

## Agenda Item 6

<b>Executive Member</b>	Cllr Michelle Watson and Cllr Lucy Botting		
<b>Strategic Management Team Lead Officer</b>	Graeme Kane (Corporate Head of Service)		
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<b>Date</b>	18 <sup>th</sup> April 2017		
<b>Ward (s) affected</b>	All	<b>Key Decision</b>	Yes

<b>Subject</b>	Anti Social Behaviour (ASB) Enforcement Strategy
<b>RECOMMENDATIONS</b>	
To adopt the Anti Social Behaviour (ASB) Enforcement Strategy and instruct officers to implement the Action Plan.	

<b>1. EXECUTIVE SUMMARY</b>	
1.1.	The proposed Anti Social Behaviour (ASB) Enforcement Strategy is intended to strengthen Mole Valley District Council's enforcement capacity and capability.
1.2.	The Strategy and attached Action Plan address both environmental ASB such as fly-tipping, littering, dog fouling, graffiti and fly-posting, as well as community ASB where the behaviour of individuals or groups adversely affects the well-being of other individuals or communities.
1.3.	The Strategy has been drafted in response to public concern regarding ASB in their communities and to reflect the introduction of new legislation.
1.4.	The following principles of enforcement are proposed: <ul style="list-style-type: none"> <li>• Proportionality;</li> <li>• Consistency;</li> <li>• Targeting;</li> <li>• Transparency.</li> </ul>
1.5.	The Strategy includes objectives which reflect MVDC's Guiding Principles and Corporate Priorities, as well as the Surrey Fly-tipping Prevention Strategy and Keep Britain Tidy's Fly-tipping Action Plan. The Strategy is also informed by best practice from National Fly-tipping Prevention Group.
1.6.	The Strategic Objectives are grouped under MVDC's Corporate Priorities: <ul style="list-style-type: none"> <li>• Environment;</li> <li>• Prosperity;</li> <li>• Community Wellbeing.</li> </ul>

## **ENVIRONMENT**

### **A highly attractive area with housing that meets local need**

- Protect and enhance the natural and built environment and ensure our areas of natural beauty are well looked after.
- Encourage residents to protect the environment by reducing their use of our natural resources, reusing materials and recycling more.
- Encourage our communities to take care of their environment, and support them by tackling fly-tipping, littering and dog fouling.

## **PROSPERITY**

### **A vibrant local economy with thriving towns and villages**

- Promote the culture and economy of the market town of Dorking
- Work with rural communities and businesses to help them thrive

## **COMMUNITY WELLBEING**

### **Active communities and support for those who need it**

- Improve opportunities for residents to live active lives
- Promote community spirit, encourage individuals, families and communities to support each other and help our neighbourhoods to be more resilient in times of need

## **The Executive has the authority to determine the Recommendations**

## **2. INTRODUCTION**

- 2.1. This strategy sets out Mole Valley District Council's approach to tackling anti-social behaviour (ASB) across Mole Valley. It seeks to address environmental ASB such as fly-tipping, littering, fly-posting, dog-fouling and vehicle abandonment as well as complex community incidents of ASB. The Strategy is supported by an Action Plan which sets out improvements that will be delivered in the short to medium term, and aspirations and principles for the longer term.
- 2.2. The Strategy has been prepared and drafted following feedback from residents that clearly indicates that in some areas anti-social behaviour is causing concern. As another demonstration of how MVDC listens and responds to residents' concerns, this Strategy seeks to address these issues.
- 2.3. The Strategy follows a previous decision by the Executive Committee in December 2015 to approve a new ASB Powers Policy Framework. The Framework outlines the powers available to MVDC to tackle a range of ASB. This Strategy outlines how MVDC will use these powers to tackle ASB across the district.
- 2.4. The Strategy includes a summary of the work currently carried out by Mole Valley District Council to address incidents of environmental and community ASB. These include:
  - High profile campaigns by MVDC: #CleanMV and 'Fine By Us'
  - Surrey-wide fly-tipping campaign (focus on Duty of Care)
  - MVDC Enforcement & Fraud Team: investigating leads from fly-tips
  - Joint Action Days with partners
  - SWP Fly-tipping Strategy and dedicated officer for Surrey

- Supporting community litter picks
  - Time limited Joint Action Groups (JAGs) and Community Incident Action Groups (CIAGs)
  - Kingston Road Public Space Protection Order (PSPO)
  - Use of Community Protection Notices (CPNs)
- 2.5. The Strategy outlines the key principles by which enforcement will be carried out by MVDC, namely:
- Proportionality;
  - Consistency;
  - Targeting;
  - Transparency.
- 2.6. The objectives of the Strategy are linked to MVDC's Guiding Principles as well as the Corporate Priorities. They have also been informed by Surrey Fly-tipping Prevention Strategy (2016) and Keep Britain Tidy's Fly-tipping Action Plan and best practice shared through the National Fly-tipping Prevention Group.
- 2.7. The Strategic Objectives are grouped under MVDC's Corporate Priorities:
- Environment;
  - Prosperity;
  - Community Wellbeing.
- 2.8. The Action Plan includes a range of actions under each of the Strategic Objectives. These range from:
- raising awareness of how to report incidents of ASB, and making it easier to do so;
  - raising awareness about residents' responsibilities with regard to disposing of waste legally so they do not inadvertently break the law or become a victim of ASB;
  - improving the authority's data recording and sharing practices;
  - strengthening our partnerships with our agencies on this agenda to improve our effectiveness;
  - making better use of our staff resources to enhance our enforcement role; and,
  - encouraging residents to take a positive and active role in reducing the effects of ASB in their communities.
- 2.9. The Action Plan includes a timetable against which actions will be delivered. Monitoring of progress against the Action Plan will be undertaken by the relevant officers in conjunction with the Executive Members for Environment and Wellbeing.

