

Street Environment Services Enforcement Strategy

March 2011

STREET ENVIRONMENT SERVICES ENFORCEMENT STRATEGY

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STREET ENVIRONMENT SERVICES ENFORCEMENT STRATEGY

1.0 Introduction

1.1 Islington Council is committed to maintaining a clean and safe environment for the benefit of everyone in the borough. This commitment recognises our responsibility to keep the streets and local environment clear of litter, obstructions and deal with other local environmental quality issues.

The presence of dumped waste, litter, dog fouling, graffiti and other environmental crime also contribute to people's fear of crime and their perception of the possibility of being subject to crime.

The One Islington Corporate Plan 2010¹ highlights the link between quality of life and the quality of the external environment and it includes our commitment to minimise the harmful impacts on the environment and strive to create a cleaner, greener and safer place to live and work.

1.2 To this end, Street Environment Services which is part of the Environment and Regeneration Department has a responsibility to work in partnership with the borough's waste services contractor Enterprise PLC, to provide high quality street cleansing and waste collection services throughout the borough. The service also provides an extensive on street and collection recycling service including a Reuse and Recycling Centre at Hornsey Street N7. Street Environment Services also provides a graffiti and fly posting removal service via its Area Response Teams.

1.3 Whilst Islington Council has responsibilities to maintain a clean environment for all, this strategy recognises the community's own responsibility in this area. Enforcement plays a vital role in maintaining a clean and safe environment by providing information and advice to individuals regarding the law, regulations and duties. In the last resort, it is enforcement action that ensures that those individuals and/or businesses that spoil the environment for others are made accountable for their actions through legislative processes.

1.4 Along with all other local authorities in England, Islington Council now has extended powers to enable enforcement of legislation intended to protect both the individual and the community as a whole.

1.5 Street Environment Services are responsible for dealing with enviro-crime and the effects of anti social behaviour. These matters if left unchecked can have a negative impact on local environmental quality and can ultimately lead to a downward spiral of decline in the borough

The Street Management Officers are therefore responsible for exercising some of the powers under the following legislation in Islington with regard to the general street environment:

- Environmental Protection Act 1990 (as amended)
- Clean Neighbourhoods and Environment Act 2005
- Highways Act 1980
- Refuse Disposal (Amenity) Act 1978
- London Local Authorities Act(s) 1995 - 2007
- Town and Country Planning (Control of Advertisement) Regulations 1990 (as amended)

¹ Available on Islington Council website - www.islington.gov.uk

- Greater London Council (General Powers) Act 1982
- Criminal Justice and Public Order Act 1994
- Anti-social Behaviour Act 2003 (as amended)

And any other miscellaneous legislation relating to the powers and duties of the council as a Litter Authority, Highway Authority and Local Authority in relation to activities on and protection of the public highway (except functions in respect of street markets).

- 1.6 The most recent legislation, the Clean Neighbourhoods and Environment Act 2005 (CNEA 2005) saw the introduction of new powers for local authorities to specifically help to tackle local environmental quality issues. The Act introduced effective powers and tools to deal with poor environmental quality and anti-social behaviour, such as litter, graffiti, waste and dog control and enhanced previous powers to allow enforcement work to extend beyond public land onto adjacent, private land when necessary.

A useful tool is the fixed penalty notice (FPN)¹, which is a financial penalty that officers can issue directly to offenders once their offence has been established. Payment of the FPN discharges the offender from any consequent legal action regarding the offence. However if the FPN isn't paid then the offender may face legal proceedings.

This strategy sets out how we will use these new powers alongside existing powers and our current enforcement work to ensure an effective, consistent and clearer approach to street environment enforcement.

2.0 Aim

- 2.1 Each year, Islington Council sets out its strategic aims and objectives in its Performance Plan. Each department and service area then uses these strategic aims and objectives to produce their detailed Service Performance Plans² to ensure that those goals are met.

The Environment & Regeneration Department has set part of its Plan to:

“Deliver high quality environmental services to those who live and come here – delivering a better environment for all - and to work with our partners towards the achievement of the Councils overall aims and objectives”.

For Street Environment Services this means ensuring a cleaner, safer and greener environment for residents, businesses and visitors to the Borough.

- 2.2 To meet this aim we will use this strategy to achieve the following objectives:

- Raise awareness of effective waste management, litter control, dog control, reduction of highway obstructions and other local environmental quality issues to everyone across the borough.
- Educate residents, businesses and visitors about their relevant duties and responsibilities in terms of effective waste management, litter control, dog control, noise offences, highway obstructions and other local environmental quality issues and what constitutes an offence.
- Undertake any enforcement action as necessary in a reasonable, equitable and proportionate manner.

- 2.3
- Along with the majority of other local authorities, Islington Council has adopted the Enforcement Concordat, which is a set of enforcement principles produced by the previous government's Central Government's Better Regulation Unit³. The

¹ See Section 5.4.0 of this document.

² Copies of Service Performance Plans are available from Islington's website - <http://www.islington.gov.uk>

³ <http://webarchive.nationalarchives.gov.uk>

Concordat states that good enforcement practice should have clear standards, be carried out in an open, helpful manner, have a proportionate and consistent approach and deal effectively with complaints about service. This approach will ensure that:

- We are fair and equitable in the way we carry out enforcement;
- We assist businesses and others in meeting their legal obligations;
- We focus on prevention rather than cure;
- We take firm action against those that flout the law;
- Our actions are comparable and similar to other local authorities.

