



**Report for:  
/INFORMATION**

**Item Number:**

<b>Contains Confidential or Exempt Information</b>	<b>NO</b>
<b>Title</b>	Envirocrime Enforcement Update
<b>Responsible Officer(s)</b>	Gillian Marston, Interim Director, Environment
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<b>Portfolio(s)</b>	Councillor Bassam Mahfouz, Environment & Transport
<b>For Consideration By</b>	Regulatory Committee
<b>Date to be Considered</b>	22 February 2017
<b>Implementation Date if Not Called In</b>	N/A
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Street Services, A Boards, Envirocrime

**Purpose of Report:**

The purpose of this report is to provide an update on planned service changes (introduction of timed collections and street trading service expansion), as well as an update on enforcement activity undertaken in the borough, particularly since the introduction of the borough wide alternate weekly collection service in June 2016.

**1. Recommendations**

- 1.1. For Regulatory Committee to note the approach to Street Trading licensing and borough wide enforcement activities.
- 1.2. For Regulatory Committee to note the Street Services department will be using delegated authority to license A Boards.
- 1.3. For Regulatory Committee to review the extension of the timed collections scheme and subsequent enforcement.

**2. Reason for Decision and Options Considered**

- 2.1 To provide the Committee with an update on Street Services' enforcement activity, and receive feedback on progress and future developments.
- 2.2 Proposed options detailed in Section 3. Key Implications.

### **3. Key Implications**

#### Changes to Legislation

On 9 May 2016 new regulations came into force under Section 33 of the Environmental Protection Act 1990 that enable local authorities to issue fines (Fixed Penalty Notices) and set what they consider to be an appropriate level of penalty between £150 and £400 for small-scale fly-tipping.

The Environment Agency has produced guidance on The Unauthorised Deposit of Waste (Fixed Penalties) Regulations, 2016, which defines small scale fly tipping as: “deposits of non-hazardous waste ranging from a more than a bin bag (approximately 100 litres) to volumes of waste less than 500 litres/0.5 m<sup>3</sup> (‘a car boot’)” and can include like items such as pieces of broken furniture, old televisions and mattresses.

Ealing Council was one of the first boroughs to adopt the higher rate fixed penalty notice of £400, as part of the Council’s approach to tackling fly-tipping under officer delegated powers.