### 3. OPTIONS

- 3.1. **Option 1:** Adopt the Anti Social Behaviour (ASB) Enforcement Strategy and instruct officers to implement the Action Plan - Recommended
- 3.2. **Option 2:** Adopt the Anti Social Behaviour (ASB) Enforcement Strategy and instruct officers to implement the Action Plan subject to specific changes being made.
- 3.3. **Option 3:** Request officers to make substantial changes in conjunction with the Executive Members for Environment and Wellbeing and present a revised Strategy and Action Plan to the Executive Committee at a later date.

- 3.4. **Option 4:** Abandon the process of producing an Anti Social Behaviour (ASB) Enforcement Strategy, and continue with the current approach to tackling environmental and community ASB.

## **4. CORPORATE IMPLICATIONS**

### **Property implications**

- 4.1. There are no specific implications for the authority's premises or assets as a result of adopting the Anti Social Behaviour (ASB) Enforcement Strategy

### **Finance Implications**

- 4.2. Some of the actions will require relatively small amounts of funding which can be allocated from within existing service budgets. Some of the actions have more significant financial implications and may require additional funding; these would have to be considered as part of the budget setting process for 2018/19. Where possible, bids for external funds will be submitted to support the implementation of specific actions.

### **Legal Implications**

- 4.3. Enforcement procedures and processes will need to comply with the relevant legislation which is generally referred to in the Strategy and any new processes must be devised in accordance with the legislation. In addition to the legislation referred to in the Strategy, there are other areas of legislation that will also need to be considered and complied with, such as the Human Rights Act 1998, the Police and Criminal Evidence Act 1984 in connection with the investigation and prosecution of criminal offences and, where the use of covert directed surveillance is required, for example, by using hidden CCTV cameras, this would require the appropriate authorisations under the Regulation of Investigatory Powers Act 2000, as amended.
- 4.4. The Executive will be required to agree new enforcement guidelines on the use of Fixed Penalty Notices (FPNs) before these can be issued for environmental ASB offences.

### **Monitoring Officer Commentary**

- 4.5. The Monitoring Officer is satisfied that the relevant legislation has been taken into account in this report

### **S151 Officer Commentary**

- 4.6. The S151 is satisfied with the financial implications of this report.

### **Risk Implications**

- 4.7. There is a risk that if MVDC does not take the actions outlined in the Action Plan that environmental and community ASB is not addressed as fully as it could be by the authority. Some of the actions rely on the co-operation of partners, which is currently forthcoming but will be dependent on their priorities and allocation of resources.

### **Equalities Implications**

- 4.8. Where necessary, an Equalities Impact Assessment (EqIA) will be carried out to ensure the authority's enforcement activities and procedures do not discriminate against any of the designated protected groups. Within the standard procedure of Joint Action Groups (JAGs) and Community Incident Action Groups (CIAG), consideration is made about whether the individuals affected by, or causing, the ASB are known to have any protected characteristics and therefore appropriate measures implemented.

### **Employment Issues**

- 4.9. Any changes to roles will be carried out in accordance with our policies and in consultation with the affected individuals. If there is a requirement to adapt the role of the Civil Enforcement Officers (CEO) to include additional responsibilities there will need to be an assessment made as to the degree of change (and consequent impact on the individual), and potentially the risks associated with imposing changes unilaterally. The

aim will be to build agreement for change by resolving any individual concerns over impact, thereby maintaining service levels and reducing costs associated with change.

### **Sustainability Issues**

- 4.10. Environmental ASB threatens the quality of soil, air and water for this generation and future generations thus undermining the concept of sustainable development. Sustainability also relies on creating inclusive and harmonious communities, which can be undermined by incidents of ASB. This strategy seeks to address both issues and therefore is in the interest of achieving sustainable development.

### **Reputational Implications**

- 4.11. There are considerable risks to MVDC's reputation if they are seen not to be using their available resources to tackle environmental and community ASB. At the same time, ineffective enforcement could also be perceived as being a waste of public money. This strategy seeks to achieve a balance between effective enforcement and the prudent use of public resources.

### **Consultation Issues**

- 4.12. Where appropriate, communities will be consulted on the use of enforcement powers. This is particularly relevant in relation to Public Space Protection Orders and Community Protection Orders. Members of the public are also encouraged to report ASB to the relevant authorities and be involved in resolving community issues.

### **Communication Implications**

- 4.13. A number of the actions include raising awareness amongst Mole Valley communities regarding the authority's enforcement powers and the responsibilities of residents. These campaigns will be devised by MVDC's communications team in conjunction with relevant partners.

### **Appendices**

- 4.14. Anti Social Behaviour (ASB) Enforcement Strategy and Action Plan

### **Background Docs**

- 4.15. None

**Mole Valley District Council**  
**Anti-Social Behaviour Enforcement Strategy**  
**2017-2020**

**INTRODUCTION**

This strategy sets out Mole Valley District Council's approach to tackling anti-social behaviour (ASB) across Mole Valley. It seeks to address environmental ASB such as fly-tipping, littering, fly-posting, dog-fouling and vehicle abandonment as well as complex community incidents of ASB. The Strategy is supported by an Action Plan which sets out improvements that will be delivered in the short to medium term, and aspirations and principles for the longer term.

