



Environmental Crime Policy

February 2023

1. Introduction

- 1.1. The Council recognises the severe impact and blight that environmental crime can have on its communities, individual residents and its visitors. The Council has a clear commitment within its Corporate Plan 2023 to 2027 to “Create a safer, cleaner and greener district in which to live, work and socialise”.
- 1.2. This policy sets out the approach that the Council will take in dealing with environmental crime and helps to inform the development of future actions and initiatives that can be taken to reduce the harm caused by it.
- 1.3. This policy sits underneath the Council’s Corporate Enforcement Policy and alongside other service-based policies.
- 1.4. The Policy also seeks to compliment and work alongside the objectives of the Lincolnshire Environmental Crime Partnership, which the Council is a partner in. This partnership also contains a broader membership of agencies such as the Office of the Police and Crime Commissioner, Lincolnshire Police, the Environment Agency, Internal Drainage Boards, Lincolnshire Fire and Rescue and the Forestry Commission.

2. Aims and Objectives

- 2.1. The overall strategic aim of this policy is to “Create a safer, cleaner and greener district in which to live, work and socialise.”

The policy also seeks to deliver the following outcomes:
 - A reduction in environmental related crime as set out within this policy;
 - An increase in enforcement activity in relation to environmental crime;
 - Raise awareness of the harmful impact the environmental crime has on the district.
- 2.2. The objective of this document is to detail the decision framework which the Council will apply in deciding what, if any, of its enforcement powers to exercise in enforcing the provisions of the Acts.
- 2.3. The Council will have regard to the Human Rights Act, Article 8 and the Regulation of Investigatory Powers Act 2010 (as amended) (RIPA), to ensure that any monitoring or surveillance work, in the investigation of complaints, should not compromise an individual’s right to “privacy, a family life and correspondence”. In any situation where it is thought that “directed” or “intrusive” surveillance is required to investigate a complaint, then authorisation will be applied for, from one of West Lindsey District Council’s authorised Officers.
- 2.4. The following work areas are included within this policy;
 - Abandoned vehicle removal
 - Abandoned shopping trolleys
 - Dog fouling and Littering
 - Early presentation of waste and commercial waste

- Fly-tipping
- Public Space Protection Orders (PSPOs)

2.5. The policy does not deal with issues relating to statutory nuisance (noise, smoke, odour or accumulation of waste) or anti-social behaviour. Other policies and legislative powers deal with these matters and are used where appropriate to assist with any broader issues that environmental crime is causing.

3. Policy Context

3.1. Fly – Tipping

3.1.1. The National Fly-Tipping Prevention Group estimates fly-tipping costs between £86m-£186 million every year to investigate and clear up. This cost falls on taxpayers and private landowners . For the 2020/21-year, local authorities in England dealt with 1.13 million fly-tipping incidents, an increase of 16% from the 980,000 reported in 2019/20. (source: <https://researchbriefings.files.parliament.uk/documents/SN05672/SN05672.pdf>)

3.1.2. Locally, the number of fly-tips within West Lindsey is shown below. It is estimated that the cost to West Lindsey to remove fly-tips in 21/22 was £140k. Between April and November 22, the Council attended 143 fly-tips that required investigation.

	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Total (Fly Tips per year)	674	1056	1475	991	803	1197	957	2925
% increase/decrease year on year		57%	40%	33%	-19%	49%	-20%	206%
								144% (vs18/19)

3.2. Dog Fouling

3.2.1. There is limited statistical data available in relation to dog fouling and the level of reporting of this issue is sporadic. Agencies that have completed Freedom of Information requests to Local Authorities recently state that (across 70 LA's) there were nearly 90,000 reports of dog fouling across England, Scotland and Wales between 2017 and 2021. This number is likely to be significantly more given that there will certainly be under reporting of this issue and if it included other LA data from those that did not respond.

3.3. Littering

3.3.1. Like dog fouling, littering is likely to be a largely under reported issue, but is a problem that is prevalent across the whole of the United Kingdom. It is estimated that it costs every household £28 to keep the streets clean per annum and that only 30% of people perceive litter as a problem. Source : <https://www.gov.uk/government/publications/litter-and-littering-in-england-data-dashboard/litter-and-littering-in-england-2017-to-2018>

3.4. Abandoned Shopping Trolleys

- 3.4.1. Since 2018 the Council has adopted legislation (Schedule 4 of the Environmental Protection Act 1990) to deal with abandoned shopping trolleys from supermarkets in Gainsborough.
- 3.4.2. This approach is helping to ensure that the Council remove trolleys in a timely fashion and also to recover the costs associated with their removal and storage via a charge to the business which owns the trolley. A total of 721 trolleys were collected during 2022.
- 3.4.3. This scheme will be reviewed from time to time and will be utilised until such time that abandoned shopping trolleys are no longer a concern.

3.5. Early Presentation of Waste and Commercial Waste

- 3.5.1. The Council's still has some areas where waste and recycling sacks are presented on a weekly basis. The early presentation of waste is a particular issue in these areas. Street cleaning services ensure that waste is cleared regularly within these areas.
- 3.5.2. From April to October 2022 there have been 142 cases opened for investigation relating to early presentation of waste in areas where waste is presented in sacks for collection. The figure for 21/22 was 267 and 20/21 was 78 (note the impact of Covid during this period).
- 3.5.3. All Commercial businesses, under the Clean Neighbourhoods and Environment Act 2005, have a legal obligation to ensure that the waste they produce, store, transport and dispose of does not harm the environment. They also have an obligation under the Environmental Protection Act 1990 to have a duty of care to ensure that their waste is only transferred to an authorised waste carrier. Waste transfer notes are issued to demonstrate that this requirement has been met,
- 3.5.4. The Council has a specific policy relating to waste collection which can be found here [Waste Services policies | West Lindsey District Council \(west-lindsey.gov.uk\)](https://www.west-lindsey.gov.uk/waste-services-policies)
- 3.5.5. Enforcement Officers will deal with early presentation of waste within these areas as set out within the waste services policy via a fixed penalty notice as per Section 46 of the Environmental Protection Act 1990.

