

NON-CONFIDENTIAL



Borough of Tamworth

Marmion House,
Lichfield Street, Tamworth,
Staffordshire B79 7BZ.

Enquiries: 01827 709 709
Facsimile: 01827 709 271

INFRASTRUCTURE, SAFETY AND GROWTH SCRUTINY COMMITTEE

13 November 2023

Dear Councillor

A Meeting of the Infrastructure, Safety and Growth Scrutiny Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 21st November, 2023 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of stylized initials and a long horizontal line extending to the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Declarations of Interest**

To receive any declarations of Members' interests (personal and/or personal and prejudicial) in any matters which are to be considered at this meeting.

When Members are declaring a personal interest or personal and prejudicial interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a personal and prejudicial interest in respect of which they do not have a dispensation.

3 Update from the Chair

4 Responses to Reports of the Infrastructure Safety & Growth Committee

Update on responses received to Reports of the Infrastructure Safety & Growth Committee:

5 Consideration of Matters referred to the Infrastructure Safety & Growth Committee from Cabinet or Council

(Discussion item)

6 Nature Recovery Declaration (To Follow)

(Report of the Leader of the Council)

7 Environmental Crime Policy Update 2023 (Pages 5 - 94)

(Report of the Portfolio Holder for Environmental Health and Community Partnerships)

Including a verbal Community Safety update from the Assistant Director, Partnerships and Chief Inspector Rob Neeson

8 Working Group Updates

To receive updates from any Working Groups

9 Forward Plan

(Discussion item – link to Forward Plan is attached)

[Browse plans - Cabinet, 2022 :: Tamworth Borough Council](#)

10 Infrastructure Safety & Growth Scrutiny Committee Work Plan

(Update and discussion on the Infrastructure Safety & Growth Scrutiny Work Plan)

11 Exclusion of the Press and Public

To consider excluding the Press and Public from the meeting by passing the following resolution:-

“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”

12 Electric Vehicle Charging Strategy (To Follow)

(Report of the Portfolio Holder for Housing and Planning)

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

If a member of the public is particularly concerned about accidental filming, please contact a member of Democratic Services before selecting a seat

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

To Councillors: C Dean, B Clarke, R Claymore, T Clements, J Jones, J Oates, B Price, R Pritchard and L Wood

This page is intentionally left blank

Tuesday, 21 November 2023

Report of the Portfolio Holder for Environmental Health and Community Partnerships

Environmental Crime Policy Update 2023

Exempt Information

N/A

Purpose

To consider proposals for amendments to environmental crime fixed penalty levels outlined in the Government ASB Action Plan

Recommendations

It is recommended that the Committee:

1. Consider the proposals for environmental crime outlined in the Government Plan
2. Endorse proposals for the unchanged fixed penalty levels for Tamworth in relation to littering, graffiti, flyposting pending further review
3. Endorse proposals for the fixed penalty level for fly-tipping to increase to the maximum level of £1000 (early payment £500) in line with the ASB Action Plan
4. Endorse the introduction of the default penalty charges for household waste duty of care offences in line with the ASB Action Plan
5. Endorse delegation to the Portfolio Holder Environmental Health and Community Partnerships to include environmental crime in the review of the Corporate ASB policy by March 2024 and report on wider implications

Executive Summary

In May 2023, the UK Government published its ASB Action Plan (attached as Appendix 1) to outlining proposals to tackle Anti Social behaviour to be progressed over the next few years.

One of the first proposals to tackle environmental crime was to raise the maximum fine threshold for fixed penalty notices for flytipping and littering.

The Tamworth Borough Council current Environmental Crime Policy has been reviewed and the current levels are set as follows:

Offence	Env Policy Section	Current FPN level
Littering Graffiti Flyposting	12.1 12.8 12.7	£100 (DEFAULT FINE LEVEL)
Fly tipping	12.9	£400 (Reduced payment of £200 if paid within 7 days) (MAXIMUM FINE LEVEL 2019)

Household Waste Duty of Care	13.2	Currently no fixed penalty levels indicated
------------------------------	-------------	---

The Government ASB Action plan states that to strengthen councils in their fight against waste crime, the government increased the upper limits for various fixed penalty notices (FPNs) permitting local levels to be considered up to the maximum, on evidence and potentially increased from 31 July 2023. This means:

- The maximum amount those caught fly-tipping could be fined will increase from £400 to £1,000
- The **maximum** amount those who litter or graffiti could be fined will increase from £150 to £500
- The maximum amount those who breach their household waste duty of care could be fined will increase from £400 to £600

The minimum discounted penalty rates set out in legislation from 31st July 2023 are now:

Offence	Default Penalty	Minimum Full Penalty	Maximum Discount Penalty	Minimum Discounted penalty
Littering Graffiti Fly-posting	£100	£65	£500	£50
Fly-tipping	£200	£150	£1000	£120
Household Waste Duty of Care	£200	£150	£600	£120

Options Considered

Any fixed penalty issued for an environmental crime negates the need for prosecution for an offence and issuance can be publicised anonymously as a deterrent. The recipient does not receive any criminal sanction if paid.