3.0 Scope

3.1 The scope of this strategy covers waste and local environmental quality issues experienced across the borough on both public and private land. These issues affect the environmental, social and economic well being of the borough, add to peoples' fear of crime and so have a major impact on the quality of life of those who live in, work in and visit Islington.

3.2 London produces around four million tonnes of municipal waste a year. Municipal waste is waste collected by boroughs from households, litter from streets and parks, and some of the waste from small businesses. The cost to London of managing this waste, including the collection, transport, treatment, and final disposal activities, is approximately £600m every year¹.

Islington produces and disposes of just under 100,000 tonnes of municipal waste every year spending nearly £5 million disposing of it. Another £8 million is spent on street cleansing services collecting litter, emptying litterbins, clearing fly tipped waste, also dealing with the effects of improperly stored recycling and waste that spills out from inappropriate receptacles.

3.3 All of the issues highlighted in this strategy are of great importance to maintaining a clean and safe Islington. We seek however, to prioritise work on certain issues in order to approach enforcement work in a structured way, targeting the most prevalent issues affecting Islington's environment.

3.4 This policy's priorities are driven by quantitative Islington Council regularly measuring it's local environmental quality, qualitative (community consultation and officer reports) information and economic factors (reduction in waste disposal costs).

The current priority areas for the strategy driven by the elements described above are:

- Irresponsible dog ownership;
- Domestic waste bags dumped on streets out of collection times;
- Commercial waste bags left on streets without proper arrangements or out of collection times;
- Fly tipping and illegal dumping of waste on public and private land;
- Litter in high street areas, other highways and private land;
- Graffiti and fly posting on public or private buildings or structures;
- Requirements to minimise waste and maximise recycling.

¹London Mayors Waste Strategy 2010

- 3.5 Here are some examples where people can break the law. Our staff can take enforcement action against the people we identify doing these things:
- Dropping litter or allowing litter to accumulate on land;
 - Dumping waste in public areas;
 - Not making proper arrangements for the disposal of commercial waste;
 - Letting a dog foul the pavement, and not clearing it up;
 - Unauthorised distribution of free printed matter;
 - Failing to comply with street litter control notices;
 - Not using appropriate containers for waste/recycling.
- 3.6 It is the responsibility of every business and individual to comply with the law and it is recognised that most want to do so. Street Environment Services are responsible for providing help and assistance for this purpose and for taking action against those who do not meet their responsibilities. The purpose of this policy is to explain how Street Environment Services will fulfil this role.
- 3.7 We reserve the right to take enforcement action without education and advice on any occasion where offences such as such as dog fouling/control, littering, fly tipping of waste etc are committed. All relevant factors will be taken into consideration. These factors are clarified in 5.3.0 of this strategy.

4.0 Focus Areas

4.1.0 Dog Control

- 4.1.2 The Islington Council recognises the importance of creating a usable and enjoyable environment for all residents. Dog related issues such as fouling and dogs of any kind that are intimidating to users of public places and are uncontrolled, adversely affect the environment and the enjoyment of it. Dog fouling has been cited by Islington Residents as the main environmental issue within the Borough.

“Dog fouling is the number one environmental issue that needs addressing, 45% of respondents”

Measuring Customer Perceptions 2004/5, TNS 2005

- 4.1.3 The previous legislation relevant to dog control offences was the Dogs (Fouling) of Land Act 1996, this was repealed from 6 April 2005 when the Clean Neighbourhoods and Environment Act 2005 (CNEA 2005) became law.
- 4.1.4 The similarities between these two Acts are areas of land where control is to be imposed has to be pre-designated and specified clearly so that responsible users of the land and potential offenders are aware of the ‘controlled area’. The CNEA 2005 prescribes the designation of land process once this has been carried out, the land specified falls under a Dog Control Order (DCO).
- 4.1.5 In compliance with the CNEA 2005 Islington Council carried out an extensive public consultation from 3rd March to 21st April 2008. Our consultation was based on Responsible Dog Ownership and took into account whether the orders suited the needs of the community and were proportionate, fair and enforceable.
- 4.1.4 We had over 1700 replies from non-dog owners and dog owners alike. There was overwhelming support for the introduction of new dog control orders with many additional suggestions about where they should apply.
- 4.1.5 Over 99% respondents agreed that dog owners should clean up after their dogs in any public place. Over 97% agreed that authorised staff should be able to instruct dog owners to put their dogs on a lead in any public place. 95% of respondents agreed that children’s play areas and other games and sports areas should be dog free. In addition you told us that you wanted existing dog-free areas especially ornamental squares - to stay dog free.