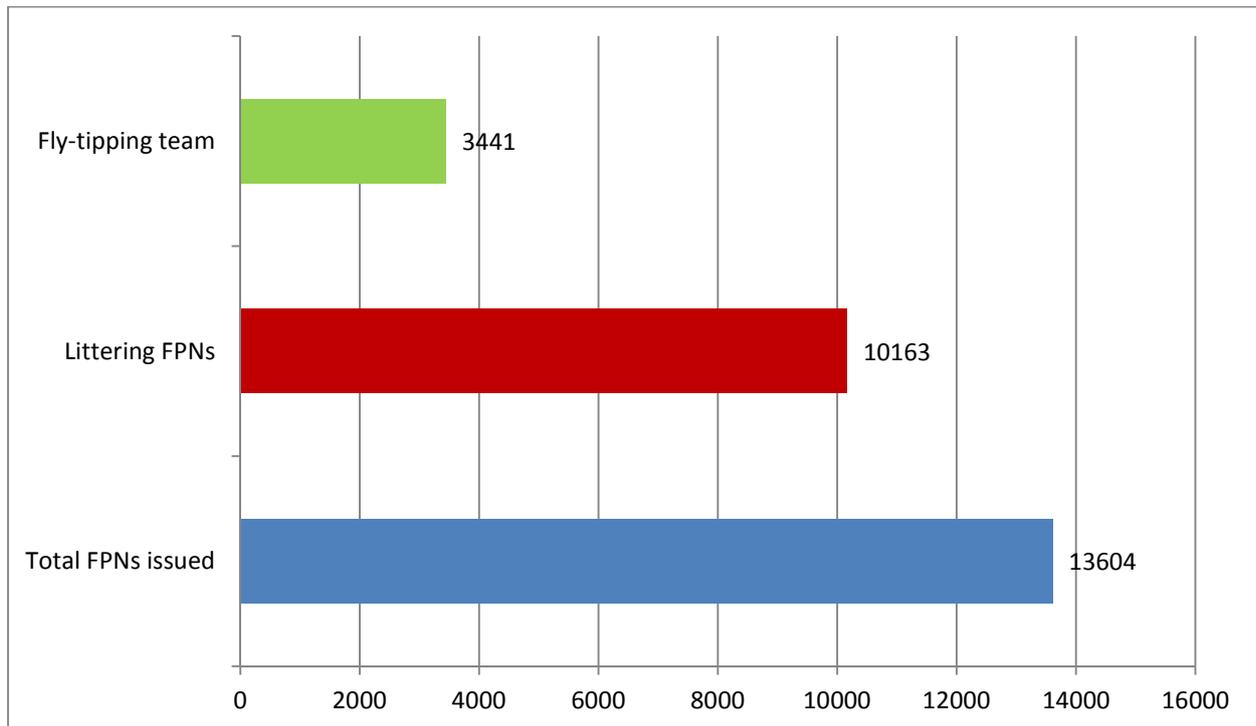
#### Kingdom Security Update

In September 2015, Kingdom Security were introduced on a two year pilot scheme to provide additional capacity to undertake the issuing of Fixed Penalty Notices (FPNs) in the borough to achieve a zero tolerance approach to certain environmental offences, namely littering and associated offences. To date, 10,163 FPNs have been issued across the borough for on the spot littering offences.

FPNs have a value of £80, with 58% of the value of those paid being retained by Kingdom Security. To date, there is a live payment rate of 74%. Any unpaid FPNs are referred to prosecution. To date, 277 cases have been sent through the Magistrate Court system, 100% of which have been found guilty. The surplus income received by the council through this pilot has been re-invested into the Street Services department to support the adhoc deployment of further resources in support of targeted enforcement operations, namely those associated with the introduction of the alternate weekly collection service from 6 June 2016.

From July 2016, Kingdom also commenced the issuing of FPNs for street trading offences for those trading without a licence and breach of licence in terms of exceeding frontage allowed outside premises. To date, a total of 163 FPNs have been issued, 81 of which have been paid, generating an income of £10,950.

**Table 1: Number of Fixed Penalty Notices (FPNs) issued by Kingdom from September 2015 to date**



#### Alternate Weekly Collection Service Enforcement

In June 2016, the council introduced an alternate weekly collection (AWC) system for waste and recycling collections, with food waste collected weekly. In addition, street cleansing services were also changed to ensure the council focuses efforts to those areas where cleansing is needed, whilst ensuring there is a weekly inspection of the cleanliness of every street in the borough.

The changes to street cleansing frequencies highlighted poor resident behaviour in certain locations, with regard to waste presentation and frequent fly-tipping that had previously been masked by the regular cleansing. To combat this, the council has introduced four dedicated fly-tip enforcement vehicles that are staffed by Amey operatives and Kingdom officers, to enable fly-tipped waste to be searched for evidence at the point of clearance. Any evidence obtained is followed up with appropriate enforcement activity in the form of Fixed Penalty Notices (FPNs). To date, 3,441 FPNs have been issued since July from these four dedicated vehicles.

In addition, a project is currently being undertaken to provide containerisation where possible to flats above shops where there are waste storage issues and frequent fly-tipping/incorrect presentation of waste, establishing permanent fixes prioritised by the scale of the problem, with relevant ward Councillor and resident group liaison where appropriate.

There are approximately 3,000 properties across 153 roads containing flats above shops being targeted through this project, with 41 locations visited and with actions identified to date. The numbers of properties visited and with a containment solution thus far are 354 out of 529.