The action plan also sets out a Government commitment to increase transparency of the data on the use of on-the-spot fines, including publishing league tables on fly-tipping. These tables will be used by central and local government, and members of the public, to identify those councils who are taking a proactive approach to enforcement, in lieu of simply cleaning up fly-tipping.

This is intended to encourage both scrutiny and the sharing of best practice.

Littering/Graffiti/Fly-posting

In 2022/23 two fixed penalties (FPNs) were issued for littering. Any penalties require a witness statement from the public or must be witnessed by a delegated officer.

It is considered at this time that the £100 default penalty is proportionate for offences and will be reviewed as part of the work on the review of the ASB/Environmental Crime Policy.

Failure to pay a FPN results in a prosecution and imposition of court fines – in most cases these can be dealt with using the Single Justice Protocol enabling consideration by a magistrate through an on-line portal. Any prosecutions do attract additional costs for Tamworth Borough Council, however court fines are imposed.

Fly Tipping

The first set of [fly tip tables](#) was published on the 23rd August 2023, in line with the ASB Action Plan, alongside the Official fly-tipping statistics for England, recording 1,453 fly tipping Incidents and 1,120 Actions in Tamworth (actions include automatic clearance where there is no evidence, actions against businesses/tenants/landlords/general public to remove and investigation). One fixed £400 penalty was issued in 2022/23.

The use of fly-tipping fixed penalties is used to address immediate waste dumping issues where there is absolute evidence. Council data shows that eight out of 10 fly-tips in Tamworth are household items, with over six out of 10 of these being small van loads, so many could be from persons offering to take waste cheaply, or from those carrying out cheap garden or house maintenance jobs. It is not possible to issue FPNs without absolute evidence or witness statement.

A grant of £26,000 was recently awarded to Tamworth to increase education and support enforcement on fly-tipping. This has resulted in the purchase of re-deployable cameras for hotspots and a planned trial of 'Littercam' on Watling Street to deter littering from vehicles.

Details were issued on 17th October 2023 <https://www.tamworth.gov.uk/Action-to-tackle-fly-tipping>.

The first camera was installed on 1st November 2023 at a fly-tip hotspot on Masefield Drive to capture activities, including being able to identify vehicle registration numbers. The intention is to increase enforcement as necessary and to deter flytipping. (Pictures at Appendix 3). Appropriate overt signage is in place.

The impact of this project is still to be determined, and it is intended that a full review of the ASB policy, updated education campaigns (overseen by the Environmental Crime Working Group), introduction of the Neighbourhood Impact Team and encouragement to the public to report incidents will increase awareness, including increasing penalties.

The current level of fly-tip fine was set at the previous statutory maximum £400 (one penalty issued in 2023 was for dumping of a fridge). The current Policy states that the Council will always use the **maximum default** penalty, thereby permitting the raising of the fine to £1000 under the new ASB plan.

It should be noted that the Council still retains the option to consider automatic prosecution for this offence where a FPN is not considered proportionate, which could result in fines up to £50,000 and imprisonment. Each case is considered on its own merit and in accordance with the Corporate Enforcement Policy.

Duty of Care

There has not previously been a fine level set for duty of care household waste. The introduction of which will allow the council the option to also consider fixed penalties for householders who can be identified as permitting their waste to be collected by an unregistered waster carriers and then dumped. This will be included in the education campaigns to remind householders of the importance of checking waste carrier licences.

Proposed actions:

- That the default penalty level for littering, graffiti and fly-posting remains at £100. This will allow full review of impact and ensure that fixed penalties are likely to be paid by perpetrators.
- The Household Duty of Care default penalty of £200 is introduced (reduced to £150 if paid within 14 days) which is considered proportionate and will be reviewed during the fly-tip project

- The penalty for fly-tipping is increased, as per the current Environmental Crime policy to the maximum penalty of £1000 (reduced to £500 for early payment), The impact of this will be monitored as part of the flytipping camera enforcement project.

