

Environmental Crime Strategy & Action Plan

2021 to 2026

Economy and Infrastructure



Foreword

Solihull is renowned for its clean and pleasant environment in both its urban and rural parts. The Council and community can be rightly proud of their contribution in creating the Borough that we all enjoy. However, there are those who do not respect our environment and this strategy is designed to address this behaviour firmly.

For its part clearing litter, removing fly posters, collecting fly tipping and cleaning graffiti are some of the visible examples of the Council's hard work to look after the local environment. However, what is easy to forget is that these services only have to be provided because of the irresponsible and illegal behaviour of a minority of people. Solihull Council is committed to working together with communities and its partners to maintain a clean and safe environment for the benefit of everyone who lives, works and visits the borough.

Environmental crime will not be tolerated and the council will endeavour to act quickly, fairly and proportionately to minimise the impact on victims, the environment and communities. This will help the Council to achieve and deliver change and transformation in the coming years.

We will continue to build on strong partnership with Solihull residents to bring about a behavioural change that will increase respect for the environment to give people the confidence to challenge the minority. We will also build on are strong partnerships with local campaigns such as 'Love Solihull' to deliver a cleaner Solihull with all the community.

I am confident that the measures proposed in this strategy will bring about a cleaner borough by targeting robustly those who commit environmental crime.

Cllr. Bob Sleigh

Cabinet Portfolio Holder - Resources

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Introduction

Solihull Council has published its Plan for 2021-2026 where it sets out its priorities for the Borough, in the document it states that enhancing Solihull's natural environment is a key aim. This strategy with its imbedded actions details how environmental crime will be addressed to deliver this objective

The strategy sets out a robust and consistent approach to tackling local environmental issues through education, engagement and enforcement as part of a wider approach, to improve public spaces and the quality of life for everyone

To meet this aim, the strategy has the following objectives:

- Educate those who live in and visit our Borough about good waste management, litter control, dog control and other local environmental quality issues to everyone across the borough.
- Engage with residents, businesses and visitors about their relevant duties and responsibilities in terms of good waste management, litter control, dog control, highway obstructions and other local environmental issues and what constitutes an offence.
- Undertake any investigatory and enforcement action as necessary, in a consistent, proportionate and transparent manner.

Scope

The scope of this strategy covers waste and local environmental quality issues relating to both public and private land. These issues affect the environmental, social and economic well-being of Solihull, add to people's fear of crime and so have an impact on the quality of life of those who live in, work in and visit Solihull.

The areas covered are:

- Littering
- Dog Fouling
- Fly-tipping
- Fly-posting
- Graffiti
- Waste Crime

This document sets out our overarching approach to tackling environmental crime. There is information on how we intend to prevent environmental crime; how we intend to use intelligence to target our resources effectively and efficiently; how and when we will use our enforcement powers to encourage behaviour change and punish offenders; and, how we are going to re-assure those who are passionate about our environment that Solihull Council takes its environmental responsibility seriously.

Prevention

Most people want to care for the environment and behave in an entirely appropriate way. Some people want to care for the environment but need assistance in understanding what their responsibilities are. A minority of people care for neither the environment nor their neighbours. The approaches to prevention of environmental crime are intended to change behaviour of the latter two groups as detailed below:

Awareness Raising and Education

Awareness raising and education are fundamental to the operation of any enforcement work. It is vital that a balance is struck between enforcement, engagement and education. The community must know and understand what standards are expected of them so that they can operate to these levels. The Council aims to continue 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 website, local press, specific campaigning and work alongside our partners and stakeholders.

Partnership Working

Solihull is incredibly fortunate in that it has a wealth of volunteer support, with a considerable number of active community members out and about on a daily basis, improving the cleanliness and appearance of Solihull's public realm.

This high-level environmental community and volunteer involvement is driven by the council's Love Solihull initiative, which has, over a number of years created an environmental volunteer platform that now supports over 500 Love Solihull volunteers.