Determining suitability for locations includes liaison with the relevant Enforcement Officer and joint site visits with Amey to discuss containment options and any changes to collection points. Depending on the circumstances at each location, there are a number of containment options available.

### **Container types**

1100 litre communal bin (sharing)

360 litre wheelie bin (sharing) for rubbish and recycling

240 litre wheelie bin for rubbish and recycling

23 litre food waste bin

### **Criteria**

To determine suitability for containment for flats above shops, the Officers look at:

- Rear access
- Communal storage space for bins
- Individual storage space for bins
- Access for collection vehicles
- Collection points for bins

For example, some areas have limited space and a communal 1100l bin to contain waste and keep the public highway clear of black bags is the best option. Other areas have more space, e.g. rear access with storage space for individual properties to have wheelie bins and 'own' their bin/place out for collection. Some areas have no rear access, or no right of access to the rear and these properties currently will not be offered containment for rubbish or recycling. Officers will communicate with these properties to ensure that residents are aware of how and when to dispose of their rubbish and recycling. Officers will look at alternative options in terms of containment in the future.

Where appropriate, container delivery is arranged (with appropriate signage regarding use), and letters hand delivered to residents and schedules updated. In addition, Enforcement Officers ensure businesses have appropriate trade waste agreements (particularly if containment agreed for residents/flats above shops).

### **Impact/successes**

- Reduction in the number of black bags and associated litter on the public highway in associated roads with containment installed
- Reduction in fly-tipping reports/complaints in associated roads with containment installed
- Regular monitoring to respond quickly to any issues arising

## Case studies and photos

- **Flats 102a-11a The Green, Southall**

One 1100 litre bin installed, successful implementation of containers, on-going monitoring and enforcement as required (before and after photos below)



- **Station Parade, Fordhook Avenue, W5**

Combination of 240 litre and 360 litre bins provided to residents, some properties sharing where applicable. Residents also provided with 23 litre food bins for recycling. Reduction in fly-tipping and resident complaints, on-going monitoring (before and after photos below)



## Summary

There are approximately 3,000 properties across 153 roads containing flats above shops being targeted through this project, with 49 locations visited and with actions identified to date. The numbers of properties visited and with a containment solution thus far are 431 out of 606.

## Timed Collections

A proposal is being developed to introduce timed collections to the main streets and shopping parades in Ealing in order to:

- Improve street and local environmental quality
- Avoid obstructions on our streets
- Reduce the amount of illegally dumped waste
- Encourage and change business behaviour towards waste and the environment

The scheme will affect the following roads

- Uxbridge Road (from Southall to Acton)
- South Road, Southall
- The Green, Southall
- King Street, Southall
- Drayton Green Road, The Avenue, Manor Road, W13
- Northfield Avenue, W13
- Bond Street, W5
- High Street, Ealing Green, St Mary's Road, South Ealing Road, W5
- Haven Green Road, W5
- King Street, Market Place, Churchfield Road, Acton

The time banding scheme will be rolled out from Spring 2017.

The scheme will specify no waste to be presented on the public highway between 8am and 6pm. The introduction of timed collections will mean bags on the street for less time, keeping streets cleaner. Bags on the public highways often attracts additional waste, contributing to litter, causing obstructions, staining pavements and making our streets unattractive. The introduction of timed collections will eliminate these issues, and keep the streets clean and tidy for people shopping, working and living in the borough. Timed collections will also reduce the number of obstructions, increasing access and improving safety for pedestrians and other users.

The scheme will stipulate specific time slots at the start and end of each day when businesses and residents will be permitted to present waste and recycling for collection ('Put Out Time') and when it will be collected ('Collection Time'). Businesses and residents will not be permitted to leave waste or recycling on the pavement at any other time of the day.