**CURRENT CONTEXT**

Mole Valley is a District that prides itself on high quality natural environments and attractive towns and villages many of which have historic features. It is made up of numerous inclusive communities who contribute to the high quality of life enjoyed by many residents. Owing to this, Mole Valley regularly performs well in national league tables measuring an area's attractiveness and popularity as a place to live.

Many residents take great care and interest in the environment around them and participate in formal or informal activities to maintain the natural and built environment. MVDC takes great pride in maintaining the cleanliness of both rural and urban environments through its street-cleaning and parks services. MVDC also works with Surrey County Council, Surrey Wildlife Trust, National Trust, Surrey Hills Area of Outstanding Natural Beauty (AONB) and others to manage, maintain and protect the character of Mole Valley. MVDC supports community litter picks by providing litter pickers, hi-viz jackets, bags and free collection of filled bags. We also provide a small financial payment to reward groups for their efforts. For businesses, MVDC launched the Clean High Street pledge scheme to encourage businesses to take pride in and responsibility for the areas outside their premises.

In addition to practical efforts, MVDC has also conducted two recent campaigns to raise awareness of the effects of environmental ASB and the penalties associated with it. Both campaigns (*CleanMV* and *'Fine by Us'*) attracted a great deal of on-line and press coverage. In 2016, MVDC also supported a county-wide fly-tipping campaign on radio, on-line and across outdoor advertising e.g. buses and bus stops.

MVDC is an active member of the Surrey-wide Enforcement Officers Network. This provides an opportunity for officers to share best practice in tackling environmental ASB, particularly fly-tipping. As well as developing evidence-sharing protocols and networks, the group reviews and implements the most appropriate surveillance techniques to address ASB.

MVDC has adopted a similar approach to tackling fly-tipping as that promoted by Keep Britain Tidy. Action Plan. Their recent action plan, *Reaching the Tipping Point*, has informed the development of this strategy.

Environmental ASB is emotive for most residents. The sight of litter, fly-tips, graffiti, dog mess and fly-posters is unsightly and repulsive for many. Whilst most residents choose the responsible option with regard to these issues, sadly some residents and visitors to Mole Valley show little respect for the area and dump their rubbish with no apparent consideration for the law or the impact it has on the environment and local community.

In addition to environmental ASB, the Council also works in partnership to address broader anti-social behaviour such as excessive or persistent noise, abusive behaviour or criminal damage, sometimes exacerbated by drug and alcohol abuse. These incidents could be in relation to a particular location such as a park or recreation ground or an individual who is causing problems within a community because of mental health issues or substance misuse. This anti-social behaviour has a negative impact on victims and the wider community and the complex nature of these cases requires a multi-agency response. MVDC works with other agencies through the Joint Action Groups (JAG) and Community Incident Action Groups (CIAG) to tackle these issues.

Mole Valley is regularly highlighted as one of the safest places to live in Surrey. MVDC aims to reassure residents that we will work in partnerships with other agencies such as Surrey Police and housing associations to tackle complex ASB issues that arise.

## **THE LEGAL CONTEXT**

The powers for enforcement against environmental ASB lie with the Environment Agency and District and Borough Councils. Various pieces of legislation provide opportunities to penalise and prosecute offenders. These include, among others: Environmental Protection Act 1990; Clean Neighbourhoods and Environment Act 2005; Town and Country Planning Act 1990; Anti Social Behaviour, Crime and Policing Act 2014; Criminal Damage Act 1971.

### **Littering:**

The offence of littering occurs when a person discards or throws down an unwanted item such as food wrappings, drinks containers and cigarette ends. It can also include items that are spilt during business or waste management operations.

- Under Section 88 of Environmental Protection Act 1990 local authority officers can issue a fixed penalty notice of £80 for littering. Offenders have 14 days to pay or face prosecution in court.
- Failure to pay the fixed penalty notice can result in prosecution where a Magistrates Court can sentence the offender to a maximum fine of £2,500.
- The Anti Social Behaviour, Crime and Policing Act 2014 also gives local authorities powers to control litter in areas where it is a problem. A Community Protection Notice (CPN) can be used to require businesses (such as fast food outlets) to ensure that litter associated with their business does not cause nuisance to the local community. A CPN can also be used to require land owners to keep their land free from litter.

### **Fly-tipping:**

Fly-tipping occurs when waste is deposited on land without the landowners consent and is an offence under Section 33 of the Environmental Protection Act 1990 (for controlled waste) and Section 2 of the Refuse Disposal (Amenity) Act 1978 (for other types of waste)

- Minor fly-tipping (such as a single bag of household waste) is aggravated littering and may be tackled under the litter powers described above.
- Local Authority officers have powers to stop, search and seize vehicles suspected of being used to fly-tip waste.
- Fixed Penalty Notices: From 9 May 2016, local authorities in England can issue fixed penalty notices between £150 to £400 for small-scale fly-tipping offences pursuant to the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.
- Anyone transferring waste to another person who fly-tips may also be in breach of their 'duty of care' under Section 34 of the Environmental Protection Act 1990. The penalty for failing to comply with the duty of care is, upon conviction in a Magistrates Court, a maximum fine of £5,000. Serious breaches may result in conviction in the Crown Court, where the penalty is an unlimited fine.
- Transporting controlled waste without a waste carrier registration license is an offence punishable by a fine of up to £5,000.
- Fly-tipping fines can be up to £50,000 or up to 12 months imprisonment (or both) if convicted in a Magistrates Court or an unlimited fine and/or 5 years imprisonment if convicted in a Crown Court.