- 4.1.6 We listened to the responses we received and on the 14th July 2008 we implemented 3 dog control orders making each of the following an offence in Islington:
1. Failing to pick up your dog fouling - in any public space
 2. Allowing your dog to enter an area from which they are excluded no dog area – in specific areas
 3. Failing to put your dog on a lead when asked to by an authorized officer – in any public space.
- 4.1.7 During the consultation many comments were received about our proposal. We listened to these responses and as a result some new sites were added in addition to the no dog (exclusion) areas proposed in the consultation.
- The additional sites included as dog exclusion areas are:
- Arlington Square, Batishill Street Gardens, Canonbury Square, Compton Terrace, Gibson Square, Lonsdale Square, Milner Square, Northampton Square, Penn Road Gardens, Percival Street (Homes for Islington area), Percy Circus, St. Silas Gardens, Thornhill Crescent Garden and Wilmington Square.
- 4.1.8 On 28th February 2011 Grenville Gardens (open space) was added to the dog exclusion areas after a local consultation.
- 4.1.9 To view a map of the all the Dog Control Order areas, use the Interactive Maps link on Islington’s website, then choose Recreation and Leisure from the list on the right of that page.
- 4.1.10 (The provisions under CNEA 2005 do not alter the existing powers the Police have to deal with dangerous dogs under the Dangerous Dogs Act 1991).
- 4.1.11 Along with firm enforcement action, consideration will continue to be given to the variety of ways to increase awareness of the problem and educate dog owners. The Islington Dog Strategy¹ recommends:
- Poster and leaflet campaigns;
 - Press and Media releases;
 - Increased reporting by officers and residents;
 - Dog themed events;
 - Work with local schools and youth groups;
 - Promotion at council or community events;
 - Distribution of dog bags through retail outlets;
 - Information on proper disposal options;
 - Articles in “in house” newsletters and website (e.g. Council newsletters, Homes for Islington newsletters, etc);
 - Develop a dedicated web page on dog control and being a responsible dog owner on Islington’s website.
- 4.1.12 With reference to section 4.1.6 the offences under Orders 1 (Failing to pick up your dog fouling) does not apply to the following groups:
- A person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948
 - A person who has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects and relies on the

¹ Islington Dog Strategy – Available at www.islington.gov.uk/responsible-dog-ownership

assistance of a dog trained by Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281) or Canine Partners for Independence (registered charity number 803680).

In addition to those listed in 4.1.6 under Order 3 (Allowing your dog to enter a no dog area)

A deaf person in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) is also exempt.

- 4.1.13 No offence is committed where a person has a reasonable excuse for taking their dog onto, or allowing it to enter or remain on the land where the owner, occupier or other person or authority who has control of the land has consented (generally or specifically) to their doing so.

CNEA 2005 regulations specifically state that being unaware that your dog has fouled or not having the means to remove the fouling is not a reasonable excuse for failing to comply with the order and may still result in an FPN being issued.

- 4.1.14 Officers from Street Environment Services, Greenspace, Homes for Islington and Safer Neighbourhood Teams are now able to enforce the provisions of each DCO and issue fixed penalty notices¹ where they have evidence that an offence is committed.

4.2.0 Litter

- 4.2.1 It is illegal to drop litter. The Environmental Protection Act 1990 - Section 87 (as amended) states that an offence is committed if anything is dropped, thrown, left or deposited that causes defacement, in any place open to the air that the public have access to with or without payment. Waste/litter found to have come from commercial or a household premise which has been left in a place open to the air without authority and not in accordance with proper waste collection arrangements is also subject to an offence.

- 4.2.2 The Clean Neighbourhood and Environment Act 2005 (CNEA 2005) refines this offence to make the leaving of litter an offence wherever it is done, including passers by throwing their litter into a private front garden, open private land, station forecourts or into water, or thrown onto the road or pavement from a vehicle etc. Litter is comprised mainly of synthetic materials often associated with smoking, eating and drinking. The CNEA 2005 confirmed that cigarette butts and chewing gum are classified as litter.

- 4.2.3 Islington Council provides signed litterbins in high street areas and other busy places across the borough. We will continue to work with schools, residents groups and other forums to reduce the level of littering by undertaking general litter education and raising awareness to highlight the consequences of littering. Where appropriate, authorised officers, including Police Community Support Officers will also use FPN powers in a focused manner to highlight that littering is not tolerated in Islington.

- 4.2.4 Litter can also be caused by uncontrolled distribution of free literature², which can have a great impact on an area if the printed material such as leaflets, flyers and free newspapers are dropped or allowed to become a nuisance. The distribution method itself can also lead to possible highway obstructions. Powers in the CNEA 2005 enable us to introduce a consent system to permit businesses and individuals to distribute free literature in a controlled way only in designated areas within the borough.

- 4.2.5 Whilst traders cannot have control over their customers, the items they sell to them may often end up as litter. We aim to work in partnership with businesses to minimise the impact of litter from shops. The CNEA 2005 introduces the Street Litter Control Notice,³ which allows us to serve a legal notice on an establishment that contributes on an ongoing basis to a litter problem in an area. FPN powers may be used if the conditions of

¹ Fixed Penalty Notice (FPN) see 5.4.0 of this document.

² CNEA 2005, Section 94

³ CNEA 2005, Sections 21

the notice are breached.

- 4.2.6 The CNEA 2005 also introduces Litter Clearing Notices,¹. These allow local authorities to require occupiers/ owners of land including private land that has been degraded by litter to clear it up and keep it clear. This allows us to deal with neglected pieces of land that affect the quality of the street environment.