Frequent and targeted enforcement will be key to the effective implementation and operating of the timed collection scheme. The council will have a dedicated enforcement team carrying out patrols pre collections, during the day and post collections, to ensure the time bands are adhered to, and enforcement action taken as necessary. Any resident or business presenting waste and recycling out for collection outside the allocated times may receive a Fixed Penalty Notice of £110 under section 46/47 of the Environmental Protection Act 1990.

Businesses, waste providers and residents in the affected area will be consulted prior to the introduction of the scheme. The implementation of the timed collections scheme will be supported by a comprehensive communications campaign advising businesses and residents of their obligations, correct methods of waste presentation and potential consequences of non-compliance.

#### Street Trading Service Expansion and Licensing of Advertising boards (A boards)

The Street Services department are responsible for the licensing and enforcement of street trading activity. This includes designated sites, adhoc short term trading and front of shop trading. The service currently issues approximately 120 licences for street trading annually for approximately 20 designated sites and 100 front of shop/premise licences, the majority of which are renewable annually.

In November 2016 a borough wide survey was carried out to identify the number of premises that are currently displaying Goods or Tables & Chairs on the Highway at the front of their premises. 508 premises were identified as having a display of Goods or Tables & Chairs situated in front of their premises, including the 100 premises that are already licenced, therefore identifying approximately 400 premises trading or displaying Goods or Tables & Chairs without a licence. As the service develops and expands consideration will be made for flexible licences in terms of number of days trading per week, size of pitches/front of shop trading and type of goods.

The council has delegated authority to licence the above as follows:

The London Local Authorities Act 1990 (as amended), defines Street Trading as follows:-

**"street trading" means subject to subsection (2) below the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward;**

The definition of Street is defined as: -

**"street" includes—**

**(a) any road or footway;**

**(b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;**

**(c) any part of such road, footway or area;**

**(d) any part of any housing development provided or maintained by a local authority under Part II of the Housing Act 1985;**

The above simply sets out and confirms the authority to licence street and shopfront trading across the borough.

*To exercise the Council's functions as a highway authority including but not limited to the granting of licences, consents and permits and enforcement of:*

*a) Obstruction of the highway and footway e.g. 'A' boards*

In order to achieve a consistent licencing and enforcement approach, officers will systematically engage with all premises identified as trading without licences, including A boards, and give the opportunity to become compliant and licence shop front trading, A boards etc. In advance of licencing expansion, traders will receive a hand delivered letter advising of the requirement to apply for a Street Trading Licence if they wish to continue displaying goods or advertisement boards outside of their premises. Every trader will be given a 14 day grace period to either apply for a licence or cease trading. After the 14 day grace period, officers will visit relevant locations to monitor compliance with the Legislation. During inspections, officers will also instruct all premises to reduce the size of their displays if they are taking up too much pavement space. Trading without a licence will result in enforcement action (FPN).

Hundreds of traders across the borough currently place advertising boards on the pavement outside their premises to promote goods and services. A proposal for the licencing of A boards is currently being developed by the service. The principle objective here is to

- reduce and control street clutter/pavement obstruction
- ensure that traders are insured against incident connected with A boards
- improve general street environment management

A survey will be required to quantify the actual number of A boards in the borough however crude estimates put this figure at up to 2,000.

A board licencing schemes are in place in the neighbouring boroughs of Hounslow, Hillingdon and Harrow where the fee has been set at an average of £50 a year per A board, less than £1 a week. It is expected that Ealing will adopt a comparable fee.

The provisions for A board licencing will be based on a formal set of criteria, that will take into account surrounding street clutter, the width of the pavement, any relevant planning restrictions and licencing requirements under the London Local Authorities Act 1990 (as amended).

This is currently an outline proposal, and the service recognises the needs for a strategic approach to the licencing of A-boards, taking into account the range of strategies the proposal will impact on, including but not limited to regeneration and highway improvements, as well as public realm projects and business enhancements, acknowledging the different implications in different areas, depending on the needs of the particular environment.

Kingdom Security will enforce any potential breaches to the criteria in line with appropriate legislation (Highways Act 1980, obstruction of the public highway).