### **Graffiti and Fly-posting:**

Graffiti is defacement by way of writing, drawings, scratching or spraying on a wall or other surface and can be classed as criminal damage.

Fly-posting is the posting of stickers, posters and other advertising material without the consent of the owner of the property. If the sticker or poster is advertising it may be contrary to regulations made under the Town and Country Planning Act 1990. If the sticker or poster is not advertising then it can be classified as defacement and dealt with in the same way as graffiti.

- Local Authority officers can issue penalty notices for minor acts of graffiti and flyposting. The Anti Social Behaviour Act 2003 allows local authority officers, community support officers and those persons accredited under a community safety scheme to issue fixed penalty notices of £50.
- Defacement can be regarded as criminal damage under the Criminal Damage Act 1971. In the Magistrates Court the maximum sentence is a fine of £5,000. For serious criminal damage the maximum penalty in the Crown Court is 10 years' imprisonment.
- With fly-posting it can also be effective to take action against those people or organisations who benefit from the advertising. It is an offence to display an advertisement in contravention of regulations and authorities have the power to remove posters without notice. Fines of up to £2,500 can be issued (Anti-

social Behaviour Act 2003 and Town and Country Planning (Control of Advertisement)(England) Regulations 2007).

### **Dog fouling:**

A dog fouling offence occurs when the person in control of the dog at the time fails to pick up dog faeces after the dog has fouled. MVDC has not introduced any Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005. The Anti Social Behaviour, Crime and Policing Act 2014 replaced Dog Control Orders with Public Space Protection Orders. PSPOs can be used to tackle dog fouling and need to be introduced for specific locations where the problem is considered to be persistent, unreasonable and justify the restrictions. Authorities can however still use the existing powers introduced by the designation of the district as an area of control under Dogs (Fouling of Land) Act 1996.

- A breach of a PSPOs can attract a fixed penalty notice (max £100) or prosecution in the Magistrates Court where a maximum fine of £1,000 can be imposed.

### **Vehicle abandonment:**

Vehicle abandonment occurs when someone deliberately leaves a vehicle in any place that is open to the air and has no intention to remove or return to it.

- The deliberate abandonment of any vehicle is an offence, punishable by a fine of up to £2,500 and/or three months' imprisonment (Refuse Disposal (Amenity) Act 1978, s.2).
- The Clean Neighbourhoods and Environment Act 2005 allows the Council to issue a Fixed Penalty Notice of £200 in respect of an offence of abandoning a vehicle.

### **Noise Nuisance:**

Noise can be a source of anti-social behaviour. It is not an offence to create noise. However if MVDC finds something to be a Statutory Noise Nuisance they can serve an abatement notice to the source, which would then be an offence not to control that noise. For the noise to amount to a statutory nuisance it must be prejudicial to health or a nuisance under the Environmental Protection Act 1990 [Section 79(1) (g)]. This could depend on how loud the noise is, the duration of the noise, and the frequency in which it occurs.

If residents are concerned about on-going noise from a neighbour's home, or local business/factory, or noise from vehicles and equipment in the street, our advice is that where possible they should approach those making a noise in the first instance. Often they will be unaware that they are causing disturbance.

Where that is not possible or appropriate, or if the noise persists, then residents should report it to the Council. Information is provided on the Council website on how best to do that.

Residents will usually be asked to fill in log sheets for evidence, recording how the noise is affecting them.

MVDC's recently created a shared service for Environmental Health with Tandridge Borough Council. This brings many benefits for residents including resilience in the

service and opportunities for improved efficiencies and effectiveness. The creation of a shared service presents an opportunity to review the way in which MVDC tackles nuisance noise.

## **ADDRESSING COMMUNITY ASB**

The Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities and its partners with a suite of tools and powers that enables an effective response to both perpetrators and victims of complex community ASB. There are a wide range of options open to the Council and each will be dependent upon the individual circumstances. Under this legislation the Council has a variety of statutory powers at its disposal in order to issue enforcement notices and these are:

- A Community Protection Notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible.
- The Council can apply for a Civil Injunction from the Court to stop or prevent individuals engaging in anti-social behaviour which is likely to cause nuisance or annoyance. The injunction under Part 1 of the Act is a civil power which can be used to address the anti-social behaviour of specific individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators aimed at stopping the person's behaviour from escalating.
- A Criminal Behaviour Order (CBO) is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court. The Council can apply for a CBO to deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community, or persistently being drunk and aggressive in public or causing criminal damage.
- Public Spaces Protection Orders (PSPO) are intended to deal with a nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- The Closure Power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises both licensed and non-licensed that are causing nuisance or disorder to prevent them from continuing, occurring or recurring. These premises could range from pubs, clubs, residential or business premises. The power comes in two stages: the closure notice and the closure order which are intrinsically linked.

