

EAST AYRSHIRE COUNCIL

CABINET REPORT – 15 DECEMBER 2010

CORPORATE ENFORCEMENT UNIT INITIATIVES AND 2011 PLAN

Report by Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

- 1.1 To advise Cabinet of the completed initiatives carried out during 2010 and the proposed initiatives to be carried out by the Corporate Enforcement Unit in 2011.
- 1.2 To highlight specific initiatives carried out in 2010 and outcomes over the year.

2. BACKGROUND

- 2.1 Cabinet approved the permanent establishment of a Corporate Enforcement Unit within the Environmental Health Service on 2 July 2008.
- 2.2 Cabinet previously received and agreed an update report advising of progress made in establishing the Corporate Enforcement Unit (CEU), initiatives undertaken and the proposed Initiative Programme for 2010 on 2 December 2009.
- 2.3 The Corporate Enforcement Unit (CEU) provides a coordinated role for all Council services in the implementation of statutory enforcement activities involving the issue of Fixed Penalty Notices and associated activity relative to dog fouling, fly tipping, littering, illegal dumping and smoking enforcement.
- 2.4 In addition to regular enforcement activity the Unit are also committed to providing coordinated and targeted initiatives drawing on duly authorised officers from other Council services and external agencies including Strathclyde Police.

3. PROGRESS UPDATE 2010

- 3.1 During 2010 major high profile environmental initiatives have been conducted in every settlement throughout East Ayrshire to detect and deter dog fouling, littering, and illegal dumping. Regular inspections of work places and work vehicles have also been carried out during 2010 under the smoking legislation.

- 3.2 The CEU have also organised and been involved in special operations with partner agencies including Strathclyde Police and the Scottish Environmental Protection Agency (SEPA)
- 3.3 The high profile initiatives, special operations and awareness programmes were carried out in addition to the day to day complaint investigation and operation of the Corporate Enforcement Unit.
- 3.4 A multi disciplinary approach to the high profile initiatives also involved officers from other Council Services (Cleaving, Outdoor Amenities, Pest Control/Dog Wardens, Environmental Health, Community Wardens, and Licensing Standards staff).
- 3.5 The continued success of the CEU's activities over the last two years is illustrated in the undernoted outcomes.

Offence	2008 - 2009	Apr 09 - Apr 10	April 10 Present	Fiscal Report (2010)
Smoking	108	100	84	0
Litter	38	28	32	0
Dog Fouling	29	30	20	3
Illegal Dumping	8	8	9	2

The figures in the first three columns represent the numbers of Fixed Penalty Notices issued by the CEU operatives as an alternative to the reporting of offences directly to the Procurator Fiscal.

Under some of the legislation, if the FPN is not paid within the specified period then the option exists of escalating the matter through reference to the Procurator Fiscal at that secondary stage. In other circumstances, if the FPN is not paid then the remedy is to pursue payment through civil diligence.

The figures in the end column in the table above represent cases reported to the Procurator Fiscal in the first instance only.

- 3.6 In addition to the programmed initiatives, the Corporate Enforcement Unit have also been involved in a number of additional activities over the year including.

(a) Operation Steel

On a day each in September, October and November 2010 the CEU worked alongside colleagues in Police, SEPA, DWP (Department of Work and Pensions) and VOSA (Vehicle and Operator Services Authority) in a campaign to combat organised crime. The CEU worked alongside these partners to assess businesses operating in East Ayrshire who may be involved in fly tipping and unlicensed illegal waste carrying. The CEU officers also inspected work vehicles under the Smoking, Health and Social Care (Scotland) Act 2005 and over 30 fixed penalty notices were issued relative to the smoking legislation.

(b) Operation Aspen

After the CEU successfully investigated and reported one company to the Procurator Fiscal for habitually dumping tyres in East Ayrshire, the CEU and SEPA officers targeted motor vehicle businesses in the region. In a pro-active campaign to educate and prevent offences and identify those who may be involved in dumping tyres in East Ayrshire, a number of businesses were identified to be of further interest and will be monitored.

(c) Litter from vehicles

The CEU promoted an Awareness Campaign on the subject of litter thrown from vehicles, in conjunction with a nationwide campaign which was conducted across Scotland on October 29th 2010. The officers targeted vehicles on roads and in car parks in East Ayrshire with fixed penalty notices issued to the offenders.