4.3.0 Waste/ Recycling

- 4.3.1 Islington, as a Waste Collection Authority, has a duty to provide a household waste collection service². Islington requires that non-recyclable household waste is placed in securely tied waste sacks or dustbins, wheeled containers where provided, and left for collection at the boundary of the house holder's property on their days of collection or in communal containers on housing estates. Recyclable materials should be placed in specific containers provided and in most cases these are collected on the same day as household waste.

- 4.3.2 Section 46 of the Environmental Protection Act 1990 (as amended) allows local authorities to specify what waste is placed in receptacles including recycling materials. Section 46 also allows us to prescribe the type of containers used, how many there are and when and where they are placed out for collection. The CNEA 2005 allows us to use FPNs where there are found to be persistent breaches of this legislation to the detriment of the local environment.

- 4.3.3 Businesses are under a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care³. This duty states that businesses must take all reasonable steps to keep waste secure prior to disposal. Businesses must be sure that their waste is transferred to a company licensed by the Environment Agency to take it and transport, recycle or dispose of it safely.

This transfer of waste must be officially recorded on a Waste Transfer Note. Businesses will receive a Waste Transfer Note from their authorised waste company and this record must be kept and stored, by the business, for two years.

- 4.3.4 Householders also have a duty to ensure that only a registered waste carrier removes household, garden or construction waste from their property, they should also be able to provide documentary evidence (waste transfer note) upon request by an authorised officer.

- 4.3.5 Islington Council provides comprehensive waste collection services including recycling materials from residents and businesses, non-recyclable waste, commercial waste, bulky goods, green waste and white goods. These services enable residents and businesses to dispose of their waste safely and legally. Further information is available through Contact Islington on 020 7527 2000.

- 4.3.6 If you transport waste as part of your business or otherwise for profit, you must register with the Environment Agency as a waste carrier, unless you are carrying your own waste and it is not construction or demolition waste. If you are a charity or voluntary organisation and you collect or transport waste on a professional basis you must also register with the Environment Agency as a waste transporter⁴. Failure to produce a waste carrier's licence can now result in an FPN or prosecution and seizure of the unregistered vehicle⁵.

4.4.0 Flytipping

- 4.4.1 The mismanagement of waste and waste dumping (fly tipping) degrades the amenity of an area and often attracts further environmental crimes. In line with this strategy we will

¹ CNEA 2005, Section 20

² Environmental Protection Act 1990, Section 45

³ Environmental Protection Act 1990, Section 34

⁴ Control of Pollution (Amendment) Act 1989, Section 1

⁵ CNEA 2005, Section 35

educate and advise the community on how to properly manage their waste. We will use all relevant legislation at our disposal to prosecute those who fail to act on this education and advice.

- 4.4.2 Waste dumped on private land presents particular problems for the state of the local environment. Uncontrolled waste disposal like this can also present great health and safety risks and attract other anti-social behaviour. We will use the relevant legislation to ensure that those dumping waste on private land are prosecuted and any clear up costs recovered from the offender. In some instances this may also apply to the owner of the land who may be liable for prosecution if they have allowed their land to be used for dumping.

4.5.0 Graffiti

- 4.5.1 Graffiti is classed as criminal damage and defined as any informal or illegal marks, drawings or paintings that have been deliberately made by anyone on any physical element in the outdoor environment. Graffiti is illegal, anti social, degrades the local environment and is costly to remove.

- 4.5.2 Currently Street Environment Services' Area Response Teams (ART) clean graffiti and fly posting from Islington's streets, public buildings and council owned street furniture on a regular basis. ART will remove racist or offensive graffiti within 24 hours of a report. They also clean graffiti from private property with the owner's consent. A reasonable charge may be made for this service to recover staff and material costs.

- 4.5.3 A range of actions is available to Street Management Officers and ART to deal with graffiti, from FPNs through to Criminal Prosecution and Anti-Social Behaviour Orders. When deciding which course of action to follow we will consider:

- The degree and extent of graffiti that has taken place;
- The overall impact on the local environment;
- The previous history and record of any/all individuals involved in the graffiti.

- 4.5.4 We will work closely with our community to ensure that Islington is graffiti-free and work in partnership with those affected by graffiti vandalism to remove it. Following this approach, if graffiti is not removed we reserve the right to serve a Notice on a property owner telling them to have the graffiti removed and when this should be done.

4.6.0 Fly Posting

- 4.6.1 Fly posting is an illegal form of advertising, which degrades the local environment and can contribute to the fear of crime in a community. Fly posting is defined as any printed material and associated material, which is left illegally fixed to any structure. It includes any size of material from small stickers up to large posters.

- 4.6.2 We are able to take action either by serving a formal Notice under the Town and Country Planning (Control of Advertisement) Regulations 1990 (as amended) or issue fixed penalty notices under the Anti-social Behaviour Act 2003 (as amended), where groups, organisation or individuals fly post without permission.

- 4.6.3 The powers detailed in 4.5.3, for dealing with graffiti offences are also available to prosecute any persons or businesses found to be responsible for fly posting. Where possible we will work in partnership with communications and advertising companies to reduce this problem in the borough.

4.7.0 Other Enforcement

- 4.7.1 Where Street Management Officers are not directly responsible for carrying out enforcement, or it occurs on land that is enforced by other authorities, they will pass details to the relevant service area or authority for further action.