## HMO Licensing

In January 2017, the council introduced new licensing schemes to help improve standards in the borough's private rented sector. Anyone owning or managing a privately rented house in multiple occupation (HMO) in Ealing will be legally required to obtain a property licence. In certain areas of the borough, licences are also required to rent out a house or flat to a single household.

Parts of the licensing conditions include the requirement to provide formal arrangements for the disposal of rubbish and bulky waste. The licence holder shall provide each separate letting with a sufficient bin with a lid for the storage of refuse and litter pending disposal.

The licence holder shall display a notice for the occupiers of the property indicating the day of the week refuse and recycling is collected. The notice must also state any council specific requirements e.g. that refuse and recycling should be left at the edge of the property, before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before.

In addition the licence holder shall provide suitably adequate sized dustbins with lids within each shared kitchen for the storage of refuse pending disposal. Appropriate and sufficient recycling receptacles must also be made available for the occupiers.

From 1 January 2017, a dedicated outreach team are targeting properties for any non-compliance or reported problems. The Street Services and HMO teams are sharing data on problematic locations for waste issues, for example continual fly-tipping and non-compliance with waste services, and a scheduled programme of intervention is being developed.

### **4. Financial Implications**

#### **a) Financial impact on the budget**

There is no financial impact on the budget. The report is to provide an update on the planned service changes.

#### **b) Financial background**

The alternate weekly collection service changes (introduced in June 2016) will deliver an annual saving of £1.7 million from operational efficiency, reduced need for street cleaning and savings in waste disposal.

The budgeted £789k of savings from the waste disposal costs has been achieved, plus an additional £85k in the disposal budget following a greater than expected increase in recycling levels. The changes in street cleansing budget have been implemented and the contractual savings of £1.065m are expected to be achieved in 2017/18. The changes of £111k in waste budget have also been implemented.

## **5. Legal**

The legal implications of any changes have been considered throughout (section 3. Key Implications).

## **6. Value For Money**

N/A – Report is to provide an update

## **7. Sustainability Impact Appraisal**

N/A – Report is to provide an update

## **8. Risk Management**

N/A – Report is to provide an update

## **9. Community Safety**

N/A

## **10. Links to the 6 Priorities for the Borough**

The introduction of alternate weekly collections, changes to street cleansing, timed collections scheme and street trading expansion positively support the priorities of a cleaner borough, but also support a safer and more prosperous borough.

## **11. Equalities, Human Rights and Community Cohesion**

11.1 A full equalities impact assessment was completed for the alternate weekly collections policy change. The outcome of the assessment indicated that as Ealing is a vibrant and diverse borough, the refuse collection service should continue to provide additional services to many groups, particularly those with mobility issues, through the assisted collection scheme.

11.2 An initial equalities impact assessment has been undertaken regarding the enforcement activity, and deemed that a full Equality Impact Assessment is not required.

## **12. Staffing/Workforce and Accommodation implications:**

No implications.

## **13. Property and Assets**

No property implications.

## **14. Any other implications:**

N/A – Report is to provide an update

## 15. Consultation

N/A – Report is to provide an update

## 16. Timetable for Implementation

N/A – Report is to provide an update

## 17. Appendices

17.1 Enforcement Protocol document.

## 18. Background Information

N/A

### Consultation

N/A

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
<b>Internal</b>				
Earl McKenzie	Assistant Director, Street Services	06/02/17	08/02/17	Throughout
Jackie Adams	Head of Legal (Property & Regulatory)	13/02/17	13/02/17	Throughout
Flora Osiyemi	Finance Business Partner – Consultancy	13/02/17	13/12/17	Throughout
<b>External</b>				
N/A				

### Report History

<b>Decision type:</b>	<b>Urgency item?</b>
For information	No
Report no.:	Report author and contact for queries:
	Lorien Nash, Engagement and Enforcement Manager 020 8825 8840

