promotion. Part of this education will include an explanation of the legislation surrounding environmental crimes and the Councils approach to these issues.

1.4 Fixed Penalty Notices

Fixed Penalty Notices are a means by which an authorised officer of the Council can give a person who he has reason to believe has committed an offence the opportunity to discharge any liability to conviction for the offence by payment of a fixed penalty. The Council is able to retain the receipts from fixed penalties.

There are fixed penalty levels set for abandoned and nuisance vehicles and for waste collection and transfer offences. All other penalty charges can be varied by local authorities within a £50-100 range.

Where a Fixed Penalty is given then no proceedings will be instituted for that offence before the expiration of 14 days following the date of the notice being issued and if the Fixed Penalty is paid the recipient cannot be convicted of the offence.

The Council will take enforcement action for offences described in Sections 2 and 3 of this strategy).

If the fixed penalty is not paid, the recipient will be prosecuted for the offence, not the non-payment of the fixed penalty.

The Council will pursue through the courts all alleged offenders that have chosen not to discharge their liability to conviction for an offence by paying a fixed penalty charge.

2. Core offences

The Council has the power to take enforcement action against persons that commit a variety of environmental crimes. The following are considered to be the Core Offences:

2.1 Dropping litter

The Environmental Protection Act 1990 (EPA 1990) created the offence of leaving litter '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 ... he shall be guilty of an offence'. This relates to places in the open air to which the public are entitled or permitted to have access without payment, including any covered place open to the air on at least one side and to which the public has access.

The CNEA 2005 extends the scope of that offence so that it becomes an offence to drop litter anywhere in the open air (including rivers and lakes) regardless of ownership, except in locations where the public does not have access or the owner of the land has given permission for the dropping of litter or a legal authorisation exists to do so.

The CNEA 2005 makes it clear that litter includes smoking-related litter and discarded chewing gum; increases the fixed penalty charge and allows receipts from the charges to be retained by the Council.

If found guilty of a litter offence, the offender can be fined up to £2,500, or a term of not exceeding three months imprisonment, or both.

In lieu of prosecution for a litter offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £75, reduced to £50 if paid within the first 7 days.

2.2 Abandoning a vehicle

Under the Refuse Disposal (Amenity) Act 1978, a person commits an offence if he, without lawful authority, abandons on any land in the open air, or on any land forming part of a highway, a motor vehicle or anything that has formed part of a motor vehicle. The CNEA 2005 allows local authorities to issue Fixed Penalty Notices to persons alleged to have committed such an offence.

There is no legal definition of an abandoned vehicle. Authorised officers must use their discretion when forming decisions on abandonment using guidance issued by DEFRA. Authorised officers will normally only be able to arrange for the removal of a vehicle from a highway or public land. Abandoned vehicles on private land can be removed at the request of the occupier, but the cost of doing so will be recharged to the occupier.

If found guilty of abandoning a vehicle on a highway or on land in the open air, a person can be fined up to £2,500, or a term of not exceeding three months imprisonment, or both.

In lieu of prosecution for an abandoned vehicle offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £200, reduced to £150 if paid within the first 7 days.

2.3 Nuisance vehicles

The CNEA 2005 make it a new offence to leave two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale, or to cause two or more motor vehicles to be so left. This only applies to persons who are carrying out a business of selling motor vehicles.

The CNEA 2005 also makes it an offence to carry out restricted works (repair, maintenance, servicing, improvement or dismantling) on a motor vehicle on a road. This only applies to persons who are in the course of a business of carrying out restricted works or for gain or reward.

Authorised officers will only be able to take enforcement action, including the removal of a vehicle, for nuisance vehicles on a road.

A person found guilty of a nuisance vehicle offence can be fined up to £2,500, or a term of not exceeding three months imprisonment, or both.

In lieu of prosecution for a nuisance vehicle offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £100, reduced to £75 if paid within the first 7 days.

2.4 Dogs

The CNEA 2005 allows a dog control order to be made in respect of any land (subject to the following two exemptions) which is open to the air and to which the public are entitled or permitted to have access (with or without payment).

There are two exemptions from land to which dog control orders can be applied as detailed in the Control on Dogs (Non-application to Designated Land) Order 2006:

- a) Land placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967 is exempt from all dog control orders.
- b) Land over which a road passes is exempt from a dog control order excluding dogs from the land. The definition of road includes public rights of way (including footpaths) and roads and footpaths through private estates, provided the public have access to them.

The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 provide for five offences which may be prescribed in a dog control order:

- a) Failing to remove dog faeces
- b) Not keeping a dog on a lead
- c) Not putting and keeping a dog on a lead when directed to do so by an authorised officer
- d) Permitting a dog to enter land from which dogs are excluded
- e) Taking more than a specified number of dogs onto land

There is a strict procedure to be followed in order to make a dog control order. The Head of Public Health Services is currently consulting with Parish and Town Councils on the extent of a possible dog control order for the District.

In lieu of prosecution for a dog offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £75 reduced to £50 if paid within the first 7 days.

2.5 Fly Posting and Graffiti

Local authorities are required to make reasonable attempts to enter into partnership arrangements with property owners to deal with fly posting and graffiti. All parties should work in partnership to remove fly posters and graffiti within agreed times and minimise the need for removal notices.

Under the Town and Country Planning Act 1990 (TCPA 1990), it is an offence to display an advertisement in contravention of the regulations made under the act. These regulations relate to the permission for the display of the material, and the nature and size of the material to be displayed. Under the TCPA 1990 the Council can take action against those responsible for fly posting and remove illegal posters and placards and recover the cost incurred in doing so from those who have displayed them, or caused them to be displayed.

It is appropriate for a distinction to be drawn between, for example, a poster advertising a local community or charitable event and a poster advertising a commercial activity.