4.8.0 Nuisance Vehicles

- 4.8.2 Selling two or more vehicles on a road or roads, within 500 metres of each other, is an offence. This offence is intended to target those people who run a business selling motor vehicles and use the road as a showroom. This behaviour can cause significant nuisance to local residents and can take up valuable car parking space. A person found guilty of this offence can face a fine of up to £2,500. An FPN can also be issued for this offence.
- 4.8.3 Repairing vehicles on a road is an offence. Offenders are primarily those businesses and individuals attempting to use the road as a workshop. This practice causes the same problems as selling vehicles on the highway. As well as looking unsightly they present danger to passers by and the possibility of damage to the local environment, through for example oil or fuel spills. A person found guilty of this offence can face a fine of up to £2,500. An FPN can also be issued for this offence.
- 4.8.4 Islington offers a free take-back service for residents who want to surrender or dispose of their unwanted vehicles, subject to the correct paperwork being submitted.
- 4.8.5 Street Management Officers will pass information regarding nuisance vehicles on to Parking Services / Abandoned Vehicles who are responsible for enforcement. Both services can be contacted via Contact Islington.

4.9.0 Obstructions

- 4.9.1 It is illegal to wilfully obstruct the public highway. Items left in the road, on pavements or overhanging pavements are a potential health and safety risk for road users and pedestrians. Examples of these obstructions are listed below:
- Putting an unlicensed or unlit skip in the road;
 - Leaving builders' materials in the road;
 - Foliage from gardens that overhang the public highway;
 - Obstructing the pavement with advertising boards;
 - Obstructing the pavement with tables and chairs.
- 4.9.2 Anyone wishing to place a skip, builder's materials or a hoarding on the public highway must first obtain a licence. Islington issues licences for these purposes which are governed by a specific set of conditions depending upon the licence required.
- 4.9.3 Footways should be kept clear of foliage at ground level and they should not get in the way of people using the footpath or obstruct street lighting or street furniture.
- 4.9.4 Standard sized advertising boards may be placed on the footway so long as they are against the curtilage of the property. In order to enable free pedestrian flow there must be a minimum of 1.8 metres between the edge of the board and the kerb.
- 4.9.5 Street Management Officers will pass information regarding highway licensing and obstructions on to Highways Management Services who are responsible for enforcement. Highways Management can be contacted via Contact Islington.

5.0 Implementation

- 5.1 In December 2008 a report was presented to Full Council around Greener, Cleaner Safer – Promoting Civic Pride. Amongst other issues, it highlighted a change of strategy towards firmer enforcement for persistent offenders.
- 5.2 The report noted that the focus has been to encourage people to do the right thing and this has had some success in changing people's attitudes and behaviour. However in order to build on this success and tackle those engaged with low level anti social behaviour, it was considered the right time to change the focus from encouragement to

enforcement.

- 5.3 It was agreed that the Council should join up enforcement coverage and adopt a harder line approach in tackling anti social behaviour through the use of fixed penalty notices. This will show that the Council is prepared to make a stand against the small minority engaged in anti-social behaviour. This new approach would help to improve the cleanliness and orderliness of the street environment and improve local environmental quality.
- 5.4 In the face of increasing waste disposal costs and spending cuts, it has become clear that a change is needed in the relationship between householders and their waste so that it becomes a normal part of everyday life to use the full range of recycling services that are provided to residents.
- 5.5 This can be achieved by improving our communications with residents to ensure they have the right information regarding their services and what can and cannot be recycled, and by supporting this with a compulsory recycling policy.
- 5.6 In November 2010, Islington's Executive Committee was asked to agree to a Waste Minimisation and Recycling Action Plan. This included the recommendation that a compulsory recycling policy be introduced in the borough. The Committee agreed with this recommendation which will be administered and enforced by Street Environment Services in line with this strategy as from 4 April 2011.

5.1.0 Enforcement Officers

- 5.1.0 Only competent officers who have appropriate qualifications or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of our enforcement policy and their area of work to ensure a consistent approach to their duties. Street Environment Area Managers continually monitor Street Management Officers through regular appraisals and reviews to ensure that our actions are always in accordance with our policies.
- 5.1.2 All officers carry visible identification picture cards, at all times and an authorisation card to show what legislation they are able to enforce¹. This is endorsed by the Director of Environment and Regeneration.
- 5.1.3 This changed strategy draws on a wide spectrum of personnel and resources to deliver its aim. The team of Street Management Officers and Area Managers will carry out the majority of enforcement action under the legislation listed in 1.5 on the public highway. Authorised officers from other departments from across the council, the Metropolitan Police Safer Neighbourhood Teams and Greenspace Park Patrol Officers will also be authorised to take enforcement action.
- 5.1.4 Training and relevant updates in street environment enforcement will be provided to ensure all authorised enforcement personnel have the skills and knowledge required to undertake their enforcement duties and to ensure all officers use a consistent approach.