Solihull Council recognises the value and high importance of engagement and education working alongside any enforcement role and we will work with others, including our community leads and volunteers to improve the environmental quality of the borough and to enable the delivery of this strategy an inclusive way.

Equally it is important to note that the council do not deliver environmental operational services directly, however, operates on a commissioning partnership basis with a key service provider and partner. The Council therefore also commits to working closely with our partnering contractor for Environment Services and ensuring they have the right part to play in delivering this strategy.

Intelligence

Intelligence lies at the heart of how we deliver responsive services and interventions, it helps us target resources and enables us to take account of local and governmental objectives of required levels of performance and value for money principles. The vital central ingredient in successful environmental crime planning is information and understanding on five issues: -

- An accurate picture of service delivery
- What is actually happening on the ground
- The nature and extent of the problems
- The trends
- Where the main threats lie

An intelligence led service is concerned with the proactive deployment of resources to reduce environmental crime, incidents and associated problems that are detrimental to the quality of life of communities.

The need to secure intelligence in line with the Council's priorities is fundamental to the process. This will ensure that both strategically and tactically all information that may impact on decision making is clearly outlined.

Enforcement

This strategy draws on a wide spectrum of personnel and resources to meet its aim, from within the Council and external partners. For example, Council Enforcement Officers will carry out most of the litter and dog fouling enforcement action. Authorised officers from other areas of the council will enforce waste regulation and fly tipping offences.

Similarly, to Engagement, Enforcement is important in supporting our volunteers and providing them with the reassurance that there is a resource dedicated to identifying environmental crime and that prosecutions will be progressed and achieved should people choose to act illegally.

Training will be provided to ensure all authorised enforcement personnel have the skills and knowledge required to undertake their enforcement duties and to ensure a consistent approach by enforcement officers.

Although most of the environmental enforcement is the responsibility of Solihull Council to enforce, the Council will also work closely with other public bodies to ensure that issues are dealt with effectively. These will include the Police, Solihull Community Housing (SCH) and other housing providers, Network Rail and the Canal and Rivers Trust.

Solihull Council works closely with the Environment Agency who are responsible for investigating larger fly tips and those near watercourses or where organised crime may be involved. They are also responsible for permitting and investigating issues relating to waste management facilities.

The Council will seek to prioritise work on certain issues in order to approach enforcement work in a structured way, targeting the predominant issues affecting the environment. We will actively use data, held by the council as well as local knowledge to target our work to address environmental crime.

Solihull Council will ensure that:

- enforcement is carried out in a fair and equitable way;
- we assist businesses and others in meeting their legal obligations;
- we focus on prevention rather than cure; we take firm action against those who flout the law.

The Council recognises the importance of ensuring that all enforcement decisions are consistent, proportionate, clearly explained and relate to common standards to ensure the public is adequately protected. It is important to note that we can only take any kind of enforcement action where there is evidence to support the action i.e. witness statements, photographic evidence etc.

Prior to taking any enforcement action we will consider the appropriateness of informal approaches such as warning letters and the use of targeted signs and stickers. These approaches have proved very successful in the past.

Written Warning

Council officers have the option to serve the offender with a written warning regarding the offence stating the necessary future conduct. The warning will note that no formal action will be taken, but it will stay on file for 12 months and can be used as a factor in any future assessment where a similar offence occurs.

Simple Caution

A Simple Caution (previous known as a Formal Caution) is a non-statutory disposal for adult offenders. It may be used for cases involving first time low-level offences and can only be offered when there is documented acceptance of guilt from the offender. A Simple Caution forms part of an offender's criminal record and may influence how they are dealt with, should they come to the notice of the council again.

Serving a Statutory Notice

Some offences require the serving of a formal notice on individuals, businesses or other organisations requiring them to carry out specific legal requirements. The notice will explain what is wrong, what is required to put things right and what the consequences are if the notice is not complied with.