The CNEA 2005 has amended the defence for a landowner charged with a fly posting offence so it is now necessary to prove that the advertisement was displayed without his knowledge or that he took all reasonable steps to prevent the display or to secure its removal.

The Anti-social Behaviour Act 2003 (ASBA 2003) allows the Council to serve Fixed Penalty Notices on persons who commit 'minor' graffiti or fly posting offences.

The ASBA 2003, as amended by the CNEA 2005, allows the Council to serve a Defacement Removal Notice on owners, occupiers and operators of street surfaces of buildings and street furniture whose property is defaced with detrimental fly posting or offensive or detrimental graffiti.

In lieu of prosecution for a fly posting or graffiti offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £75, reduced to £50 if paid within the first 7 days.

2.6 Fly Tipping

The EPA 1990 makes it an offence to deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence. The CNEA 2005 removes the defence of an offender acting under his employer's instructions.

The powers to deal with fly tipping incidents are shared between local authorities and the Environment Agency. The national Fly Tipping Protocol (agreed between the Environment Agency and LGA) gives guidance on which authority should take the lead in dealing with fly tips dependant on their size, composition and location. This division of responsibilities is summarised in Appendix D.

The East Dorset Community Partnership funded a campaign carried out by the Environment Agency in the Holt and St Leonards & St Ives parishes. The campaign encouraged residents to report fly tip incidents (and record details of the offender if they witnessed an offence taking place) and to ask for waste registration information from any contractors that they employed to remove waste from their property.

Both the Council and the Environment Agency may serve a notice under the EPA 1990 requiring the occupier of land to remove material fly tipped and/or reduce the consequences of the deposit of the fly tipped material. Occupiers of land can establish a statutory defence such as he did not knowingly permit the material to be fly tipped on his land. The Council or the Environment Agency can also remove fly tipped material and recover their investigation and clean up costs of doing so from convicted fly tippers.

The CNEA 2005 increased the penalty for a person found guilty of a fly tipping offence to up to £50,000, or a term not exceeding 5 years imprisonment for both hazardous and non-hazardous waste offences.

Due to the serious crime that fly tipping represents, there is not an option to offer a fixed penalty payment in lieu of prosecution.

3. Other offences

Some offences may occur that do not form part of the Core Offence list, but are still of a nature that could lead to the issuing of a Fixed Penalty Notice or a caution.

3.1 Waste Receptacles

Under the EPA 1990, the Council can specify what materials can and cannot be placed in certain kinds of waste receptacles (such as only residual waste in black sacks and only glass and cans in green boxes) and the location where residents must put their waste receptacles to facilitate waste collection. If the location is outside of the boundary of a property, the Council can also specify between what times the receptacles must be put out and taken back in.

The Council can issue a Waste Receptacles Notice to a person who fails to comply with these specified requirements and a person found guilty of failing to comply with a notice can be fined up to £1,000. The CNEA 2005 introduces the use of fixed penalties for failure to comply with a Waste Receptacles Notice.

The Council will adopt a policy that each kind of waste receptacle specified by the Council can only be used for the materials described in the Council's published waste sorting guides.

All waste receptacles must be left for collection within 3m of a public highway (unless otherwise agreed in writing) and, where waste containers have to be left on the highway, containers should not be put out before midday on the day before collection and ideally not before 18:00, and removed by 20:00 on the day of collection.

In lieu of prosecution for failure to comply with a Waste Receptacles Notice, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £100, reduced to £75 if paid within the first 7 days.

3.2 Powers to prevent littering

3.2.1 Street Litter outside premises

The EPA 1990 allows the Council to tackle street litter generated through the activities on adjacent premises, by serving Street Litter Control Notices on businesses. These notices are specifically designed to help deal with food and drink packaging and other litter from 'fast food' outlets or litter from cash machines. The CNEA 2005 extends the use of these notices to include mobile operations, such as burger vans, and introduces the use of fixed penalties for failure to comply with a notice.

The Council is able to serve a notice on a business, which requires them to clear up the litter and implement measures to prevent the land from becoming defaced

again. A person found guilty of failing to comply with a Street Litter Control Notice can be fined up to £2,500.

In lieu of prosecution for failing to comply with a Street Litter Control Notice, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £100, reduced to £75 if paid within the first 7 days.

3.2.2 Controlling the Distribution of free literature

The CNEA 2005 gives local authorities the power to control the distribution of free literature by designating areas of their own land or highways where free literature is only permitted with their consent.

Anyone distributing free material in a designated area without consent (except charities or for political purposes) is committing an offence and, if found guilty, could be fined up to £2,500.

The Council will consider complaints received about the distribution of free literature and assess whether it is appropriate to make an order to restrict the distribution of free literature. If such an order were to be made, in lieu of prosecution for a distribution of free literature offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £75, reduced to £50 if paid within the first 7 days.

3.2.3 Litter Clearing Notices

Litter Clearing Notices can be used by the Council where land has become defaced by litter and refuse and this is seen as detrimental to the amenity of the area. These Notices have been introduced by the CNEA 2005 and replace the Litter Control Areas created by the EPA 1990.

Litter Clearing Notices are used where local authorities do not have a duty to clear litter and refuse, most commonly private land. The Council is able to specify the areas and the standard to which the land must be cleared.

If the land is not cleared satisfactorily, the Council can enter the land, clear it itself and recover the costs of doing so. A person found guilty of failing to comply with a Litter Clearing Notice can be fined up to £2,500.

In lieu of prosecution for failing to comply with a Litter Clearing Notice, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £100, reduced to £75 if paid within the first 7 days.

3.3 Failure to produce waste transportation documents

Section 34 of the EPA 1990 sets out the waste duty of care, which applies to anyone who is the holder of controlled waste. Waste must be passed on to an authorised person and the producer must retain a waste transfer note that sets out certain details of the waste. These waste transfer notes must be kept for two years. Section 53 of the CNEA 2005 extends the powers to investigate illegal waste disposal or duty of care offences to authorised council officers.