5.2.0 Awareness Raising and Education

- 5.2.1 Awareness raising and education are fundamental to the operation of any enforcement work. It is important that the community are listened to and provided with clear information on their responsibilities to enable them to comply with the law. We aim to carry out this element of enforcement by providing consistent advice and guidance about relevant duties and responsibilities through face-to-face operations, leaflets, the Islington website, local press, specific campaigning and work alongside our partners and stakeholders.
- 5.2.2 Over and above the targeted awareness raising and education work carried out by officers and partners, specific focused campaigns will be developed to highlight certain

¹ See Section 1.5 of this document.

local environmental quality problems to a certain group or within a certain area. Through the strategy we will support national local environmental quality campaigns run by ENCAMS¹ and regional campaigns run by Capital Standards².

5.3.0 Partnership Working

5.3.1 The approach of this strategy relies on strong partnership working. Through partnership working the aim of the strategy can be met in a shared and efficient manner. In order to seek the most effective operation of this strategy we aim to work with, amongst others, the following:

- Greenspace
- Community Payback
- Enterprise PLC
- Parking Enforcement
- Neighbouring boroughs
- Environment Agency
- Highways Management Team
- Eyes for Islington
- Mobility Forum
- Anti Social Behaviour Team
- Multi Agency Geographical Panel Inclusion (MAGPI)
- North London Waste Authority
- Keep Britain Tidy
- Registered Social Landlords
- Homes for Islington
- Public Protection
- Trading Standards
- Environmental Health
- Disability Action in Islington
- Angel Town Centre Management
- Safer Neighbourhood Teams
- Nags Head Town Centre Management
- London Councils³
- Waste and Resources Action Programme (WRAP)
- Listen Up (Community Education Serv.)
- Capital Standards

5.3.2 The partners involved in this strategy will help raise awareness through consistent information and advice, to assist in the education of the community regarding their responsibility to help keep Islington clean and safe.

5.4.0 Enforcement Action

5.4.1 The decision on whether to use enforcement action will depend on how serious the offence is. We will ask ourselves the following questions when we find that a law has been broken:

- Is the offence serious? Is it causing danger?
- Is the offence spoiling the local environment?
- Can we trace the offender easily?
- Has the offender done this before?
- Is there any reasonable excuse?
- Is it likely that the offence will happen again?
- Does the offender care about their responsibilities or not?
- Is the offender in a fit state to stand trial?

¹ ENCAMS (Environmental Campaigns) is a national environmental charity that runs the Keep Britain Tidy campaign

² Association of the Mayor and 28 London boroughs

³ Formerly Association of London Government (ALG)

- Would enforcement action warn other people not to break the law?
- Will the case stand up in court?
- Is the offender a juvenile?
- Are there any language/cultural issues that affect understanding of the law?
- Is the offender's behaviour affected by any disability issues?
- Have we provided adequate/appropriate recycling facilities to encourage compliance?

5.4.4 Where premises subject to enforcement action are owned or managed by the council, all activities will be undertaken in accordance with the same policies and procedures used for other premises.

5.5.0 Fixed Penalty Notices

5.5.1 The offences listed in this strategy can be dealt with through the use of FPNs. These will be issued when an authorised officer observes or has evidence that an offence has been committed. The FPN gives the alleged offender an opportunity to avoid prosecution by payment of the penalty. FPNs are, therefore, only issued where there is adequate evidence to support a prosecution if a notice is not paid.

5.5.2 Islington offers a discount for early payment of a FPN. The discount period runs for 10 working days from the date the notice was issued.¹ The FPN must be paid within 14 working days of it being served. If the FPN is not paid the case will be considered for prosecution in the Magistrates Court.

5.5.3 Islington Council will retain any funds accrued from the serving of FPNs. The use of FPNs is not intended to increase the Council's income. Any payments collected will be used to help offset the costs of the enforcement function by helping fund for example, relevant educational, operational, and publicity initiatives.

5.5.4 Authorised Officers can issue FPNs for certain environmental crime offences. The efficient use of FPNs will improve the effectiveness of the enforcement process, resulting in officers being able to focus more detailed attention on more complex and involved cases.

5.5.5 The CNEA 2005 makes it an offence to fail to give a proper name and address to the authorised officer when requested to do so for the purposes of issuing an FPN.

5.5.5 Any information given to officers for the purpose of issuing fixed penalty notices is held securely and will be used only for council purposes. Information that was collected for one purpose may be used for another council purpose, unless there are legal restrictions preventing this. Islington may share this information where necessary with other organisations, including (but not limited to) where it is appropriate to protect public funds and/or prevent fraud in line with the National Fraud Initiative guidelines. Visit www.islington.gov.uk/dataprotection for more information.

5.6.0 Notices

5.6.1 Some offences require the serving of a formal notice on individuals, businesses or other organisations requiring them to carry out specific legal requirements. Offences of this type include street litter control, litter clearing notices, fly posting and highways obstructions such as overhanging foliage.

5.6.2 The notice will be sent by the relevant enforcing service area and it will clearly explain what is wrong, what is required to put things right, how long is required to rectify and what the consequences are if the notice is not complied with.