(d) Awareness Campaigns

Media and poster campaigns were utilised to great effect in the local communities with anti Dog Fouling Campaign posters placed on service buses in East Ayrshire.

The posters demonstrate to the general public that the Council are targeting the problems residents are facing in the communities, and also warns the offenders that these areas are being monitored, with formal action being taken. Officers were also involved in a dog foul flag exercise in the Howard Park to highlight the extent of the dog fouling problem. 79 flags were placed in and around a children's play area.

Dog Fouling and littering are the two main problems which stakeholders intimate they are affected by. In 2010 activities were focused towards educating the general public and combating dog fouling, and an impact has been made. The CEU will continue to address the dog fouling problem

but in 2011 the media focus will include addressing litter problems in the area.

(e) Zero Tolerance

The CEU led a zero tolerance litter patrol during the launch of "Bin It", a campaign which made Kilmarnock Town Centre a zero tolerance litter zone. The CEU have issued 18 FPNs in the Town Centre and Bus Station under this campaign since its launch in April 2010.

Kilmarnock Town Centre is now a zero tolerance litter zone and is monitored frequently by joint Police patrols and visits by the two dedicated CEU Officers themselves. Again, an improvement has been noted in 2010 but the CEU are striving to make Kilmarnock Town Centre completely litter free and the 2011 programme aims to continue this. Also for 2011, the zero tolerance litter zone is to be extended to Cumnock Town Centre with a similar high profile launch as in 2010 in Kilmarnock.

(f) Awareness Campaigns 2011

Throughout the initiative programme in 2011 the CEU will concentrate efforts under littering and dog fouling in every town and village of East Ayrshire. Litter is a problem in the more populated commercial areas, with school children during lunch time to adults with fast food litter. An associated problem causing concern is litter thrown from vehicles, be it burger wrappers in, for example, Kilmarnock's Town Centre car parks and Caponacre Industrial Estate in Cumnock, through to our roadsides in the country areas. It costs local authorities £100 million to clear litter from streets and roadsides in Scotland (Keep Scotland Beautiful 2009) as the problem has not only an environmental impact but reflects on tourism and budgets. Campaign posters will be put at problem sites across East Ayrshire.

In Arran last year it was reported that a young boy had contracted the disease *Toxicara canis* which comes from dog faeces. The boy has lost 70% of his sight (North Ayrshire Council 2010) which is a tragedy especially when this can be avoided. With this in mind the CEU have increased its awareness campaigning to highlight the consequences of not cleaning up after a dog. The CEU has also increased the level of severity in how the officers deal with offenders with three individuals being reported to the Procurator Fiscal in 2010. Dog fouling posters will be put up in schools, local offices and sites where dog fouling is a problem with posters being attached to lamp posts in these problem areas.

(g) Open Days, Workshops, School Activity

In 2010 the CEU attended a number of events, gave presentations and visited selected schools to talk to the pupils and parents alike. This enables the Unit to not only spread awareness on environmental crimes but also allows the officers to illustrate to members of the public that East Ayrshire Council is seriously tackling the problems which affect everyone in their communities, such as dog fouling and littering.

In 2011 the Unit will continue to embrace the opportunity to speak to community councils, groups and other organisations and establishments such as schools and nurseries, both pupils and parents.

(h) Partnership Working

In a new approach for 2010, the CEU began forming a partnership with SEPA's dedicated environmental enforcement unit. A sharing of resources, planning and other information saw the agencies tackle the problem of tyre dumping by conducting a proactive operation in the area. The units also combined to target unlicensed waste carriers and businesses operating in East Ayrshire. This partnership will continue in 2011 with a number of joint operations already planned to target businesses causing environmental harm.

In 2010 the strong partnership between the CEU and Strathclyde Police saw both agencies work in an integrated approach to environmental crime and also witnessed the sharing of intelligence, information and resources. Operation Steel activities demonstrate the value the police now place on the input of the CEU. In 2011 these two agencies will continue to work in partnership in the communities of East Ayrshire.

(i) Bike Patrols

The CEU visited every settlement of East Ayrshire in 2010 and patrolled in Hi Vis format to both deter environmental crimes such as dog fouling and littering, but also to reassure the public that the Council is tackling these problems. The two officers were joined by Police partners on bikes during larger operations and visits. These mobile patrols were instrumental in catching a number of dog foulers in more remote areas in 2010, as well as accessing areas such as Loch Doon.