There is no need for householders to have waste transfer documentation for waste that is collected by the Council. If, however, householders employ a contractor to remove waste from their property (such as garden or building waste) they have a duty to take reasonable measures to ensure that their waste is passed on to an authorised person. The duty emphasises the responsibility that residents must not support illegal waste transfer and fly tipping, whether knowingly or unknowingly.

Amendments to Section 34, by the CNEA 2005, make it an offence when a person has failed to carry out their duty to provide the necessary authority for transporting waste. A householder, business or waste carrier found guilty of failing to provide the necessary authority for transporting waste can be fined up to £5,000.

If a person is not able to furnish the relevant waste transportation documents, the Council will allow that person 14 days within which to produce the documentation. If the documentation is not produced within 14 days and in lieu of prosecution for failing to produce the necessary authorisation for transporting waste, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £300, reduced to £200 if paid within the first 7 days.

3.4 Abandoned Shopping and Luggage Trolleys

The Council can adopt powers under Section 99 of the EPA 1990 to seize, store and dispose of shopping and luggage trolleys found in its area. There are prescribed consultation procedures that must be followed before the powers can be adopted.

If the powers were adopted, the Council would be required to notify a trolley owner within 14 days of it being seized and keep the trolley for at least 6 weeks. At the end of that period the Council could sell or dispose of the trolley and charge the person who appears to be the owner an amount to cover the removal, storage, administration and disposal costs. There are no provisions for issuing FPNs for abandoned trolleys.

4. Enforcement Procedures

Enforcement action against the offences described in Sections 2 and 3, will require authorised officers to follow set procedures and protocols in order to ensure consistency in the collection of evidence and the enforcement actions applied.

Enforcement action should only be taken if there is complete evidence of an offence having taken place.

4.1 Written Warnings

Written warnings should only be used when there is evidence that shows beyond reasonable doubt that a person has committed an offence and it is considered to be inappropriate to issue an official caution or Fixed Penalty Notice.

A written warning should contain the following information: date, time and location of the alleged offence, personal details of the alleged offender, the nature of the offence and relevant legislation, and be signed and dated upon issuing by an authorised officer.

4.2 Official Cautions

The decision whether to issue an official caution or higher level enforcement action will relate to the nature of the offence and the attitude of the alleged offender.

As with all types of enforcement action, the alleged offender will be required to supply the officer with their personal details. These details cannot be used to issue any other type of enforcement action for that offence; however they can be used in conjunction with future enforcement action.

Persons alleged to have committed an offence will only be issued with one official caution; any subsequent offences will require the issuing of a Fixed Penalty Notice.

Official cautions must contain the following information; date, time and location of the alleged offence, personal details of the alleged offender, the nature of the offence and relevant legislation. It must be signed and dated by an authorised officer and must be issued using a formal notice which also includes the signature of the offender agreeing to accept a caution.

4.3 Fixed Penalty Notices

A Fixed Penalty Notice will be issued to persons who are alleged to have committed an offence where it is considered that a caution is not appropriate.

It is essential for the issuing of a Fixed Penalty Notice that the authorised officer collects adequate evidence to support any legal proceedings if the notice is returned unpaid.

The Fixed Penalty Notice must contain the following information; date, time and location of the alleged offence, personal details of the alleged offender, the nature of the offence and relevant legislation, and be signed and dated upon issuing by an authorised officer. The notice will clearly state that by opting to pay the fixed penalty the Council will take no legal action for the prescribed offence, providing that the payment is received within 14 days of the issuing of the notice.

4.4 Prosecution

In certain cases prosecution through the courts may be the most appropriate course of action, or where other enforcement actions have had no effect. Prosecution will likely follow when:

- ◆ a Fixed Penalty Notice is issued to an alleged offender is returned unpaid after the 14 day payment period
- ◆ three Fixed Penalty Notices have been issued to a person
- ◆ an offence is of a size or nature where a Fixed Penalty Notice is considered to be insufficient.

5. Issuing Fixed Penalty Notices and other enforcement actions

Enforcement action will be retrospective to the alleged offence being committed.

The Council's standard procedure will be to issue Written Warnings, Official Cautions and Fixed Penalty Notices through the post.

It is therefore essential that the evidence and information collected by the authorised officer must be of an adequate standard to support any resultant legal action.

5.1 Request for personal details by an Authorised Officer:

Authorised officers have the power to require the name and address of a person who they believe has committed an offence. These personal details can then be used to issue enforcement action against the alleged offender.

To avoid serving enforcement action using false details, the authorised officer will use all reasonable methods to confirm the details supplied by an alleged offender. The initial method of confirmation will be through the Electoral Services Officer, where personal details can be checked against the electoral roll (but this will not include juveniles). Upon confirmation of the alleged offender's personal details, the appropriate enforcement action can be taken.

Failing to supply personal details, or giving a false name and address to an authorised officer is an offence, and carries a fine of £1,000 upon conviction. If a person fails to provide an authorised officer with personal details, the officer will take all reasonable steps to obtain information on that person.

5.2 Evidence

Evidence is the key to the enforcement procedure. The recording and storage of this evidence must be carried out in a concise and consistent manner to ensure its admissibility in Court. Evidence collected by authorised officers will come in various forms, from various sources and, dependant on its quality, could be used in a variety of enforcement actions.

Evidence that is obtained by an authorised officer 'in the field' will be recorded contemporaneously in ink in a notebook. All entries must be clear and precise.

Evidence may also be in the form of:

5.2.1 Addressed documents

Evidence gathered in relation to an offence, can come in the form of an addressed document, which may relate to the person believed to have committed the offence (eg when household waste is found to be fly tipped, an authorised officer will search the waste for any documentation which may relate to the person responsible).