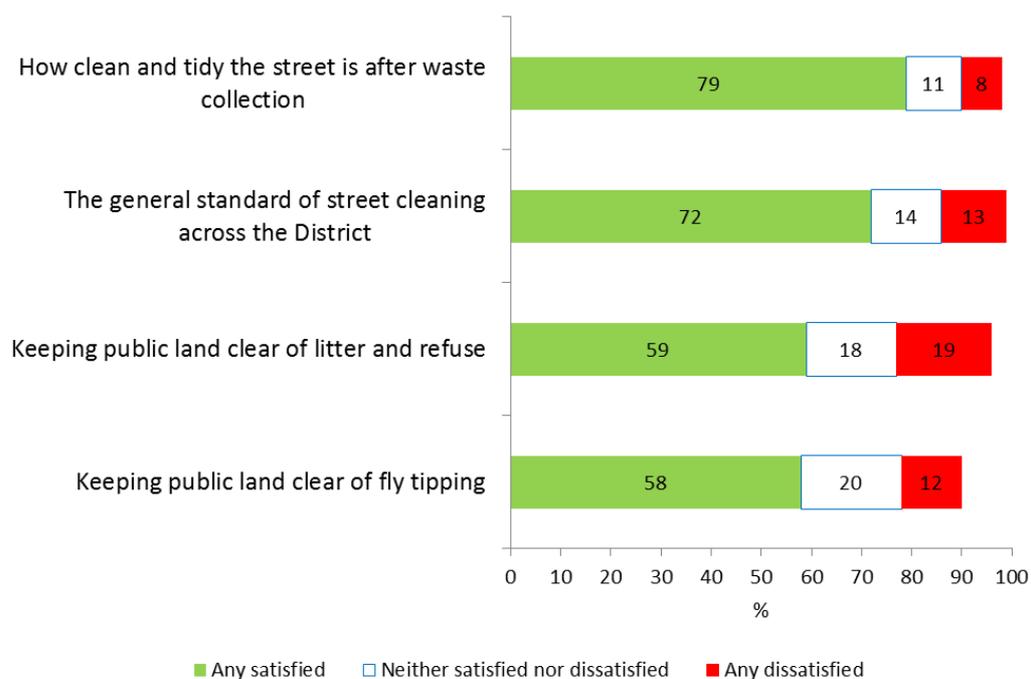
In December 2015 the Council's Executive approved an ASB Powers Policy Framework for using the powers set out in the Anti-social Crime and Policing Act. Since the introduction of the Powers Framework, Community Protection Notices have been used extensively to tackle community anti-social behaviour such as neighbour disputes, animal control and noise nuisance. The Council has also consulted on the introduction of a Public Space Protection Order in Leatherhead.

More detail can be found by reading the ASB Powers Policy Framework (October 2015), available on the Council's website.

## LISTENING TO RESIDENTS

MVDC puts a strong emphasis on listening and responding to the views and concerns of residents. In April 2015, MVDC conducted a resident survey to gather residents' views on how well MVDC looked after the local area.

The chart below illustrates how satisfied they were in relation to specific street-cleaning activities carried out by MVDC.



Similar surveys were carried out in two other Surrey authorities. The table below presents their results (anonymised) for comparison.

Satisfaction rates			
	MVDC	LA 1	LA 2
The general standard of street cleaning across the borough/district	72%	75%	76%
How clean & tidy the street is after the waste collection	79%	80%	84%
Keeping public land clear of fly tipping	58%	50%	-
Keeping public land clear of litter and refuse	59%	56%	-

Overall net satisfaction scores (% satisfied less % dissatisfied)			
	MVDC	LA 1	LA 2
The general standard of street cleaning across the borough/district	59	62	66

How clean & tidy the street is after the waste collection	71	68	77
Keeping public land clear of fly tipping	46	32	-
Keeping public land clear of litter and refuse	40	36	-

MVDC compared better on clearing fly tipping, but slightly worse on general street-cleaning. MVDC has recently entered into a Joint Waste and Street Cleaning Contract, the specification of which, is intended to address some elements of street cleaning and raise the standards of cleanliness in certain locations.

MVDC uses a number of mechanisms to ensure residents can share their views and concern regarding community ASB with the authority. Formal consultation was held in January 2017 regarding the proposal to establish a PSPO in Leatherhead; the feedback from the consultation influenced the decision to introduce the PSPO. With other incidents, individual reports are regularly used to target the authority's resources on areas or individuals that are causing concern in the community. Furthermore, the work of the JAG and CIAGs are informed by feedback and input from residents.

## ENFORCEMENT PRINCIPLES

MVDC will operate its enforcement activities in line with the following principles.

**Proportionality:** Legislation requires local authorities to be proportionate in their response. This should include ensuring we effectively publicise and communicate the responsibility required of individuals and organisations before taking any enforcement action. We will take into account the costs of compliance for businesses and individuals by ensuring that any enforcement action we take or remedial action we require is proportional to the risks and the effect upon the local community and consumers. Our considerations will include whether there has been:

- blatant disregard for the law, deliberate intent or negligence; or,
- persistent breaches of legal requirements, previous convictions related to poor standards or malpractice; or,
- a particular contravention that has caused serious public alarm or harm;
- those affected are particularly vulnerable.

We acknowledge that any fines (or where costs are recovered) are unlikely to cover the full cost of enforcement but to ensure value for money for our residents, we will use enforcement activities which are proportionate for the risk posed by the ASB.

**Consistency:** We will carry out our duties in a fair, equitable and consistent manner. Whilst officers exercise judgment in individual cases, we will have arrangements in place to promote consistency, including clear processes, staff training and sharing best practice with other authorities and agencies.

**Targeting:** We will target our operations on ASB activities that cause the most harm to the environment or our communities.

