

**REPORT FROM:** ENVIRONMENTAL SERVICES MANAGER

**TO:** COLNE AND DISTRICT COMMITTEE

**DATE:** 8<sup>TH</sup> NOVEMBER 2018

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## ENVIRONMENTAL CRIME UPDATE

### PURPOSE OF REPORT

To inform Members of the Environmental Crime action for 1<sup>st</sup> July to 30<sup>th</sup> September 2018 in the Colne area, (including spend on litter/ dog waste bins) along with annual totals for 2018/19, and to ask for feedback on any problems with substations in the committee area.

### RECOMMENDATIONS

- (1) To note the report on environmental crime actions.
- (2) To provide feedback on any problems with substations in the committee area.

### REASONS FOR RECOMMENDATIONS

- (1) Members are kept informed of any environmental crime action taken.
- (2) To bring problems to the attention of Environmental Services in order to help remedy any substation sites.

### ISSUE

#### Section 215 notices

Section 215 of the Town and Country Planning Act 1990 allows a local authority to serve a notice on the owners and occupiers of land, requiring the site to be tidied up if the condition of any land is in such a state as to adversely affect the amenity of the neighbourhood.

### **Section 215s pending**

The Section 215 process was started on 40 properties between July and September 2018.

### **Section 215s completed**

48 x properties were dealt with under Section 215, but were cleared and the process completed during 1<sup>st</sup> July to 30<sup>th</sup> September 2018.

### **Section 215 completed by Legal**

There were no Section 215 Notices served between 1<sup>st</sup> July and 30<sup>th</sup> September 2018.

### **Section 46 Notices**

Section 46 of the Environmental Protection Act (EPA) 1990 allows a waste collection authority to specify how waste is presented for collection, i.e. require an occupier to place waste for collection in receptacles of a kind and number specified. This is used to enforce separation of waste for recycling and also for the removal of containers from the public highway following the scheduled collection of waste.

There were 13 x Section 46 Notice issued by Environmental Services between July and September 2018.

### **Section 79 Notices**

Section 79 of the Public Health Act 1936 allows a Local Authority to serve notice where the owner of the land / property has accumulated noxious matter i.e. food waste and the notice gives the owner 24 hours to remove the waste. On failure to act upon the Notice the Local Authority can remove the waste and recover the expenses of any actions taken.

There were no Section 79 Notices carried out by Environmental Services between July and September 2018.

## **Community Protection Notice**

CPN's can be used by the Council to target those responsible for specific ongoing problems or nuisance which negatively affects the quality of life in a community. Examples of behaviour covered by CPN's include owners allowing dogs to persistently stray and or cause a nuisance, owners of dogs persistently allowing dogs to foul without then removing the waste and vehicle repair garages parking vehicles for repair on residential streets.

The table below identifies the total number of cases within the Borough, including active cases, received since the CPN process began in February 2015:

| <b>Current</b>          | <b>Barrowford &amp; Western Parishes</b> | <b>Brierfield &amp; Reedley</b> | <b>Colne &amp; District</b> | <b>Nelson</b> | <b>West Craven</b> |            |
|-------------------------|--|---------------------------------|-----------------------------|---------------|--------------------|------------|
| Prosecution             | 0  | 0                               | 1                           | 0             | 0                  | 1          |
| Breached Notice         | 0  | 0                               | 3                           | 0             | 0                  | 3          |
| Under Notice            | 3  | 0                               | 2                           | 4             | 1                  | 10         |
| Resolved after notice   | 1  | 2                               | 6                           | 7             | 0                  | 16         |
| Under Statutory Warning | 1  | 1                               | 3                           | 19            | 3                  | 27         |
| Resolved after warning  | 1  | 4                               | 14                          | 27            | 3                  | 49         |
| Under Investigation     | 9  | 11                              | 10                          | 33            | 1                  | 64         |
| Resolved before warning | 5  | 23                              | 38                          | 81            | 8                  | 155        |
| <b>Total Actions</b>    | <b>20</b>                                | <b>41</b>                       | <b>77</b>                   | <b>171</b>    | <b>16</b>          | <b>325</b> |

The following actions were undertaken via a Community Protection process by Neighbourhood Services between July and September 2018.

| <b>Quarter 2 Actions</b> | <b>Colne &amp; District</b> |
|--------------------------|-----------------------------|
| Prosecuted               | 0                           |
| Breached Notice          | 2                           |
| Notice Served            | 0                           |
| Resolved after notice    | 0                           |
| Statutory Warning Letter | 2                           |
| Resolved after warning   | 2                           |
| Resolved before warning  | 4                           |

## **Fixed Penalty Notices**

The Council has various powers to issue Fixed Penalty Notices (FPN) for offences such as littering, failure to remove dog fouling, graffiti and fly tipping.

There were 8 x FPNs served in the period between July and September 2018 in the Colne area by both Environmental and Neighbourhood Services.

## Annual Summary of Environmental Crime Actions for 2018/19

| Sec 215 (P) | Sec 215 (C) | Sec 46 | Sec 79 | Fixed Penalty Notices      |                  |                         |                        |                           |            |       |
|-------------|-------------|--------|--------|----------------------------|------------------|-------------------------|------------------------|---------------------------|------------|-------|
|             |             |        |        | FPN Duty of Care Household | PSPO Dog Fouling | FPN Littering (Fly Tip) | PSPO Dog not on a lead | FPN Litter from a vehicle | FPN Litter | Total |
| 96          | 110         | 22     | 0      | 2                          | 2                | 2                       | 4                      | 5                         | 6          | 21    |

The table above summarises the total number of actions taken by Environmental Services in 2018/19.

### Provision of litter / dog waste bins

Members are advised that due to wear or damage, 4 x bins were replaced / removed by Environmental Services within the period July to September 2018.

| LOCATION          | DESCRIPTION  | TYPE OF BIN | TOTAL COST PER BIN |
|-------------------|--|-------------|--------------------|
| Peter Street      | Replace dog bin                                      | DOG         | 126.52             |
| North Valley Road | Replace the F/S litter bin near ATS.                 | LITTER      | 192.34             |
| Carry Lane        | Replace broken PM litter bin                         | LITTER      | 151.18             |
| Birtwistle Ave    | Reinstate the litter bin & dog bin between 116 & 118 | LITTER      | 60.00              |

### Substation Sites

Following the scrutiny review of Litter and Detritus carried out in 2008, all area committees are encouraged to report if there are any substations within their area that may need tidying up. Members are asked to provide location details of any substations that are causing a problem with litter and/or fly tipping to Environmental Services.