5.2.2 Witness statement from an authorised officer

When enforcement action is taken against an alleged offender, where an authorised officer has witnessed the offence occurring, that officer will have to produce a witness statement.

5.2.3 Witness statement from other persons

Evidence received from members of the public can be used to issue official cautions or Fixed Penalty Notices. In order for the evidence to be of value the witness must be willing to attend court to give evidence, if that becomes necessary. Any statement made by a witness must be signed and dated by the witness and witnessed by the authorised officer at the time of taking of the statement. Statements will be recorded on forms prepared to comply with evidential procedures.

5.2.4 Interview of alleged offenders

The Police and Criminal Evidence Act (PACE) Codes of Practice require any person interviewed regarding his involvement or suspected involvement in an offence must be under caution, otherwise the evidence will be inadmissible in court. This caution must be carried out before any questions are put to him regarding the offence. PACE interviews will only be undertaken by trained officers.

No juvenile (a person aged under 17) or mentally impaired person should be interviewed without an appropriate adult being present.

5.2.5 Interviewing by letter

As a last resort it may be necessary to try to interview the suspect by way of correspondence. In this way it will be possible to write to the suspect under caution asking them relevant questions and giving them a time by which to reply.

5.3 Persistent Offenders

To ensure that the enforcement procedure is fair and consistent, persistent offenders will be dealt with as follow;

Where a written warning has been issued on a previous occasion, and a further offence is committed on a separate occasion, no further warnings will be issued. The next course of action will be to issue an official caution, unless the offence warrants a Fixed Penalty Notice.

Where an official caution has been issued on a previous occasion, and a further offence is committed on a separate occasion, no further cautions will be issued. On acceptance of the caution, the alleged offender understands that any future infringement of the law will result in further enforcement action. In these cases the next likely course of action would be to issue a Fixed Penalty Notice.

A person may be issued with up to three Fixed Penalty Notices in total. If found to have infringed the law on a fourth separate occasion no further penalty notices will be served upon that person and court proceeding will be instigated.

5.4 Juveniles (person aged under 17)

When a juvenile is alleged to have committed an offence the name, address, age and date of birth of the suspected offender should be obtained, together with the name and address of his or her parent or legal guardian. Once the age of the offender has been ascertained, the correct course of action can then be followed.

For offenders aged 16 or 17 years old, a Fixed Penalty Notice can be issued using the same procedure as for adults.

For offenders between 10 and 15 years old, a fixed penalty should not normally be issued. If on enquiry it is found that a Fixed Penalty Notice is suitable, then the notice should be issued to the offender with an appropriate adult being present (see paragraph 5.2.4 regarding interviewing juveniles).

5.5 Payment of Fixed Penalties

When a Fixed Penalty Notice has been issued, the alleged offender has 14 days within which to make the full payment amount, or pay a discounted amount within 7 days.

Payment of the fixed penalty notice can be made in one of three ways:

- ◆ through the cash office at the Furzehill Council Offices
- ◆ by debit or credit card over the 'phone to the Council Offices
- ◆ by cheque through the post

5.6 Non-payment of Fixed Penalties

Fixed Penalty Notices give the offender the opportunity to avoid prosecution by payment of the penalty. It is essential that the evidence used to issue a Fixed Penalty Notice is of a high enough standard to support a prosecution if the fixed penalty is returned unpaid.

When, after 7 days a Fixed Penalty Notice has not been paid, the alleged offender will be sent a reminder letter. This letter will state the terms of the penalty payment, and the payment deadline.

If a Fixed Penalty Notice remains unpaid for a period of 14 days after the payment deadline has passed, a file will be put together and court proceedings will be issued. All unpaid penalties will be followed up by prosecutions through the courts.

6 Authorised Officers

6.1 Authorisation

The statutes enforced by the Council require that the enforcement officers are duly authorised.

Authorised officers will be either:

- i) an employee of the Council who is authorised in writing by the Council for the purpose of giving notices under the relevant legislation;
- ii) any person who, in pursuance of arrangements made with the Council, has the function of giving such notices and is authorised in writing by the Council to perform that function; or
- iii) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices.

It is essential that officers are correctly authorised, so as not to be challenged in court or not to issue Fixed Penalty Notices illegally.

Authorised officers will be trained on how to gather evidence that will be in accordance with judicial requirements and on conflict avoidance techniques when dealing with alleged offenders.

6.2 Format of the authorisation

The authorisation will identify the officer by name and position, will describe the legislation that the officer is authorised to enforce and will be signed and dated by the Chief Executive on behalf of the Council.

6.3 Parish and Town Councils

Parish and Town Councils are also able to authorise employees and contractors to issue Fixed Penalty Notices for litter, graffiti, fly-posting and dog offences.

The Council's view is that, although this is a matter for individual Parish and Town Council to decide, to ensure consistency, all enforcement actions should be carried out by officers authorised by the District Council.

The Principles of Good Enforcement: Policy and Procedures Adopted by East Dorset District Council from 1 April 2000

This Appendix sets out what business and others being regulated can expect from enforcement officers. It commits us to good enforcement policies and procedures. It may be supplemented by additional statements of enforcement policy.

The primary function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.

The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated. We recognise that most businesses want to comply with the law. We will, therefore, take care to help business and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice, and safety.

We have therefore adopted the central and local government Concordat on Good Enforcement. Included in the term “enforcement” are advisory visits and assisting with compliance as well as licensing and formal enforcement action. By adopting the concordat we commit ourselves to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

Principles of Good Enforcement: Policy

- **Standards**

In consultation with business and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.

- **Openness**

We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting business, voluntary organisations, charities, consumers and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

- **Helpfulness**

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings

with us and we will encourage business to seek advice /information from us. Applications for approval of establishments, licenses, registrations, etc, will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

- **Complaints about service**

We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

- **Proportionality**

We will minimise the costs of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

- **Consistency**

We will carry out our duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Coordinating Body on Food and Trading Standards (LACOTS) and the Local Authority National Type Approval Confederation (LANTAC).