In 2011 bike patrols will be seen in town centre streets and housing schemes alike. A targeted approach toward offences in the countryside will also be adopted and sites where illegal dumping occurs will be monitored. Joint bike patrols with Strathclyde Police will continue throughout 2011.

(j) Procurator Fiscal reports and Court Cases

In more serious cases of environmental crime, the CEU have reported a number of individuals and businesses, after extensive investigations, to the Procurator Fiscal. In most cases, the Fiscal has fined offenders from £100 to £300.

In 2010 the CEU demonstrated their commitment to tackling environmental crimes on behalf East Ayrshire Council's residents. With dog fouling offences still being committed the officers organised a joint initiative with Strathclyde Police in Cumnock. Over two days the officers chose to send a message to those who continue to blight our streets with dog foul by reporting any offenders to the Procurator Fiscal. The two people who were witnessed failing to remove their dog's mess were not offered the usual £40 FPN, but were instead cautioned, charged and reported to the Fiscal. In both cases, the Procurator Fiscal responded by issuing each offender £100 Fiscal fines, which reflects the seriousness of the offence and illustrates to the offenders that the CEU are prepared to take serious measures to combat dog fouling in East Ayrshire. In Kilmarnock, one male was reported to the Procurator Fiscal for allowing his dog to foul the public footpath. The offender chose not to accept his £40 FPN for the offence and subsequently a trial was set to be heard in the Justice Court at John Dickie Street in Kilmarnock where both CEU officers gave witness testimony to the offence. The offender was found guilty under Section 1 of the Dog Fouling (Scotland) Act 2003 and had his fine doubled to £80 and his criminal record amended appropriately.

In another case, Community Wardens discovered nearly 200 bags of waste dumped on council land in Hurlford. The CEU officers pursued a number of different lines of enquiry including interviewing local business. The information and subsequent enquiries pointed to an individual who resided close the dumped materials. Police and CEU officers interviewed the suspect under caution where an admission of guilt led to one male being reported for an offence under Section 33 of the Environmental Protection Act 1990, (illegal dumping). The offender was fined £300 and ordered to pay a further £300 compensation to East Ayrshire Council.

The above provides a flavour of the measures the CEU will take to ensure East Ayrshire's environment can be improved and build towards ensuring it will be a safe, clean place to live, work, visit and invest in.

4. 2011 OBJECTIVES AND ENFORCEMENT PROGRAMME

- 4.1 The proposed programme of enforcement and education initiatives to be carried during 2011 is attached in Appendix 1.

- 4.2 In 2011, all communities will benefit from the targeted approach to enforcement in improving the environment with associated publicity arranged prior to the initiatives.
- 4.3 All towns and villages will be involved in the programme and specific high profile initiatives covering smoking, transport facilities and vehicles, illegal dumping, littering and dog fouling will be included in addition to the day to day complaint investigation and operation of the CEU.

5. FINANCIAL IMPLICATIONS

- 5.1 Expenditure will be met from current budget resources with income generation resulting from enforcement activity.

6. LEGAL/POLICY/COMMUNITY PLAN IMPLICATIONS

- 6.1 The programmed initiatives and special operations together with the general activity of the CEU is commensurate with and supports the Community Plan relative to Improving Health and Wellbeing and Improving the Environment.

7. RECOMMENDATIONS

- 7.1 Cabinet is invited to:
- (i) Note progress with the initiatives and special operations carried out by the Corporate Enforcement Unit during 2010.
 - (ii) Agree the proposed programme of initiatives and operations for 2011.
 - (iii) Otherwise note the contents of this report.

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Executive Director of Finance and Corporate Support

AMcP//PLT/SMcD

7 December 2010

LIST OF BACKGROUND PAPERS

Nil

Any person wishing to inspect the background papers should contact David Mitchell, Head of Legal, Procurement and Regulatory Services on 01563 576061 or by E-mail to David.Mitchell@EastAyrshire.gov.uk.