5.7.0 Juveniles

¹ See Table 1 for full details of CNEA 2005 FPNs, rates and discounts

- 5.7.1 In law, an FPN can be issued to anyone over the age of 10. Islington Council's duty under the Children Act 2004 requires that we discharge our functions with regard to the need to safeguard and uphold the welfare of children. With this in mind different procedures will be followed when issuing FPNs to 16 and 17 year olds, and to children between 10 and 15.
- 5.7.2 Once an offence has been committed and the age of the offender has been ascertained officers are advised to use care and sensitivity when dealing with young people. For example with a dog fouling offence -where the person is young (10 years and under), the officer will give them a verbal warning and remind them of their responsibility to control their dog or to pick up it's fouling and ask them to do so and give them a Responsible Dog Ownership leaflet and dog fouling bag (where supplies permit).
- 5.7.3 Where the officer knows the child, in relation to previous offences, or where an agreement has been reached with a school to issue FPNs to pupils dropping litter during certain times, an FPN may be issued on the spot. In such cases the parents, legal guardian or school must be notified as soon as possible.
- 5.7.4 The issuing of FPNs to 10–15 year olds will be undertaken through a more consultative approach with parents or legal guardians if they are in the vicinity. In such cases young person will be encouraged to contact/notify their parents, legal guardian as soon as possible before the FPN is issued. Where this is not possible the officer may decide to give them a verbal warning etc as above. FPNs may be issued to 16 and 17 year olds in the same way as for adults.

5.8.0 Prosecution

- 5.8.1 Where a decision to prosecute is made, this decision will be taken in accordance with the Code for Crown Prosecutors. This document details the public interest and evidential considerations when bringing proceedings. Islington Council's Legal Services will provide advice where necessary and will initiate proceedings on our behalf. A full copy of the code is available from the Public Protection Division, 159 Upper Street, Islington, London, N1 1RE.

All enforcement decisions and actions will be made with due regard to the provisions of:

- The Human Rights Act 1998
- The Crime and Disorder Act 1998
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Freedom of Information Act 2000
- Equalities Act 2010
- Equal rights and anti-discrimination legislation

If it is in the public interest and appropriate, information concerning non-compliance will be shared with other enforcement agencies. Where this takes place, we will ensure that the Data Protection Act 1998 and Human Rights Act 1998 are observed.

- 5.8.2 Enforcement actions have to be taken in line with the Enforcement Concordat, which lays out the principles of good enforcement. These are:
- Drawing up clear standards.
 - Setting out the level of service and performance the public and business can expect to receive.
 - Dealing with the public and the business in an open and honest way.
 - Providing a courteous, efficient and helpful service.

- Responding promptly and positively to complaints about the service.
- Ensuring that enforcement action is proportionate to the risks to the public.
- Carrying out duties in a fair, equitable and consistent manner.

A full version of the Enforcement Concordat is available from Street Environment Services or by accessing the Cabinet Office's Website at www.cabinet-office.gov.uk

5.8.3 Islington officers work to the council's Customer Care Standards, which state that officers should:

- Wear and show their official identification cards;
- Ask permission before entering any property, where applicable;
- Clearly explain the reason for the visit;
- Keep appointments when made or explain to the customer any reasons for being late or having to cancel meetings;
- Let the customer know what follow up action they can expect and by when;
- Confirm all relevant information in writing.

5.8.4 In line with our Dignity for All Policy¹ all officers are to ensure that they treat everyone, no matter what their age, religion, sex, disability, sexuality or ethnic background fairly and with respect; undertake regular training on diversity and equality issues and use not discriminatory practices when providing services.

5.8.5 The European Convention on Human Rights is incorporated into domestic law by virtue of the Human Rights Act 1998. Street Environment Services recognises that the Act requires public authorities to operate in a way that is compatible with those rights, subject to occasions when interference is justified.

5.8.6 It is noted that the rights likely to be most affected by this strategy are those under Article 1 (right to peaceful enjoyment of property and possessions), Article 6 (the right to a fair trial) and Article 8 (respect of privacy and family life). We will at all times seek to strike a fair balance between the needs to protect the rights of residents, businesses and the public interest.

5.8.7 Investigations will be carried out in line with the Police and Criminal Evidence Act 1984 codes of practice and agreed procedures.

5.9.0 Delegations

5.9.1 Guidance for officers as to when the above actions are appropriate for Street Management Officers will be documented in our Enforcement Procedure Guide. All actions taken by officers will be monitored by their Area Managers to ensure that they have acted in accordance with this strategy.

5.9.2 Only officers authorised by the Director of Environment and Regeneration may undertake the enforcement duties highlighted in this strategy. They shall perform the function of Investigation Officers. This authorisation is in accordance with the Council's scheme of delegation as set out in the London Borough of Islington's Constitution².

5.9.3 For the purposes of the Criminal Procedure and Investigations Act 1996, a designated Street Environment Services Area Manager shall perform the function of Disclosure Officer.

5.9.4 For the purposes of the Regulations of Investigatory Powers Act 2000, the Assistant Director of Public Protection has the delegated authority to authorise surveillance

¹ Full copies of Dignity for all Policy available from Equality and Diversity Unit - 0207 527 3241

² Islington Constitution – Responsibility for Functions

operations.

6.0 Complaints

6.1 Anyone who is dissatisfied with enforcement actions that a Street Management Officer has taken will have their concerns investigated by an Area Manager. Initial complaints should be sent in writing to:

Head of Street Environment Services
Environment & Regeneration Department
Street Environment Services
1 Cottage Road
London N7 8TP

OR

Head of Street Environment Services
P O Box 34768
London N7 9BR

OR

E-mail SESadmin@islington.gov.uk

6.2 Street Environment Services will then follow Islington Council complaints procedures to deal with complaints and send a full written reply within 10 working days.