Principles of Good Enforcement: Procedures

Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what time-scale, and making sure that legal requirements are clearly distinguished from best practice advice.

Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection or to prevent evidence being destroyed).

Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.

Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

Street Scene Services

<p>Street Cleaning</p>	<p>The Council operates a comprehensive street cleansing and litter clearance service on land for which the Council is responsible (approx. 7.2 km²). The service is carried out at the following scheduled frequencies:</p> <p>Mechanical carriageway channel sweeping (kerbed roads)</p> <table border="0"> <tr> <td>Wimborne town centre</td> <td>6 times per week</td> </tr> <tr> <td>Other town centres</td> <td>3 times per week</td> </tr> <tr> <td>Outskirts of town centres</td> <td>Once per week</td> </tr> <tr> <td>Main approaches to town centres</td> <td>Once per month</td> </tr> <tr> <td>Villages</td> <td>Once per month</td> </tr> <tr> <td>Estate roads</td> <td>6 times per annum</td> </tr> <tr> <td>A31 and A338 lane 1</td> <td>2 times per annum</td> </tr> <tr> <td>A31 and A338 lane 2</td> <td>Once per annum</td> </tr> <tr> <td>Public car parks</td> <td>Once per week</td> </tr> </table> <p>Litter picking</p> <table border="0"> <tr> <td>Ferndown/Wimborne town centres</td> <td>Daily</td> </tr> <tr> <td>Corfe Mullen shopping centre</td> <td>5 times per week</td> </tr> <tr> <td>West Parley, West Moors and Verwood centres</td> <td>3 times per week</td> </tr> <tr> <td>Outskirts of Corfe Mullen, Ferndown and Verwood</td> <td>Once per week</td> </tr> <tr> <td>Public car parks</td> <td>Once per week</td> </tr> <tr> <td>Main approaches to Ferndown and Wimborne, underpasses and lay-bys</td> <td>Once per month</td> </tr> <tr> <td>A31 and A338 verges</td> <td>4 times per annum</td> </tr> <tr> <td>A31 verges between Woolsbridge and Palmersford roundabouts</td> <td>Once per month</td> </tr> <tr> <td>A31 and A338 central reservation</td> <td>Once per annum</td> </tr> </table> <p>Additional unscheduled cleaning is carried out when necessary.</p> <p>When resources permit, the Council provides a litter picking service on land that is owned or leased by other public or community bodies. This work is carried out on a rechargeable basis.</p>	Wimborne town centre	6 times per week	Other town centres	3 times per week	Outskirts of town centres	Once per week	Main approaches to town centres	Once per month	Villages	Once per month	Estate roads	6 times per annum	A31 and A338 lane 1	2 times per annum	A31 and A338 lane 2	Once per annum	Public car parks	Once per week	Ferndown/Wimborne town centres	Daily	Corfe Mullen shopping centre	5 times per week	West Parley, West Moors and Verwood centres	3 times per week	Outskirts of Corfe Mullen, Ferndown and Verwood	Once per week	Public car parks	Once per week	Main approaches to Ferndown and Wimborne, underpasses and lay-bys	Once per month	A31 and A338 verges	4 times per annum	A31 verges between Woolsbridge and Palmersford roundabouts	Once per month	A31 and A338 central reservation	Once per annum
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<p>Litter Bins</p>	<p>There are approximately 220 litter bins located throughout the district, which are emptied on a frequency ranging from daily to weekly, depending on usage.</p> <p>Litter bins are located in places where litter originates, mainly near shops or places where people congregate.</p> <p>When resources permit, the Council provides and empties litter bins on land that is owned or leased by other public or community bodies. This</p>																																				

	work is carried out on a rechargeable basis.
Dog Faeces Bins	The collection of waste from approximately 200 dog bins is carried out throughout the district on a weekly frequency. The Council provides and empties litter bins on land that is owned or leased by other public or community bodies. This work is carried out on a rechargeable basis.
Green Bag & Box Kerbside Recycling Collections	The collection of newspapers, magazines, junk mail, glass bottles and jars, cans and plastic bottles is carried out on a fortnightly frequency from a potential 38,000 properties in the district.
Brown Bin Kerbside Compostable Collections	The collection of food wastes, cardboard and soft green garden waste is carried out on a weekly frequency from a potential 18,700 properties in the district.
Residual Waste Kerbside Collections	The collection of residual waste (ie waste not collected in the kerbside recycling or composting schemes operating in an area) is carried out on a weekly basis from a potential 38,500 properties in the district.
Bulky Household Waste Collection	The Council provides a charged collection service for bulky household waste (items that weigh more than 25 kg or will not fit inside a cylinder that is 750mm diameter and 1m high).
Fly Tip Removal	The removal of fly tipping is collected and disposed of as part of the street cleaning service. The target response time to remove a fly tip is no more than 7 days from being reported.
Abandoned Vehicles	The Council endeavours to inspect all vehicles within 24 hours of receiving a report. A Notice to Remove is affixed to abandoned vehicles stating the date on which the vehicle will be removed by the Council's contractor. The vehicle is removed on the date specified on the Notice and stored whilst Registered Keeper details are obtained. If not claimed the vehicle is dismantled.
Fly Posting and Graffiti	The Council removes fly posters and graffiti from its buildings when they are considered to be detrimental to the area. The Council charges a fee of £150 (plus any traffic management costs) for the removal of unlawful signs and advertisements.

Summary of the Clean Neighbourhoods and Environment Act 2005

Part 1 – Crime and Disorder

The Crime and Disorder Act 1998 is amended, to ensure that Crime and Disorder Reduction Partnerships include the quality of the local environment when developing their strategies. It also gives local authorities new powers to gate nuisance alleyways.