CORPORATE ENFORCEMENT UNIT – 2011 SCHEDULE OF PRO-ACTIVE VISITS

DATE AND TIME	TOWN AND AREAS	ACTION PLAN
JANUARY 2011	EAST AYRSHIRE Areas determined by public complaints	CEU officers will attend and focus on complaints received by members of the public. In the months that follow the CEU will divide time between reacting to public complaints and pro-actively patrolling the pre-determined areas listed.
FEBRUARY 2011	STEWARTON, KILMAURS, DUNLOP, LUGTON AND FENWICK.	Pro-active environmental crime patrols of these towns will take place in February. Hi-Vis bike patrols will be conducted in Morton Park, Kilmaurs, Cunninghame Watt Park and Stewarton Woodlands Walk in Stewarton. Stewarton Academy will be visited during lunch times.
MARCH 2011	CUMNOCK, NEW CUMNOCK, BARSHARE LOGAN AND LUGAR.	Pro-active environmental crime patrols will see the CEU focus on these towns during March. Hi-Vis bike patrols will be conducted in Woodroad, Murray and Broomfield Parks along with the country core paths network linking Barshare to Auchinleck via Cumnock.
APRIL 2011	DARVEL, NEWMILNS AND GALSTON	These 3 towns will be the focus of pro-active patrols during April. As well as vehicle patrols of all areas the CEU officers will conduct Hi-Vis bike patrols of Barmill and Morton parks and the country core path networks that link the towns. Extra attention will be allocated to Loudoun Academy at lunch times.
MAY 2011	AUCHINLECK, MAUCHLINE, OCHILTREE SORN, MUIRKIRK AND CATRINE	Over a number of days in May the Unit will focus pro-active attention to these 6 towns to deter environmental crime via Hi-Vis bike and vehicle patrols.
JUNE 2011	EAST AYRSHIRE Areas determined by public complaints	June will see the CEU focus mainly on littering starting on June 9 th with a Nationwide Campaign. The CEU will co-ordinate patrols with increased staff numbers to target areas across East Ayrshire where litter is a problem.
JULY 2011	EAST AYRSHIRE Areas determined by public complaints	July will see the CEU focus mainly on dog fouling which includes a Nationwide Campaign. The CEU will co-ordinate patrols with increased staff numbers to target areas across East Ayrshire where dog fouling is a problem.

CORPORATE ENFORCEMENT UNIT – 2011 SCHEDULE OF PRO-ACTIVE VISITS

AUGUST 2011	BELLSBANK, DALMELLINGTON, DALRYMPLE, DRONGAN, PATNA, RANKINSTON ET AL.	Pro-active patrols will be conducted to detect and deter environmental crime in these areas during August. Both Hi-Vis bike patrols will be used together with vehicle patrols.
JUNE, JULY & AUGUST 2011	LOCH DOON	Hi-Vis CEU and Police bike patrols will take place at the Loch site from June and will continue the theme of environmental protection and enforcement at this site until August.
SEPTEMBER 2011	EAST AYRSHIRE Recreational parks, nature trails and other green spaces inc. Loch Doon	CEU will patrol all areas where access on foot or by vehicle is difficult by using the bikes in Hi-Vis format. Fly Tipping, littering and dog fouling will be the main offences monitored.
OCTOBER 2011	EAST AYRSHIRE Determined by 2011 Intelligence	Environmental Crime Campaign Initiative. Every settlement in East Ayrshire will get a targeted visit from CEU staff to detect and deter all Environmental Crimes.
NOVEMBER 2011	KILMARNOCK EAST, CROSSHOUSE, KNOCKENTIBER, GATEHEAD, GRANGE KILMARNOCK NORTH AND SOUTH SHORTLEES, ONTHANK ET AL	As well as conducting a high profile Fly Tipping initiative in November the Unit will also proactively patrol all areas of Kilmarnock and remaining outlying areas. Grange Academy will also be attended during school lunch times as will Kilmarnock Town Centre and the Bus Station.
DECEMBER 2011	HURLFORD, CROOKEDHOLM, NEW FARM LOCH, MOSCOW, WATERSIDE.	These areas will be patrolled in a pro-active manner in December. The courts of New Farm will be patrolled via Hi-Vis Bike patrol.