7.0 Monitoring and measurement

7.1 This strategy's aim and effectiveness will be reported on using a number of evaluation tools. This evaluation will highlight the successes of the strategy and also illustrate any gaps in the performance of the environmental enforcement function. These evaluation tools are listed below;

- Reduction in the level of fly tipping as reported to the Department of Environment, Food and Rural Affairs Flycapture database;
- Improvements in resident satisfaction relating to a clean Islington;
- Reduction in levels of abandoned vehicles;
- Review numbers of FPNs issued, cancelled and the subsequent payment rate;
- Review of complaints statistics;
- Evaluation of waste and recycling statistics.

8.0 Evaluation and Review

8.1 Street Environment Services will undertake to regularly review progress and evaluate enforcement action against the above priority areas and their effectiveness in reducing the impact on local environmental quality.

8.2 Our reviews will also seek to introduce where necessary any new powers granted to local authorities in managing local environmental quality. The outcomes for progress will be linked to Islington's local environmental quality survey result which tells us periodically how clean our street environment is and will help reset annual priority areas.

8.1.0 Openess and Helpfulness

8.1.1 We aim to be open about the work we do and will be available to provide general advice, deal with specific cases and investigate complaints. We view formal enforcement as a last resort and prefer to work with our clients to achieve compliance. If enforcement is undertaken then Street Management Officers will act as case officers and be a consistent

point of contact during any formal enforcement action. We will provide translation and interpretation if English is not spoken or written by anyone we deal with.

8.1.2 This policy was first endorsed and adopted by the Executive Committee on **5th February 2007**.

8.1.3 This is a public document. Further copies of this and other documents listed above can be obtained from:

Street Environment Services
Environment and Regeneration Department
1 Cottage Road N7
Telephone 020 7527 2000

Many of the documents can also be found on our website - <http://www.islington.gov.uk>.

8.1.4 This document is reviewed periodically and we would be pleased to receive any comments you have on it. Please send your comments in writing to the address shown above.

8.1.4 This document was updated on the **1st March 2011** and this document supersedes any earlier dated previous versions.

Table 1

Fixed Penalty Notices applicable under the CNEA 2005

Description of offence	Act	Section of Act	Full amount of penalty, payable within 14 days	Proposed discounted amount if paid within 10 days
OFFENCES WITH LOCAL LEVEL SETTING AND DISCOUNTING ALLOWED:				
Depositing litter.	Environmental Protection Act 1990, as amended by section 19 of the Clean Neighbourhoods and Environment Act 2005.	87/88	£80	£50
Unauthorised distribution of free printed matter on designated land.	Environmental Protection Act 1990, as amended by section 23 of the Clean Neighbourhoods and Environment Act 2005.	Schedule 3A, para 7(2)	£80	£50
Failure to comply with a Dog Control Order.	Clean Neighbourhoods and Environment Act 2005.	59(2)/	£80	£50
Graffiti and flyposting.	Anti-Social Behaviour Act 2003, as amended by section 28 of the Clean Neighbourhoods and Environment Act 2005.	43	£80	£50
Failure to nominate keyholder (within an alarm notification area) or to notify local authority in writing of nominated keyholder's details.	Clean Neighbourhoods and Environment Act 2005.	71(4)/73(2)	£80	£50
Noise from dwellings.	Noise Act 1996, as amended by section 82 of the Clean Neighbourhoods and Environment Act 2005	8	£110	£60
Failure to comply with a waste receptacle notice.	Environmental Protection Act 1990, as amended by section 48 of the Clean Neighbourhoods and Environment Act 2005.	46/47/47ZA/47ZB	£110	£60
Failure to comply with a street litter control notice and failure to comply with a litter clearing notice.	Environmental Protection Act 1990, as amended by section 22 of the Clean Neighbourhoods and Environment Act 2005.	92C/94/94A	£110	£60
OFFENCES WITH NO LOCAL LEVEL SETTING BUT WITH DISCOUNTING ALLOWED:				
Nuisance parking.	Clean Neighbourhoods and Environment Act 2005.	s. 6(1)	£100	£60
Abandoning a vehicle.	Refuse Disposal (Amenity) Act 1978, as amended by section 10 of the Clean Neighbourhoods and Environment Act 2005	s. 2A(1)	£200	£120
Failure to furnish documentation (waste carrier's licence).	Environmental Protection Act 1990, as amended by section 45 of the Clean Neighbourhoods and Environment Act 2005.	s. 34A(2)	£300	£180
Failure to produce authority (waste transfer notes).	Control of Pollution (Amendment) Act 1989, as amended by section 38 of the Clean Neighbourhoods and Environment Act 2005.	s. 5B(2)	£300	£180
OFFENCES WITH NO LOCAL LEVEL SETTING AND NO DISCOUNTING ALLOWED:				
Noise from licensed premises.	Noise Act 1996, as amended by section 84 and Schedule 1 of the Clean Neighbourhoods and Environment Act 2005	s. 8	£500	N/A