**Transparency:** We will be open about how we work and will provide accessible information and advice, in plain language, on the legislation that we enforce. We recognise that there are situations where there is a shared enforcement role and in

those circumstances we will ensure enforcement is effectively and efficiently coordinated to avoid duplication of resources.

## **STRATEGIC OBJECTIVES**

The strategic objectives for the MVDC's approach to ASB are set within the context of the Council's Guiding Principles:

- **Sustainability:** Meeting the needs of the present without compromising future generations.
- **Cost Effectiveness:** By applying a cost-effective approach to delivering and developing services we are able to give residents the best deal.
- **Openness and accessibility:** Residents need clear timely information that enables them to help themselves, with support for those who need it.

The objectives and actions which follow are framed within the Council's Corporate Priorities as set out in MVDC's Corporate Strategy (2015-19):

- Environment
- Prosperity
- Community Wellbeing

### **Environment**

Environmental ASB threatens the beauty and integrity of our natural environment. All forms of environmental ASB can lead to the degradation of soil, air and water quality; cause harm to animals and their habitats; and reduce the attractiveness of our natural environment. By tackling ASB, we aim to reduce the harm to the environment.

Objectives:

- E1. Ensure a firm approach to tackling environmental ASB
- E2. Develop a co-ordinated approach which makes best use of the resources from MVDC, as well as partners such as Surrey Police and Surrey County Council to prevent and tackle environmental ASB
- E3. Maintain data and intelligence of the location and nature of environmental ASB to inform a targeted enforcement response

### **Prosperity**

The quality and appearance of our town, village and rural areas contributes towards the vitality and attractiveness of our district. By maintaining a clean environment we aim to attract visitors and businesses to our district which in turn contributes towards the economy. Environmental anti-social behaviour undermines this goal.

Objectives:

- P1. Encourage businesses to take pride and responsibility for the areas around their premises
- P2. Help businesses to be aware of their legal responsibilities in relation to their waste

## **Community Wellbeing**

Residents and visitors to Mole Valley enjoy the natural environment for outdoor activities as well as a place to live. An attractive natural and urban environment contributes to individuals' wellbeing whilst enjoying outdoor activities improves the health of our population. Having pride in your local area and feeling safe can also lead to greater community cohesion and participation. Many residents in Mole Valley take pride in their area and actively maintain it through community litter picks and disposing of their waste responsibly.

Environmental ASB can reduce the appeal of being active outdoors as well as reducing satisfaction and pride in the area in which people live. Furthermore, an unattractive and dirty environment can lead to an increase in criminal activity and increase the perception of crime. This, in turn, can lead to residents feeling less safe in public areas and less inclined to participate in maintaining their local area or becoming involved in their community.

Through its work, MVDC supports inclusive and harmonious communities that support the most vulnerable and allow residents to live healthy and fulfilling lives. The poor behaviour of a small number of individuals can undermine community cohesion and limit the ability of other individuals and communities to thrive.

Objectives:

- CW1. Work with our communities to encourage community litter picks and pride in their local area
- CW2. Make it as easy as possible to report incidents of environmental ASB
- CW3. Help residents to be aware of their legal responsibilities in relation to their waste so they do not inadvertently neglect their duty of care
- CW4. Work in partnership with other agencies and residents to tackle complex ASB in our communities
- CW5. Make the most of our resources to tackle Statutory Nuisance

## **REVIEW**

Progress with the implementation of the Action Plan will be regularly reviewed and the outcomes of delivering the strategy will be communicated through the monthly performance and finance reports. The Action Plan will be reviewed and updated on an annual basis to ensure that it continues to provide a framework for delivery which is fully in line with the principles of the strategy.

## **FUNDING THE STRATEGY**

No additional funds have been put in place to fund the initiatives set out in this strategy. Most of the actions can be implemented within existing budgets and resources. Where additional funding is required, growth bids will be considered through the annual budget setting process.

## ASB Enforcement Strategy Action Plan

### Environment

Objective E1 - Ensure a firm approach to tackling environmental ASB

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
1	Implement a system for issuing and processing Fixed Penalty Notices (FPNs)	Produce updated FPNs reflecting new penalties and legislation	June 2017	Executive approval of new FPN Enforcement Guidelines	Executive Member for Environment	Environmental Services Manager
		Review current parking enforcement system and integrate environmental ASB FPNs	September 2017	Technical integration of systems  Staff training	Executive Member for Environment	Environmental Services Manager
2	Consider use of private enforcement firms for littering, dog fouling and fly-tipping	Gather information on possible providers	April 2017	Market research and meet providers	Executive Member for Environment	Environmental Services Manager

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
		Brief Executive Members on the benefits and risks of this approach	June 2017	Briefing paper to Executive Members	Executive Member for Environment	Environmental Services Manager
3	Review our investigation and evidence collection resources	Confirm the on-going use of MVDC's Fraud and Investigation team to investigate incidents of environmental ASB	March 2017	Review of initial trial		Corporate Head of Service for Well-being in conjunction with Corporate Head of Service for Environmental Services
		Review evidence collection methods including the use of cameras to ensure we are using the most effective and cost-effective methods	April 2017	Liaison with Surrey-wide Enforcement Officers Network	Executive Member for Environment	Environmental Services Manager