Part 2 – Vehicles

Local authorities are given significant new powers to deal quickly with abandoned and nuisance vehicles. Local authorities will be able to immediately remove any abandoned vehicle from a road. They will no longer have to wait until a valid licence expires before disposing of a vehicle and will also be able to immediately dispose of any vehicle not displaying a licence and registration mark. There are two new offences to address the problem of business or individuals using the road to sell or repair vehicles.

Part 3 – Litter and Refuse

The offence of dropping litter will be extended to any land open to the air, regardless of ownership, whilst clarifying that chewing gum and smoking related materials are litter. There is a new power to issue Litter Clearing Notices. This replaces the previous Litter Control Areas powers. These can be issued in relation to most land for which there is no duty to clear litter and refuse, including most private land. Existing provisions on Street Litter Control Notices will now specifically include most private land, including mobile vendors. Principal litter authorities will have the power to restrict distribution of leaflets (flyering) in designated areas.

Part 4 – Graffiti and other Defacement

The Act includes stronger powers to address graffiti and fly-posting by extending Graffiti Removal Notices to include fly-posting. The fly-posting offence is strengthened to make it more difficult for the beneficiaries of fly-posting (venue, record company, artistes, etc) to evade prosecution. Local authorities will have new powers to recover the cost of removing fly-posters and enforce the ban on the sale of spray paints to under 18s. Parish and community councils will be empowered to issue Fixed Penalty Notices (FPNs) for graffiti and fly-posting.

Part 5 – Waste

This part of the Act provides stronger powers, penalties and deterrents to enforce against individuals, business and criminal gangs caught fly-tipping or disposing of their waste illegally or irresponsibly. Local authority and Environment Agency officers will be able to issue FPNs for a range of waste offences and will have new powers to immediately search, seize and impound a vehicle involved in fly-tipping. New guidance to magistrates will increase the penalties and costs awarded for fly-tipping offences. Authorities will be able to issue FPNs to householders and business not complying with waste collection regulations. Land owners as well as occupiers will have responsibility for clearing fly-tipped waste from their land.

This part also supports local authorities to develop sustainable waste management strategies, by abolishing the requirement to contract out waste disposal functions and requiring developers and contractors to produce a Site Waste Management Plan.

Part 6 – Dogs

The Act will transfer registration of stray dogs from the police to local authorities, subject to an agreed transfer of resources. The Act will also scrap the existing dog byelaw system and replace it with a new Dog Control Order, giving local authorities and parish councils the power to designate areas where dog fouling, letting a dog off the lead, excluding dogs from designated land and walking more than a set number of dogs will all be offences. A parish council will also be able to make a dog control order.

Part 7 – Noise

The Act gives local authorities a new power to designate an area as an alarm notification area, with a requirement to register key-holders with the local authority. Local authority officers will be able to enter a premises (although not by force unless a warrant is issued) to silence an alarm sounding continuously for 20 minutes or sounding intermittently for 1 hour. The Act also gives local authorities the power to issue FPNs for noise nuisance at night to operators of licensed premises. A warning notice would be issued in the first instance, with a FPN (set a £500 for nuisance from licensed premises) available for further offences.

Part 8 – Architecture and the Built Environment

The Commission of Architecture and the Built Environment (CABE) will be established on a statutory basis.

Part 9 – Miscellaneous

This part clarifies regulations around fixed penalty notices and the use of penalty receipts. This part also gives authorities the power to charge owners for the cost of recovering, storing and disposing of abandoned shopping and luggage trolleys, regardless of whether or not the owner accepts their return. Statutory nuisances will be extended to include artificial light from premises and insects, whilst all Contaminated Land Appeals will go to the Secretary of State, rather than local magistrates as at present.

Fixed Penalty Notices (FPNs)

These can be used instead of prosecution for a large number of the new offences introduced by the Act. Local authorities can issue fixed penalty notices for offences on litter, dog fouling, night time noise, graffiti, fly-posting, free literature distribution, vehicles, waste collection and site waste management plans. FPNs for failure to produce waste transfer notes or waste registration details, or for nuisance vehicles, all have set levels. Parish councils will be able to authorise employees and contractors to issue FPNs for all litter, graffiti, fly-posting and dog offences.

Appendix 1 to National Fly-tipping Protocol

The following examples illustrate the sharing of responsibility between local authorities and Environment Agency for tackling a variety of examples of incidents of fly-tipping and illegal dumping of waste. Scope for flexibility in local agreements is also indicated. The Agency and LAs will seek to recover any costs associated with enforcement activities from the polluter, occupier of land or other person or organisation that is deemed responsible for meeting such costs.

	Example Incident	Local Authority	Environment Agency	Any flexibility in “local agreement”
1	A bin bag or several bin bags of household or commercial waste on the street, in a public place in on public land.	<ul style="list-style-type: none"> Investigates and where there is evidence take enforcement action: fixed penalty fine (unless repeat offence, when prosecution may be usual). Removes and includes in summary data monthly return on <i>Flycapture</i>. 	<ul style="list-style-type: none"> If reported to Agency – pass information to LA. 	N/A
2	A pile of waste or several piles of waste about the size of a large car boot (up to 0.5 cubic metres) on the street, in a public place or on public land.	<ul style="list-style-type: none"> Investigates and where there is evidence may serve fixed penalty fine or prosecute depending upon local circumstances/ policies. Removes. Includes in summary data monthly return on <i>Flycapture</i>. 	<ul style="list-style-type: none"> If reported to Agency – pass information to LA. 	N/A
3	A pile or several piles of waste from a van or up to 7.5 tonne tipper truck (between 0.5 cubic metres and 10 cubic metres) dumped on the street, in a public place or on public land.	<ul style="list-style-type: none"> Investigates and, where there is evidence, prosecutes. Where frequently repeated offence or “organised” crime suspected advise Agency and agree action locally. Removes. Includes in summary data monthly return on <i>Flycapture</i> (unless Agency “takes the lead”). 	<ul style="list-style-type: none"> If reported to Agency – pass information to LA. Where agreed locally, the Agency may investigate and prosecute where frequent offences occurring. Include incident on Agency database if Agency take the lead in investigation and prosecution. 	<ul style="list-style-type: none"> Which party will investigate the incident and prosecute until April 2005. Arrangements for keeping each party advised of developments.