Resource Implications

The resource will be met within the existing Partnerships and Neighbourhood teams. At this time any income received from fine income is used to offset the costs of any enforcement activity and does not provide additional income to the Council.

Legal/Risk Implications Background

The fixed penalties have already been approved within the appropriate framework

RISK	MITIGATION
Enforcing maximum fines could lead to more appeals at Court resulting in backlog as there are significant delays in obtaining Court dates	<p>Monitor current fine levels and review as part of current project</p> <p>The current fly-tip penalty notice charges remain higher than that of a skip hire to legitimately remove rubbish, thereby acting as a deterrent</p> <p>Cases will be considered on their own merit and risk assessed – this may include working with identified perpetrators to encourage clean up/purchase of skips and is in line with Corporate Enforcement Policy</p>
Court fees and legal fees could be considerably higher than the fine income where increased FPN amounts remain unpaid	<p>Each case to be determined on its own merit with risk assessment undertaken and considered in line with the corporate enforcement policy</p> <p>Use of Single Justice Protocol considered in first instance</p>
To increase fly tipping fines to £1000 in line with current policy to revert to maximum fines in the current cost of living crisis could create significant hardship and should only be considered for regular offenders.	<p>Each case to be determined on its own merit with risk assessment, including option to revert to automatic prosecution</p> <p>This will be reviewed in the next six months</p>

Equalities Implications

Enforcement action remains proportionate and is in line with the MERIT (Making Equality Real in Tamworth) policy

Environment and Sustainability Implications (including climate change)

Reductions in fly tipping via education and proportionate enforcement will improve the environment.

Background Information

All relevant information included in this report.

Report Author

Joanne Sands – Assistant Director Partnerships
Lisa Hall, Safer Communities and Homes Manager

List of Background Papers

[Corporate Enforcement Policy](#)

Appendices

Appendix 1 – Government ASB Action Plan
Appendix 2 – Revised Environmental Crime Policy 2023
Appendix 3 – Camera locations

This page is intentionally left blank



HM Government

ANTI-SOCIAL BEHAVIOUR

ACTION PLAN

Contents

Foreword by the Prime Minister	2
Introduction	6
Background and context	9
Tougher punishment	13
What we have already done	14
How we will go further	16
Immediate justice for perpetrators	16
Cracking down on illegal drugs	17
Encouraging orderly behaviour	19
Making communities safer	22
What we have already done	23
How we will go further	24
Scaling up hotspot enforcement	24
Discouraging anti-social behaviour	25
Reducing rough sleeping and begging	27
What we have already done	28
How we will go further	28
Building Local Pride	29
What we have already done	30
How we will go further	31
Tackling empty shops and properties and supporting local markets	31
Improving access to green spaces	33
Prevention and early intervention	34
What we have already done	35
How we will go further	36
Intervening early and increasing local activities	36
Improving data, reporting and accountability for action	38
Improving how anti-social behaviour is reported and acted upon	39
Holding all local partners to account	40

Foreword by the Prime Minister



Strong communities are bound by a golden thread – the idea that we should treat others as we would like to be treated ourselves. I know that’s how the vast majority of people in this country act. So much of our happiness and pride stems from that idea and having peace of mind in the places we call home. Yet, there’s a small minority whose anti-social behaviour makes other people’s lives a misery.

It is simply unacceptable that anyone should have to live in fear of intimidation from their neighbours or gangs terrorising their streets; that parks and children’s play areas should be littered with empty nitrous oxide canisters; that women and girls should feel unsafe walking alone at night; or that businesses and shops should close

down because town centres are no longer places that people want to be. That is not the kind of community anyone wants, and it is not the kind of country we are.

That is why we are launching this new Action Plan. Because anti-social behaviour is not a low-level crime. It is not just a nuisance or irritant. It ruins communities. We need to stamp it out—and we can. There is nothing inevitable about it.

This Action Plan builds on the work we are already doing to make our streets safer and invest in communities the length and breadth of the UK. It sets out how we will deal with anti-social behaviour for good by acting in three ways.

First, we will treat anti-social behaviour with the urgency it deserves by bringing in hotspot policing to target the worst affected areas. This will start with ten trailblazing places, before rolling out across England and Wales next year. It means we will have more police and more uniformed officers tackling the most prolific offenders. We will also introduce a new approach called Immediate Justice to make perpetrators repair the damage they have done. They will be forced to pick up litter, wash police cars or clean up graffiti within as little as 48 hours of being caught. Again, this will start in ten places, before being expanded across England and Wales in 2024. And to restore public trust we will launch a new digital tool for people to report anti-social behaviour and take a tougher approach in holding the police and other agencies to account.