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
4	Raise awareness of successful prosecutions	Issue press releases and notices on-line to 'name and shame' anyone who is cautioned, fined or prosecuted for environmental ASB	April 2017	Ensure liaison with Communications Team.	Executive Member for Services, Housing and Communities in conjunction with Executive Member for Environment	Environmental Services Manager
5	Identify more resources that can be applied against enforcement activities and processes.	Approach funding bodies such as the Police and Crime Commissioner's (PCC) Office for more resource towards enforcement activities.	March 2018	Establishment of common Surrey-wide requirements  Liaison with PCC Office	Executive Member for Environment	Environmental Services Manager
		Work with <i>Keep Britain Tidy</i> to encourage stiffer sentencing by Magistrates	March 2018	Ensure a county wide common approach to developing cases for court to ensure a consistent	Executive Member for Environment	Fraud and Investigation Manager

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
6	Tackle problem dog fouling	Ask Parish Councils and Residents' Associations to identify problem areas in their communities	May 2017	Discussion at PC and RA liaison meetings. Develop plans for specific areas, in partnership.	Executive Member for the Environment	Environmental Services Manager
		Analyse whether PSPOs are necessary in certain locations where dog fouling is a problem	August 2017	Monitor resident's complaints to identify problem areas.		

Objective E2 - Develop a co-ordinated approach which makes best use of the resources from MVDC, as well as partners such as Surrey Police and Surrey County Council to prevent and tackle environmental ASB

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
1	Create a MV Joint Enforcement Team (JET)	<p>Identify the powers available to tackle environmental ABS</p> <p>Identify MVDC officers, and partners, who could use these powers</p> <p>Give these powers to specified officers and partners</p> <p>Create a mechanism for these officers and partners to share information and best practice.</p>	November 2017	<p>Define the role of the team</p> <p>Scope out its focus</p> <p>Manage HR issues</p> <p>Identify any financial implications and other issues, such as authorisations, and, report/manage accordingly</p> <p>Develop communications plan to publicise the purpose and role of the team to residents</p>	Executive Member for Environment	Corporate Head of Service

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
2	Joint Enforcement Operations	Organise joint enforcement days with key partners to stop vehicles potentially involved in fly-tipping and waste offences	July 2017	Gain support from Surrey Police, VOSA, Environment Agency, an Trading Standards  Identify mutually convenient dates  Publicise activity	Executive Member for Environment	Environmental Services Manager

Objective E3 - Maintain data and intelligence of the location and nature of environmental ASB to inform a targeted enforcement response

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
1	Implement a system for recording information relating to fly-tips	Review current reporting processes	June 2017	Ensure all methods of reporting are linked to a single MVDC database	Executive Member for Environment	Environmental Services Manager
		Implement a process where all fly-tips can be mapped, together with the nature of the fly-tip	May 2017	Introduce a GIS mapping system	Executive Member for Environment	Environmental Services Manager
		To ensure consistent reporting by all authorities, use Waste Data Flow module guidance when reporting an incident and report back any gaps in definition	October 2017	Establish common approach through Surrey-Wide Enforcement Officers Group	Executive Member for Environment	Environmental Services Manager

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
2	Establish a network and platform to share intelligence on fly-tipping incidents, best practice and resources on prevention and enforcement between partner organisations	To establish Safetynet as an intelligence hub for sharing data related to ASB and information with all authorities including SCC Trading Standards.	See CW4.4	See CW4.4	Executive Member for Environment	Environmental Services Manager
		Share information on fly-tips and evidence on offenders to strengthen our capability to reach a prosecution	June 2017	Make use of Safety-net, the new Surrey wide software that allows this		
		Actively participate in the Surrey Waste Partnership Fly-tipping Enforcement Group	March 2017	Attend and contribute to meetings. Work with partners outside of meetings		

## Prosperity

Objective P1 – Encourage businesses to take pride and responsibility for the areas around their premises

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
1	Promote MVDC's 'High Street Pledge'	Develop, and implement, a timeline for promoting the scheme in our major towns and villages	June 2017	Liaison with town and village centre groups to develop a plan for roll out by March 2017	Executive Member for Environment	Environmental Services Manager
2	Reduce fast food litter	Where fast food litter is a problem:  Write to those businesses concerned to remind them of their duties  Work with those businesses to encourage them to litter pick and provide bins in their vicinity	September 2017	Implement the actions	Executive Member for Environment	Environmental Contracts Manager

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
3	Discourage fly-posting where it detracts from the local environment and provides little benefit to the community	<p>Produce, and use where necessary, template letters to:</p> <ul style="list-style-type: none"> <li>• contact owners of the building to request them to remove the posters;</li> <li>• the event organiser or company displaying their information to remind them of their responsibilities;</li> <li>• to escalate to legal enforcement where necessary.</li> </ul> <p>Update guidance on the MVDC website to inform community groups, charities and businesses of what is unacceptable</p>	October 2017	Implement actions	Executive Member for Environment	Environmental Contracts Manager

Objective P2 – Help businesses to be aware of their legal responsibilities in relation to their waste

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
1	Promote MVDC's 'High Street Pledge'	Develop, and implement, a timeline for promoting the scheme in our major towns and villages	June 2017	Liaison with town and village centre groups to develop a plan for roll out by March 2017	Executive Member for Environment	Environmental Services Manager
2	Communications campaign targeting businesses	Include information in annual business rates letters	2018/19 bills	Design and produce leaflet		
		Update MVDC website	June 2017			