	Example Incident	Local Authority	Environment Agency	Any flexibility in “local agreement”
4	A pile of waste from a single large tipper truck (approximately 20m ³ / 18tonnes size) dumped on the street, in a public place or on public land.	<ul style="list-style-type: none"> Investigates and, where there is evidence, prosecutes. Advises Agency of incident and shares details. Where agreed locally, frequently repeated offences or where “organised” crime suspected pass to Agency for investigation. LA removes. Includes in summary data monthly return on <i>Flycapture</i> (unless Agency “takes the lead”). 	<ul style="list-style-type: none"> If reported to Agency – pass information to LA. Where agreed locally, investigate and prosecute only when frequently repeated offence or “organised” crime suspected. Include incident on Agency database if Agency take the lead in investigation and prosecution. 	<ul style="list-style-type: none"> Which party investigates the incident frequent offences or suspected “organised” crime. Arrangements for keeping each party advised of developments.
5	A pile of waste from several large tipper trucks (i.e. each more than 20m ³ size – approx. 18 tonnes) dumped on the street, in a public place or on public land.	<ul style="list-style-type: none"> If LA “find” fly-tip – may carry out initial investigation and enforcement (may pass to Agency). Where frequency repeated offence or “organised” crime suspected pass to Agency for investigation. LA removes. LA includes in summary data monthly return on <i>Flycapture</i> for removal and where enforcement action taken by LA details entered by LA. 	<ul style="list-style-type: none"> If Agency “find” fly-tip – will usually carry out investigation and take enforcement action except where LA wishes to take on this work (in which case, EA will endeavour to respond to LA requests for support). Include incident on Agency database if Agency take the lead in investigation and prosecution. 	<ul style="list-style-type: none"> Which party investigates the incident especially in relation to frequent offences or where “organised” crime suspected and in what (local) circumstances. Scope for Agency provide support to LAs carrying out investigation and taking enforcement action. Arrangements for keeping each party advised of developments.

	Example Incident	Local Authority	Environment Agency	Any flexibility in “local agreement”
6	Fly-tipped waste in relation to a river or water courses or inter-tidal foreshore.	<ul style="list-style-type: none"> • Where the waste presents only a local amenity impact, LA may ensure that the waste is removed (either by polluter, owner/occupier or by LA), investigate and take enforcement action. • Where the waste presents an actual or imminent significant flood-risk in relation to Ordinary Watercourse, LA will ensure that the waste is removed (either by polluter, owner/occupier or by LA), investigate and take appropriate enforcement action. • Where the waste presents an actual or imminent significant flood risk in relation to a Main River – LA pass to Agency. • Where the waste presents an actual or imminent threat of water pollution other than in a Controlled Water (e.g. a pond that doesn't discharge to a watercourse) – LA will ensure that the waste is removed (either by polluter, owner/occupier or by LA), investigate and take appropriate action. • Where the waste presents an actual or imminent threat of water pollution in a Controlled Water – LA pass to Agency. • Where frequently repeated offence or “organised” crime suspected, pass to Agency for investigation. • LA includes in summary data monthly return on <i>Flycapture</i> for removal and where enforcement action taken by LA details entered by LA. 	<ul style="list-style-type: none"> • Where the waste presents an actual or immediate threat of significant flooding in relation to a Main River or Critical Ordinary Watercourse the Agency will ensure the waste is removed (either by polluter, owner/occupier or by Agency) and may investigate and take appropriate action. • Where the waste presents an actual or imminent threat of water pollution in relation to Controlled Waters the Agency will ensure the waste is removed (either by polluter, owner/occupier or by Agency) and may investigate and take appropriate enforcement action. • Waste dumped in waters that are NOT the responsibility of the Agency – pass to LA or Internal Drainage Board. • Investigate and take appropriate enforcement action if LA advises frequently repeated offences or “organised” crime suspected. • Include incident on Agency database if Agency take the lead in investigation and prosecution. 	<ul style="list-style-type: none"> • Local agreement may identify watercourses at risk and illustrate action to be taken by each party. • Local agreement may cover arrangements for removal of waste from watercourses including utilisation of Agency resources and expertise. • Arrangements for keeping each party advised of developments.

	Example Incident	Local Authority	Environment Agency	Any flexibility in “local agreement”
7	Animal carcass in water course	<ul style="list-style-type: none"> • Where the carcass(es) presents only a local amenity impact, LA may ensure removal (either by polluter, owner/ occupier or by LA), investigate and take enforcement action (LA Trading Standards are enforcing authorities for the Animal By-Products Regulations). • Where the carcass(es) presents an actual or imminent significant flood-risk in Ordinary Watercourse, LA ensure removal (either by polluter, owner/ occupier or by LA), investigate and take appropriate enforcement action. • Where the carcass(es) presents an actual or imminent significant flood risk in a Main River – LA pass to Agency. • Where the carcass(es) presents an actual or imminent threat of water pollution other than in a Controlled Water (e.g. a pond that doesn't discharge to a watercourse) – LA ensure that the removal (either by polluter, owner/occupier or by LA), investigate and take appropriate enforcement action. • Where the carcass(es) presents an actual or imminent threat of water pollution in a Controlled Water – LA pass to Agency. • Where frequently repeated offence or “organised” crime suspected, pass to Agency for investigation. • LA includes in summary data monthly return on <i>Flycapture</i> for removal and where enforcement action taken by LA detail entered by LA. 	<ul style="list-style-type: none"> • Where the carcass(es) presents an actual or immediate significant threat of flooding in relation to a Main River or Critical Ordinary Watercourse the Agency will ensure removal (either by polluter, owner/occupier or by Agency) and may investigate and take appropriate enforcement action. • Where the carcass(es) present an actual or imminent threat of water pollution in Controlled Waters the Agency will ensure removal (either by polluter, owner/occupier or by Agency) and may investigate and take appropriate enforcement action. • Investigate and take appropriate enforcement action if LA advises frequently repeated offences or “organised” crime suspected. • Include incident on Agency database if Agency take the lead in investigation and prosecution. 	<ul style="list-style-type: none"> • Local agreement will identify watercourses at risk and illustrate action to be taken by each party. • There may be local agreement re contract for removal. • Arrangements for keeping each party advised of developments.