Second, we will take a zero-tolerance approach – including cracking down on the illegal drugs that blight communities. We are going to ban nitrous oxide and expand the use of drug testing on arrest. We will broaden not just the types of drugs that police test for, but also the situations where tests are used to include anti-social behaviour and violence against women and girls. In addition, we will make it easier to evict tenants who are persistently disrespectful and disruptive to their neighbours, and we will bring in new tools to help those on the streets into proper support and care, and to prevent intimidation and loitering.

Third, we will give the police and other agencies the tools they need to act and restore pride in our communities. We will increase the amount for on-the-spot fines for litter, graffiti and fly-tipping and seek to increase their use. Councils will be given new funding to restore local parks and greater powers to revive their high streets by bringing empty shops back into use. And we will provide more help for young people to find positive ways to focus their energies, including one million extra hours of youth support in hotspot areas.

I want to strengthen that golden thread which binds us together – to build communities where families can flourish, where businesses want to invest and where people feel pride, optimism and hope. By stopping anti-social behaviour in its tracks, that is what this Action Plan will do.

Rt Hon Rishi Sunak MP

Prime Minister

This government is clear that acts of anti-social behaviour are unacceptable. Our Anti-Social Behaviour Action Plan is not just words, but a plan to stamp out anti-social behaviour. We will:

1. Make sure anti-social behaviour is treated with the urgency it deserves, increasing the use of hotspot policing and enforcement, rolling out a new Immediate Justice service so anti-social behaviour perpetrators swiftly clean up their own mess, and giving communities more of a say over, and more visibility of, reparation:

- Dedicated funding will support Police and Crime Commissioners, working with councils and others, to target enforcement in the areas where anti-social behaviour is most prevalent in their communities. Initially, we will support 10 trailblazer areas, scaling up to hotspot enforcement across all police forces in England and Wales in 2024.
- Perpetrators of anti-social behaviour will be made to repair the damage they inflict on victims and communities, with the ambition of reparative work starting within 48 hours of their being given a disposal by the police. Perpetrators will clean up graffiti, pick litter and wash police cars while wearing jumpsuits or high-vis vests, and under supervision – with communities given a say over the consequences they face through consultation.
- A new digital tool will be launched so members of the public have a simple and clear route to report anti-social behaviour, receive updates on the outcome of their case, find guidance, and challenge where they do not think this is satisfactory.

2. Change laws and systems to take a zero-tolerance approach to anti-social behaviour, cracking down on the illegal drugs that blight communities and organised and harmful begging:

- We will ban nitrous oxide, also called laughing gas, to put an end to intimidating groups of young people littering local parks with empty cannisters.
- The police will be able to drug test suspected criminals in police custody for a wider range of drugs, like ecstasy and methamphetamine, and test offenders linked to crimes like violence against women and girls, serious violence, and anti-social behaviour.
- New laws to replace the Vagrancy Act will enable the police and councils to direct individuals to engage with the support they need, prohibit organised begging by criminal gangs and begging which causes nuisance and undermines the sense of public safety, and address street activity so our public spaces are clear of debris and paraphernalia.
- Landlords and law-abiding tenants will benefit from stronger laws and systems to ensure those who are persistently disruptive are evicted. We will seek to halve the delay between a private landlord serving notice for anti-social behaviour and eviction and broaden the disruptive and harmful activities that can lead to eviction. We will also provide a clear expectation that previous anti-social behaviour offenders are deprioritised for social housing.

3. Give the police and other agencies the tools they need to discourage anti-social behaviour, including higher on-the-spot fines, investment in positive activities for young people, filling empty shops and regenerating local parks.

- The upper limits of on-the-spot fines will be increased to £1,000 for fly-tipping and £500 for litter and graffiti, and we want more of these fines handed out to offenders.
- One million extra hours of youth support will be made available in anti-social behaviour hotspots and we will invest more to intervene early with at risk young people via 1-1 support.
- Councils will have stronger means to revitalise communities, bringing more empty shops on high streets back into use, and restoring and renovating local parks.

This Action Plan is consistent with the devolution settlements, and we will work with the Devolved Administrations to ensure a collaborative approach in devolved areas.

