

Minutes of Yorkshire and Humberside Environmental Enforcement Working Group

Meeting – Friday 2nd March 2012 – Stonecross, Northallerton

Attendees: Alan Scargill (AS), Sally Sutherland (SS), Paul Bailey (PB), Liz Smith (LS), George Lister (GL), Lee Ward (LW), Alison Riley (AR), Bob Armstrong (BA), Iain Dunn (ID), Sam Watling (SW), Richard Stork (RS), Don Steel (DS), Mark Benton (MB), Martin Gregson (MG), Emma Wright (EW), Karl Matson (KM), Richard Stothard (RSt), Paul Smith (PS), Chris Platts (CP), David Small (DSm), Steve Houlden (SH), Jonathan Tait (JT), Geoff Bell (GB), David Armstrong (DA) – Mallard Consultancy

Apologies for absence: Matthew Finn, Michelle Watling, Russell Sinclair, Andy Denholm, Gary Stanton, Steve Waterhouse, Mark Cornall, Nicki Lishman, Tim Grogan, Dave Dunbar, Richard Beaver

Agenda items:

1. Dog fouling – Ideas on prevention and enforcement – Richard Stork

DS told the group about the A3 sized “plasticard” stencils that are used in East Riding. Parish Councils use them and the highways paint used lasts a couple of years. MB mentioned how stencils are good at showing the complainant that something is being done but have no effect on the problem of dog fouling. Issuing FPN’s was seen as the most effective way as dog walkers talk. The dog walkers that receive FPN’s often change their routes and move the problem to a different area. SW had a competition where kids designed dog fouling posters in York. AS was to put pictures on skewers to go in to dog mess left behind to highlight the issue. MB told the group that Doncaster have a “Considerate dog owners scheme” as a thank you to dog owners that pick up. Details are taken and a two monthly raffle is done where the winning person receives a “Dog Hamper” sponsored by Pets at Home. This is then publicised. There was a suggestion of not issuing FPN’s to people failing to pick up, and taking them straight to Court. DA mentioned an impact statement should explain why no FPN was offered.

The issue of enforcement officers wearing uniforms or not was discussed. DA stated that if no uniform was worn good quality ID cards should be used. PS informed the group that Barnsley use a mixture of uniformed and non uniformed officers. An informal uniform was used in some areas.

MG asked DA if the legislation around vehicle litter was any closer to changing. DA stated that S46 needed to be sorted first and then there may be the change in legislation needed for vehicle litter but it is currently in consultation.

Doncaster currently do interviews if local people are witnessed littering from vehicles. It was mentioned that there was an impact from letters sent to people regarding car litter. Even people that ignore letters sent are then aware of enforcement on car litter.

PB questioned whether RIPA was needed if patrols were to be carried out in a certain area at a certain time with officers wearing no uniform. DA informed the group that a log of the visit should state that the patrol was due to the amount of complaints received would suffice. It is deemed reactive surveillance. MG pointed out that RIPA is for targeting a person and not an area. DA mentioned an article that he had written about RIPA that was on the KBT network website.

The question was asked whether or not to issue FPN's based on a Witness Statement from a MOP. MB stated that they would rather witness themselves. DA pointed out that the problem with a Witness Statement was that it could be motivated by other things.

Craven work with PCSO's and take WS's from them.

MB said that their FPN's for litter from vehicles was all officer witnessed. Doncaster also use payslip messages to inform staff how to report littering.

Authorising MOP to issue FPN's was discussed. The majority preferred not to do this but to use a trained, credible witness. PCSO's in some areas have been trained.

MB said that Police FPN's for littering were lower than LA FPN's. It was suggested that Police issue LA FPN's with the LA to follow up.

AR said that Craven use WS's from MOP and have successfully issued FPN's.

RS asked if it was possible to issue FPN's for dog fouling in private gardens in an area where DCO's were in place. DA stated that if the land was accessible, legally or not, then tickets can be issued despite the fact of trespass but to ensure there was no consent from the land owner. MB stated that if there was an appeal to the FPN then the offender would at least require written consent from the land owner. DA suggested signage for the area specifying that the land owner "reserves the right to prosecute".

2. Mallard Consultancy – David Armstrong

DA answered a "Wig" question on fly tipping in a bin.

There was a presentation on Mallard Consultancy and what they do for KBT.