Seizure

Certain circumstances including willful obstruction of the highway can lead to seizure of the obstructing item(s) as well as prosecution. The item(s) are stored and as part of a prosecution a Forfeiture Order can be requested from the Magistrates' Court.

Prosecutions

Where the circumstances warrant it and the alternative actions mentioned in the Strategy are considered inappropriate for the offence, then prosecution may result. Consideration will be given to the facts leading up to the matter. The Council will also assess whether there is public interest in proceeding with the matter while taking into account The Code for Crown Prosecutors.

Fixed Penalty Notices (FPNs)

A number of offences listed in this Strategy can be dealt with through the use of FPNs. FPNs may be issued when an authorised officer believes that an offence has been committed. The FPN gives the alleged offender an opportunity to avoid prosecution by payment of the penalty. It is essential, therefore, that FPNs are only issued where there is adequate evidence to support a prosecution.

Solihull Council sees the issues covered by FPNs under the Environmental Protection Act 1990, Anti-Social Behaviour Act 2003, Clean Neighbourhoods and Environment Act (CNEA) 2005 and the Anti-Social Behaviour, Crime and Policing Act 2014 as important to individuals' quality of life and so wants to send out a strong message, through their usage to those who deface the local environment.

FPNs are only issued where there is adequate evidence to support a prosecution. Unpaid notices will be followed up and considered for prosecution. The FPN must be paid within 14 days of it being served. If the FPN is not paid the case will be considered for prosecution in the Magistrates' Court. The use of FPNs is one of the powers we shall use to meet the strategy's aim in an effective and efficient manner.

Reassurance

Reassurance can be taken in many forms. The Council aims to reassure residents and visitors of Solihull that we take environmental crime seriously. There are a number of ways we can reassure residents:

Raising Awareness

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 regarding their responsibilities, to enable them to comply with the law. The Council aims to achieve this element of enforcement by providing consistent advice and guidance about relevant duties and responsibilities, via face-to-face operations, marketing collateral, the Council website, press releases, specific campaigning and joint work alongside our partners and stakeholders. However, there are broad educational initiatives being delivered by departments in Solihull Council and partners across Solihull, particularly in relation to young people.

Campaigns

Love Solihull is a campaign delivered by the Council's Public Realm Team. The campaign includes the delivery of workshops to schools around environmental crimes such as litter and dog fouling and practical opportunities for students and the wider community to get involved in projects such as litter picking or graffiti removal. This programme also creates opportunity for many environment volunteers throughout Solihull to get involved and make a difference in their local and wider communities.

These volunteers have been involved in education and engagement events across Solihull, as well as high profile practical action to improve the local environment. The volunteers include numerous young people who undertake environmental improvement projects, often with their peers. They include local schools, colleges, community groups and voluntary groups

National curriculum: Primary education includes an element of learning about the environment. This continues through secondary education and is included in their curriculum.

National campaigns: A number of organisations deliver national marketing campaigns about environmental crime by various means including television, radio, and the press. These organisations include Keep Britain Tidy, the Chewing Gum Action Group, Public Health England, DEFRA, the Environment Agency and the British Metals Recycling Association.

Social media

The use of social media to communicate key educational messages is a useful tool for educating residents and local businesses. The Council's Facebook and Twitter account attracts thousands of followers, and the team will continue to use social media in this way. We will also seek to inform, where we can, on enforcement action that has taken place.

Monitoring and Reporting

Council officers will report quarterly to the Cabinet Member for Stronger and Safer Communities on the progress of the actions in the attached plan. The Council will also publish our performance in this area on the council's website.