CORPORATE ENFORCEMENT UNIT – 2011 ANNUAL INITIATIVE PLANNER APPENDIX 1

DATE AND TIME	TOWN AND AREAS	ACTION PLAN
JANUARY 10 th -14 th 2011	<p><u>EAST AYRSHIRE</u> Litter thrown from vehicles initiative POLICE ASSISTING REPORT GENERATED</p>	<p>CEU will monitor areas where litter thrown from vehicles is a problem from Kilmarnock car parks to Caponacre Industrial estate to roads and lay-bys. The CEU will also seek to engage with Amey on an ongoing basis in respect of trunk road on/off ramps where this can be a particular problem.</p>
FEBRUARY 16 th 2011	<p><u>ENVIRONMENTAL CRIME CAMPAIGN</u> POLICE ASSISTING REPORT GENERATED</p>	<p>Officers led by the CEU will patrol all towns to detect and deter environmental crimes such as littering and dog fouling throughout the month. Problem areas will be focused on at the relevant times such as schools at lunch times for litter.</p>
MARCH 10 th 2011	<p><u>CUMNOCK</u> Town Centre Hi-Vis Targeted Zero Tolerance Patrol POLICE ASSISTING REPORT GENERATED</p>	<p>10 officers led by the CEU will be present in and around the town centre streets to issue littering fines to individuals witnessed dropping litter on the day.</p>
APRIL 7 th 2011	<p><u>KILMARNOCK</u> Town Centre Hi-Vis Targeted Zero Tolerance Patrol POLICE ASSISTING REPORT GENERATED</p>	<p>12 officers led by the CEU will be present in the town centre streets throughout the day. Every secondary school area in and around the town will also be monitored at school lunch times. Litter fines will be issued to anyone dropping litter on the day. The Bus Station will be included throughout the day.</p>
MAY 5 th 2011	<p><u>ENVIRONMENTAL CRIME CAMPAIGN</u> POLICE ASSISTING REPORT GENERATED</p>	<p>Every settlement in East Ayrshire will get a targeted visit from CEU staff to detect and deter Dog Fouling, Littering and Fly Tipping.</p>

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JUNE 9 th 2011	<u>NATIONAL LITTER DAY OF ACTION</u> POLICE ASSISTING REPORT GENERATED	CEU will co-ordinate council staff and external agencies Keep Scotland Beautiful and Strathclyde Police in this nationwide day of action. Across Scotland Local Authorities and Police forces target littering in the streets on a zero tolerance approach.
JULY 25 th 2011 – JULY 31 st 2011	<u>NATIONAL DOG FOULING WEEK</u> POLICE ASSISTING REPORT GENERATED	CEU will co-ordinate council staff and external agencies Keep Scotland Beautiful and Strathclyde Police throughout the week to target, detect and deter dog fouling across East Ayrshire.
30 th AUGUST 2011	<u>CUMNOCK</u> Town Centre Hi-Vis Targeted Zero Tolerance Patrol POLICE ASSISTING REPORT GENERATED	10 officers led by the CEU will be present in and around the town centre streets to issue littering fines to individuals witnessed dropping litter on the day. School pupils will also be monitored for littering to and from school.
31 st AUGUST 2011	<u>KILMARNOCK</u> Town Centre Hi-Vis Targeted Zero Tolerance Patrol POLICE ASSISTING REPORT GENERATED	12 officers led by the CEU will be present in the town centre streets throughout the day. Every secondary school area in and around the town will also be monitored at school lunch times. Litter fines will be issued to anyone dropping litter on the day. The Bus Station will be included throughout the day.
12 th - 17 th SEPTEMBER 2011	<u>BIKE WEEK</u> POLICE ASSISTING REPORT GENERATED	CEU and Police officers will jointly patrol areas that are difficult to access. Country and nature trails through to recreational parks such as Dean Castle and Woodroad Park will be patrolled in Hi-Vis format.
3 rd – 24 th OCTOBER 2011	<u>ENVIRONMENTAL CRIME CAMPAIGN</u> REPORT GENERATED	Every settlement in East Ayrshire will get a targeted visit from CEU staff to detect and deter Dog Fouling, Littering and Fly Tipping.

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21 st – 25 th NOVEMBER 2011	<u>EAST AYRSHIRE – FLY TIPPING WEEK</u> POLICE ASSISTING SEPA ASSISTING REPORT GENERATED	CEU will co-ordinate Police and SEPA staff to proactively target Fly Tipping offences and offenders at a number of locations and premises. Intelligence gathered throughout the year will be used. From businesses dumping waste illegally to unlicensed waste carriers operating in East Ayrshire to individuals dumping waste at known hot spots.
12 th – 22 nd DECEMBER 2011	<u>SMOKING INSPECTIONS</u> REPORT GENERATED	CEU and Licensing Standards Officers will monitor, visit and make inspections in line with the Smoking Legislation introduced in 2006. Kilmarnock and Cumnock Bus Stations will be focused on together with a number of Licensed premises. Littering at these sites will also be targeted.