		Ensure Environmental Health Officers are providing businesses with the relevant information during their inspections	June 2017	<p>Review advise leaflets and guidance</p> <p>Ensure EHOs fully aware of the legislation and guidance</p> <p>Distribute leaflets through visits to businesses</p>		Head of Service, Bucks and Surrey Trading Standards
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## Community Wellbeing

Objective CW1 – Work with our communities to encourage community litter picks and pride in their local area

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
1	Extend and promote the support for community litter picks	Promote to all established groups the community litter pick support currently offered to Residents Associations and Parish Councils  Publicise the litter picks supported by MVDC	March 2017 & ongoing	Identify other relevant groups and promote to them	Executive Member for Environment	Environmental Contracts Manager
2	Support Keep Britain Tidy events	Promote the annual Keep Britain Tidy community litter picking events	3 <sup>rd</sup> – 5 <sup>th</sup> March 2017  Future dates to be determined.	Promote to RAs and PCs  Liaise with contractors about how to support the event	Executive Member for the Environment	Environmental Contracts Manager

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
3	Encourage residents to pick up after their dog	Review the business case for providing free dog poo bags in specific problem locations	July 2017	<p>Identify the locations</p> <p>Assess the risk of this increasing litter</p> <p>Implement the scheme if considered appropriate</p>	Executive Member for the Environment	Environmental Services Manager

Objective CW2 - Make it as easy as possible to report incidents of environmental ASB

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Portfolio Holder	Lead Officer
1	Review on-line reporting mechanisms	<p>Review the reporting and mapping features on the MVDC website</p> <p>Introduce the option to upload photos from residents reporting fly-tips</p> <p>Review the capability to update residents on the status of the fly-tips they have reported</p>	December 2017	<p>Dependent on:</p> <p>Introduction of new customer contact system at MVDC</p> <p>Roll out of Joint Waste Contract</p>	Executive Member for Environment	Environmental Services Manager
2	Consider the use of a reporting App for residents	<p>Gather information on Apps available</p> <p>Review options to introduce reporting App</p>	October 2017	<p>Market research</p> <p>Technical review</p> <p>Consider value to MVDC</p>	Executive Member for Environment	Environmental Services Manager

Objective CW3 - Help residents to be aware of their legal responsibilities in relation to their waste so they do not inadvertently neglect their duty of care

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
1	Communications campaign targeting residents	Provide information about residents' 'duty of care' in annual Council Tax bills	2017/18 bills	Develop leaflet for inclusion in the Council tax bills	Executive Member for Communities, Services and Housing	Environmental Services Manager
		Design a new campaign to tackle environmental ASB in 2017/18 focusing on zero-tolerance and 'watching eyes'	June 2017	Develop the campaign as part of the #CleanMV campaign	Executive Member for Communities, Services and Housing	Environmental Services Manager
		Review and update MVDC's website	June 2017	Develop revised pages	Executive Member for Communities, Services and Housing	Environmental Services Manager

Objective CW4 - Work in partnership with other agencies and residents to tackle complex ASB in our communities

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
1	Community Incident Action Groups and Joint Action Groups	Consider enforcement options for each case including Community Protection Notices, Civil Injunctions and Public Space Protection Orders to tackle ASB	Case specific: shortlife – task and finish		Executive Member for Wellbeing	Community Safety & Wellbeing Manager
2	CCTV installation at evidenced crime and ASB hotspots	Install second CCTV camera in Kingston Road Recreation Ground to assist in enforcing the Public Space Protection Order.	April 2017		Executive Member for Wellbeing	Community Safety & Wellbeing Manager
3	Replace Dorking and Leatherhead Town Centre Designated Public Place Orders with Public Spaces Protection Orders	Consult with residents, businesses and other interested parties  Review consultation feedback and publish results	October 2017		Executive Member for Wellbeing	Community Safety & Wellbeing Manager

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
4	To embed Safetynet within the JAG and CIAG and roll out Safetynet to become the co-ordinating hub for all ASB across the Council.	<p>Complete and review the pilot implementation of Safetynet within the CIAG and JAG.</p> <p>Begin a project to roll it out to other business units</p>	<p>April 2017</p> <p>October 2017</p>		Executive Member for Wellbeing	Community Safety & Wellbeing Manager
5	Joint days of action	<p>Joint Days of Action will be held in order to enforce Public Space Protection orders and Designation Orders in order to address problems associated with anti-social street drinking and drug use. Officers will be asked to take part from relevant services including Partnerships and other teams with delegated authority</p>	TBC dependent on partners' availability		Executive Member for Wellbeing	Community Safety & Wellbeing Manager

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
6	Communication	To undertake a major communications campaign on how to report community anti-social behaviour and in particular to provide residents with information on the Community Trigger	TBC		Executive Member for Wellbeing and Executive Member for Communities, Services and Housing	Community Safety & Wellbeing Manager

Objective CW5 – Make the most of our resources to tackle Statutory Nuisance

	Initiative	Action	Timescale	Key Milestones (where relevant)	Lead Executive Member	Lead Officer
1	Update policies and procedures in light of the new Environmental Health shared service	Review and update the guidance for residents on dealing with noise that may be a Statutory Nuisance or may constitute anti-social behavior.	July 2017	Update guidance  Update website and publicise	Executive Member for Environment	Head of Regulatory Services (Environmental Health and Trading Standards)
		Update the Enforcement Policy to ensure that ASB related issues are fully captured including issues arising from Anti-Social Noise.	July 2017	Draft new guidance.  Executive Committee approval:		