Environmental Crime Action Plan

Prevention	Timescales	Who	Monitoring and reporting
Promote awareness of good waste management practice through the Love Solihull initiative, in particular the Love Solihull social media pages and the volunteer network.	In place	Love Solihull Team	Feedback from engagement with residents and key stakeholders. Social media coverage and any data related to social media promotions.
Explore and implement a Solihull Fly Tipping engagement campaign, based on other successful models both implemented in neighbouring authorities and nationally.	Commence October 2022	Environmental Crime Team and Love Solihull Team	Campaign strategy, identification of milestones and implementation, progress to be reported quarterly.
Display signage and posters/banners at litter, dog fouling and fly tipping hot spots - Sites will be evidence based – informed by heat and hot spot mapping and other data identifying priority areas.	In place	Environmental Crime Team	Number of sites identified and with notices put up. Evaluation of signage and reduction of crime in hotspots to be reported quarterly
Maintain engagement with Schools, Love Solihull and the Education service in respect of children and young people who litter.	In place	Love Solihull Team	Report details of interventions quarterly
Engage with fast food outlets in response to associated litter issues.	Commence December 2022	Environmental Crime and Food and Safety Teams	Campaign strategy, identification of milestones and implementation. Progress to be reported quarterly Discussion to be included in Food Inspections as scheduled.
Promote awareness of responsible dog ownership through communication channels.	Commence December 2022	Environmental Crime Team	Update on campaigns to be reported annually

Intelligence	Timescales	Who	Monitoring and reporting
Liase with businesses to display signage & share CCTV and intelligence images for fly tipping.	In place	Environmental Crime, and Love Solihull Teams	Number of businesses engaged with reported quarterly. Number of businesses displaying signage and sharing intelligence reported quarterly
Ensure that internal systems, roles and processes are aligned so that recorded figures for fly tipping incidents and enforcement actions are accurate	In place	Head of Safer Communities	Monitor number of incidents using DEFRA reporting protocols and to identify hotspots and report quarterly
Join with other local authorities and the Environment Agency in a regional waste crime group to share best practice and to share and improve the use of intelligence.	In place	Environmental Crime Team	Number of intelligence reports submitted and received reported quarterly
Use appropriate covert and overt CCTV to investigate fly tipping in hotspots	In place	Environmental Crime Team	Report the number of CCTV deployments quarterly
Purchase additional cameras for deployment around the borough	Commenced November 2021	Environmental Crime Team	Additional cameras to be deployed in hot spot areas once purchased

Reassurance	Timescales	Who	Monitoring and reporting
Publicise successful prosecutions and results for all cases.	In place	SMBC Communications Team	Number of publicity events reported quarterly
The Council will publicise our achievements and performance measures.	In place	Head of Safer Communities	Quarterly on the Council's website

Enforcement	Timescales	Who	Monitoring and reporting
Issue fly tipping enforcement letters and FPN where appropriate and enough evidence is gathered. Also focusing enforcement on priority areas, where impact and activity is high.	In place	Environmental Crime Team	Report the number of enforcement letters and FPNs served quarterly
Actively investigate and always pursue prosecutions for the most serious fly-tipping	In place	Environmental Crime Team	Number of successful fly-tipping prosecutions and fly-tipping FPNs served to be reported quarterly
Commission a professional enforcement service to act on behalf of Solihull MBC to provide street scene enforcement and patrolling based in priority areas where impact and activity is high.	In place from October 2021	Environmental Crime Team	Report the number of fixed penalty notices for litter and dog fouling issued quarterly
Introduce dog control Public Space Protection Orders (subject to consultation) throughout Solihull to control dogs and dog fouling in public spaces.	July 2022	Environmental Crime Team	Adoption of the PSPO subject to consultation. Report the number of complaints about dog fouling quarterly
Re-invigorate the links between the SCH Better Places Team and the Environmental Compliance Team to better address fly posting.	Completed	Environmental Crime Team and SCH	Report the number of fly-posting fixed penalties issued quarterly
Continue to work closely with housing and other partners to address graffiti	Ongoing	Environmental Crime Team and SCH	Monitor number of reports of graffiti and enforcement action taken and report quarterly

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