	Example Incident	Local Authority	Environment Agency	Any flexibility in “local agreement”
8	Drums/containers of potentially hazardous waste abandoned in a public place e.g. lay-by	<p>If reported to LA – assess and:</p> <ul style="list-style-type: none"> • If less than (75 litres [16.5 gallons]) arrange safe disposal and take appropriate enforcement action. • If more than (75 litres [16.5 gallons]) – pass information to Agency for investigation and enforcement action and agree arrangements for removal. • Inform Agency of action taken. • Include in summary data in monthly return on <i>Flycapture</i> where LA deals with incident. 	<p>If reported to Agency – assess and:</p> <ul style="list-style-type: none"> • If less than (75 litres [16.5 gallons]) pass to LA for investigation, to arrange safe disposal and to take appropriate enforcement action. • If more than (75 litres [16.5 gallons]) – Agency will investigate and take appropriate enforcement action – agree removal arrangements with LA. <p>Where actual or imminent threat to human health or environment and there is no adequate response from other responsible body – investigate, arrange removal and take appropriate enforcement action.</p> <ul style="list-style-type: none"> • Inform LA of action taken. • Include incident on Agency database where Agency takes the lead in investigation and prosecution. 	<ul style="list-style-type: none"> • Arrangements for keeping each party advised of developments. • Detailed local arrangements for investigation, enforcement and removal. • There may be local agreement re. contract for removal.
9	Illegal waste landfill, transfer station or waste treatment site	<ul style="list-style-type: none"> • If reported to LA – pass information to Agency and inform planning department/authority. • Agree best approach to enforcement with all parties. • LA includes in summary data monthly return on <i>Flycapture</i> for removal and enforcement action where incident passed back to LA. 	<ul style="list-style-type: none"> • When reported to Agency – carry out appropriate investigation. • Inform LA. • Agree best approach to enforcement with LA including planning authority. • Include incident on Agency database if Agency take the lead in investigation and prosecution. 	<ul style="list-style-type: none"> • Identify “at risk” sites and set out planning enforcement approach. • Arrangements for keeping each party advised of developments.

	Example Incident	Local Authority	Environment Agency	Any flexibility in “local agreement”
10	Clinical Waste/bonded-Asbestos and less than 5m ³ fibrous asbestos.	<ul style="list-style-type: none"> • If reported to LA arrange safe disposal, investigate and take appropriate enforcement action – pass information to Agency for action ONLY where frequently repeated offence or organised crime suspected. • LA includes in summary data monthly return on <i>Flycapture</i> for removal and enforcement action where incident passed back to LA. • Where waste is asbestos report to HSE. 	<ul style="list-style-type: none"> • Pass information to LA for investigation, enforcement and clean-up. • ONLY investigate and take enforcement action where frequently repeated offence or organised crime suspected. • May arrange removal where actual or imminent threat to human health or environment where there is no adequate response from other responsible body. • Inform LA of action taken. • Where waste is asbestos report HSE. • Include incident on Agency database where Agency takes the lead on investigation and enforcement. 	<ul style="list-style-type: none"> • There may be local agreement re. arrangements for removal. • Arrangements for keeping each party advised of developments.
11	Greater than 5m ³ fibrous asbestos	<ul style="list-style-type: none"> • If reported to LA, pass information to Agency. 	<ul style="list-style-type: none"> • Investigate and enforce. • Agency will arrange removal where there is actual or imminent threat to human health or the environment and where there is no adequate response from other responsible body. • Inform LA of action taken and inform HSE. • Include incident on Agency database where Agency takes the lead on investigation and enforcement. 	<ul style="list-style-type: none"> • Arrangements for removal.

	Example Incident	Local Authority	Environment Agency	Any flexibility in “local agreement”
12	Small scale fly-tipping on <u>private land</u>	<ul style="list-style-type: none"> • May investigate and enforce. • Enter into <i>Flycapture</i> if LA lead in response. • May remove if threat to environment, health and amenity. 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • LA and Agency may agree local strategy for tackling fly-tipping and illegal dumping of waste on private land – this will be subject to resource availability. • In serious cases of repeated fly-tipping/dumping – ideally advise landowners and occupiers and agree plan of action. • Arrangements for keeping each party advised of developments.
13	Large-scale illegal dumping on <u>private land</u> : <ul style="list-style-type: none"> • More than a 20m³ tipper load of waste. • Where organised criminals involved. • Hazardous waste in drums/containers in excess of 75 litres (16.5 gallons) 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • May investigate and enforce. • Enter on to Agency database if Agency lead in response. • May remove if threat to environment or health. 	<ul style="list-style-type: none"> • LA and Agency may agree local strategy for tackling fly-tipping and illegal dumping of waste on private land – this will be subject to resource availability. • In serious cases of repeated fly-tipping/dumping – ideally advise landowners and occupiers and agree plan of action. • Arrangements for keeping each party advised of developments.