4. Prevention and Education

- 4.1. The Council will seek to take a preventative and educational approach to how it deals with environmental crime in its broadest sense. We will focus on seeking to advise residents, communities, businesses and visitors of expected behaviours relating to environmental crime.
- 4.2. Where it is possible, the Council will seek to carry out more targeted educational and preventative campaigns to deal with specific issues. For example, if a particular area is subject to persistent dog fouling or is a fly-tipping hotspot.

- 4.3. The Council will utilise technology, including its own CCTV to assist in addressing environmental matters in a preventative way.
- 4.4. Where an environmental crime offence has been committed and is clearly evidenced, the Council will always seek to deal with the matter formally through an enforcement route. Any offender would have an opportunity to put forward any mitigation as part of this process.

5. Abandoned Vehicle Removal

- 5.1. Abandoned vehicles can have a detrimental impact on the environment, particularly if they are in a poor state of repair or unroadworthy. The Refuse Disposal (Amenity Act) 1978 made it a criminal offence to abandon a motor vehicle, or any part of a motor vehicle, on any land in the open air or on any other land forming part of a highway.
- 5.2. The Council has a specific procedure in place to deal with issues of abandonment, which sets out the definition of “abandoned” and the exceptions that apply. In reality the Council removes a very small number of vehicles that are abandoned as they are often claimed as part of the abandonment process. In 2022 only 3 were fully removed.
- 5.3. Where a vehicle is reported as abandoned the Council will seek to determine its status and decide as to whether it is abandoned. If deemed abandoned, the registered keeper is given 14 days to remove the vehicle. If after 14 days it is not removed, it will be removed by the relevant removal company.

6. Abandoned Shopping Trolleys

- 6.1. Abandoned shopping trolleys will be seized by the Council and the owner notified where it is identifiable. The Council will then return the trolley to the owner once the relevant fee has been paid.
- 6.2. Where a trolley is unclaimed the Council will store it for a 6-week period then arranges for its disposal.
- 6.3. The Council will continue to engage with supermarkets if requested to provide advice and guidance on how the scale of the issue can be reduced.

7. Dog Fouling and Littering

- 7.1. Dog fouling and littering are the most under reported types of environmental crime and are known to be a concern amongst residents across large parts of the district.
- 7.2. It is extremely difficult to evidence a dog fouling offence and the Council has in place a PSPO for the whole district which requires individuals to clean up after their dogs and to carry a suitable receptacle to do this. Littering offences are dealt with using the Clean Neighbourhoods Act 2005.
- 7.3. The Council’s approach to dog fouling and littering is largely to be preventative and focus on hotspot areas informed by reports from

members of the public. Enforcement officers will deal with any fouling offences if they are evidenced when they are on patrol, however there is no specific operational resource solely dedicated to either of these issues.

7.4. Signage for dog fouling will be utilised in hotspot areas and is provided free of charge by the Council. Parish and Town Councils are also encouraged to erect their own signage if they believe there is a specific concern within their area.

8. Public Space Protection Orders (PSPOs)

8.1. PSPOs can be utilised to address certain environmental crime concerns and are already in use within the district to deal with matters such as dog fouling. PSPOs are a power made available to the Council within the Anti-Social Behaviour, Crime and Policing Act 2014.

8.2. The introduction of a PSPO has specific legal requirements and must be based on evidence. Where the Council believes there is justification for a PSPO to be implemented, due consideration will be given to the request and if necessary a decision made by the Council's Regulatory Committee as to whether to proceed.

8.3. In considering the implementation of any PSPO the Council will explore all preventative and other options to resolve the issue prior to proceeding with any formal consultation.

9. Fly-Tipping

9.1. The Council will seek to investigate all fly-tips which provide evidence as to the offender and undertake broader investigations where the operation is more organised or is having a greater impact. Fixed penalties will be issued in most instances to deal with fly-tipping offences. A multi-agency and disruptive approach is taken at hotspot areas or locations where fly-tipping is part of a broader environmental or regulatory issue.

9.2. The Council will endeavour to clear fly-tips as soon as possible, however this may not always be possible due to the need for any evidence within it to be assessed and investigated.

9.3. Where fly-tips are on private land the Council will liaise with the landowner to ensure that it is addressed and may utilise other regulatory powers to deal with this if the matter is not dealt with.

9.4. The Council will utilise technology where possible to address the issue of fly-tipping in the form of CCTV and fixed cameras and will ensure that it is simple and easy for persons to report these types of offences to us.

10. Early Presentation of Waste and Commercial Waste

10.1. The Council will work in line with its waste enforcement policies to address this issue. In areas where sacked waste is presented the Council will take a formal approach and where evidence is available issue warnings followed by a fixed penalty notice for frequent offenders.

- 10.2. The Council will seek to proactively check that businesses have commercial waste arrangements in place and where this is not the case will utilise the relevant legislation to address it. The businesses duty of care will also be considered and any supporting documentation relating to this assessed.
- 10.3. From time to time the Council will carry out proactive operations such as the stopping and searching of waste carrying vehicles with support from the other relevant enforcement agencies.

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