Mallard Consultancy also have a Network and rates were shown. 12 months full membership is £1800. 6 months (renewable) membership is £900. 12 months full membership including one training/consultancy session is £2500. Training days are also available with reduced fees for Network members.

MG asked if Mallard Consultancy planned a Networking Conference like KBT. DA said there was a possibility but he is having a meeting with KBT and would have to wait until after that.

AS asked if Mallard Consultancy had a sales brochure with prices for the Network and what was available. DA replied that there wasn't as yet but again, he is awaiting the outcome of the meeting with KBT.

There was further discussion on the need for a professional association for Environmental Enforcement.

The question was asked if one LA has a training day with Mallard Consultancy could the whole YHEEG attend. This was agreed.

3. YHEEG website – Mark Benton

MB showed the features available on the website and the different areas it currently has. Suggestions for further information/articles on the website were asked for. MG suggested a "sample documents" area for use within the group. A shared intelligence page was also discussed and a training section. A publicity section was also suggested.

If anyone else has any ideas for content email Mark Benton.

MG wanted to encourage people to look at the forum area of the website regularly.

4. Training – Martin Gregson

MG discussed using the group's collective buying power to pay for training and obtain larger discounts.

5. Enforcement at HWRC's

The problem with commercial waste at domestic sites was discussed. The main question being, do you allow the waste carrier to put the waste into the skip (committing an offence) before they are tackled or do you tackle them before and the offences that are committed. How to keep the site working while investigations were carried out was also discussed. PB pointed out that not allowing the carriers to tip the waste at the skips would only lead to the loads being fly tipped. Also the sites have a duty to take domestic waste if the waste was proven not to be

commercial. Taking commercial waste also means the sites are unknowingly breaking their permits. Interviews under caution can be carried out at the sites while the waste is still in situ.

Placing markers in waste to enable the waste to be traced was also discussed.

MB suggested putting a disclaimer in place.

DA told the group about Operation Tornado that was carried out in Durham. Posters had been placed at sites instructing people that money would only be paid for scrap where photo identification was produced. He also informed the group that London Councils can issue an FPN for abuse of waste sites.

North Yorkshire County Council sites are run by contractors.

Landlord's waste was discussed and the question as to whether it was commercial waste or not was raised. York issue Landlord's 3 permits per year to dispose of waste left by tenants and to avoid fly tips. GL mentioned legislation that had been brought in stating that it remained domestic waste.

6. NI 195 replacements – Sally Sutherland

SS asked what other LA's were doing. If the surveys were still being carried out or amended. H & RDC have amended the surveys to suit the rural nature of the area. Dog fouling had also been added. An example of the surveys and results were passed around the group.

7. Dog Control Orders – Dave Dunbar (Unable to attend meeting)

8. Trolley Order – S99 EPA 1990 – Martin Gregson

MG discussed the "Trolleywise" scheme that has been set up in North Lincs.

9. DVLA devolved powers – Richard Stork

The above was discussed. Advised to contact DVLA if any issues arise regarding the obtaining of registered keeper details.

10. Waste on the highway – Richard Stork

Photos were shown of an issue that RS was dealing with showing storage of waste on a vehicle on the highway, using the verge for the storage of materials which most people would regard as waste. The pavement was left clear but the garden had vehicles in it and also large amounts of waste. The issue was discussed and a number of solutions raised depending on what powers each enforcement section have.

11. Bins on pavements – Paul Bailey

Kirklees officers have been instructed to discontinue the use of S46 Notices. This was discussed further. Some neighbourhoods have a “Wheely bin watch” scheme where bins left out are pulled back in by neighbours.

Leicester print S46 notices on their bin bags.

12. Waste from Hairdressers and other small businesses – Steve Houlden

Dealing with small businesses and hairdressers that produce less than a bin bag of waste a week, taking the waste home to dispose of was discussed. After discussion the paying for a commercial licence and bag collection were seen as the way forward but each Council would do this in a different way.

13. Waste from Shisha Lounges – David Small

Bradford appear to have a lot of these cropping up. These lounges are places where people pay for entry and smoke Shisha tobacco through various items. The use of fruit gives a better taste. They are difficult to find and get in to but are fly tipping their waste frequently. The waste mainly consists of pineapple tops. Discussion took place regarding smoking in premises, an exemption was quoted of smoking the tobacco prior to purchase. London have a lot of these lounges too. The issue was discussed. GB spoke with some authority on this subject.

Next meeting: Scarborough – Friday 6th July 2012