Introduction



[Anti-social behaviour] makes you feel unwelcome, like you're not wanted or loved, you don't feel you belong there. You're left with so many questions in your head when you don't know who is doing it or why – it does affect your emotional wellbeing. You don't feel safe there all the time and you don't know what is going to happen next. I've felt like this for the three years I've lived here, and I've been planning on leaving for the past year.

Research participant who witnessed anti-social behaviour, Liverpool¹



1. Everyone has the right to live without the fear of facing anti-social behaviour. To leave their home without dreading intimidation from neighbours, visit their local high street free of disorder and drug taking, take the train or bus to work without fear of abuse and walk down a pavement clear of dog mess and litter. Women and girls should not feel unsafe walking alone at night and families should not be intimidated away from parks by drug paraphernalia and groups of youths engaging in threatening behaviour. Businesses should not suffer and shops be shuttered because town centres are no longer places people want to be.
2. The Government is clear – acts of anti-social behaviour are unacceptable. They are the ultimate form of disrespect. They disrupt and damage our quality of life. They corrode communities, make victims feel powerless, and can leave places degraded and neglected. This is why the Government is doing everything possible to stamp out anti-social behaviour. It is central to the Government's mission of levelling up – because you cannot restore pride to places if people do not feel safe in their own community.
3. This is an action plan with safety, security and a basic respect for others at its heart. It is about restoring the right of people across the country to feel safe in, and proud of belonging to, their local area.
4. Through this action plan, and backed by £160m of funding, we are:
 - a) changing laws and tightening regulations to clamp down on anti-social behaviour – banning nitrous oxide, making sure more suspected criminals undergo drug testing on arrest, ensuring the police can move on those causing harm and blight while begging and making it easier for landlords to evict anti-social tenants who make their neighbours' lives a nightmare;
 - b) ensuring the police, councils and other agencies have all the powers and tools they need – increasing on-the-spot fines (Fixed Penalty Notices) to up to £1,000 for those who fly-tip and up to £500 for those who litter or graffiti, driving greater use of

¹ Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

enforcement powers to protect the public and our public spaces, investing in positive activities to occupy young people in blighted areas and doing more to bring shuttered shops back into use and regenerate local parks; and,

- c) making sure anti-social behaviour is treated with urgency – with offenders facing immediate consequences and cleaning up the damage they cause through new Immediate Justice trailblazers, paying for more uniformed patrols to tackle anti-social behaviour, giving communities a voice and improving the data and information available to ensure the public can hold to account those who should be protecting their community.
5. Clamping down on anti-social behaviour requires many partners to work together. Building on the principles developed by the Anti-social Behaviour Strategic Board², the plan sets out a new framework for the Government, police forces, Police and Crime Commissioners, local authorities and other partners – such as housing associations and youth offending teams – to work together to address the many drivers of anti-social behaviour and repair the damage to communities. This is alongside work to prevent anti-social behaviour, understand underlying behaviours and divert perpetrators. The following partners will have a range of responsibilities.
- a) **Police and Crime Commissioners** are accountable for delivering the key priorities of their local communities and victims of crime including on anti-social behaviour. Police and Crime Commissioners are well placed to use their leadership to reflect local priorities and will take a leading role in overseeing and convening efforts to reduce anti-social behaviour in their areas, working with local delivery partners.
 - b) **Police forces** will continue to have responsibility for the maintenance of order within communities, overseen by their Police and Crime Commissioner. Police forces will adopt a common-sense or “broken windows” approach to policing which means tackling problems of neighbourhood crime and anti-social behaviour where they occur and intervening early to prevent growing disorder. Police forces will work with local authorities and other partners to develop intelligence as to where their local hotspots are to target enforcement and use new powers and resources most effectively.
 - c) **Local authorities** will play an important role in tackling anti-social behaviour through prevention and enforcement using the range of powers and tools available to them. This includes neighbourhood wardens, working alongside police and other partners, to offer a visible and reassuring presence in local communities, handing out more on-the-spot fines for vandalism, and taking appropriate action against perpetrators.
 - d) **Probation Service** will continue to play a role in tackling the visible impacts of anti-social behaviour by delivering millions of hours of Community Payback every year. This will ensure offenders are visibly making reparations for their crimes by undertaking valuable work for their local areas as soon as possible after their crimes are committed.
 - e) **Youth Services Providers** will have an increasingly vital role, with some providing diversionary activity for all and others targeting support at those who risk being caught up in anti-social behaviour.

2 Home Office. [Guidance: Anti-social behaviour principles](#). 2022.

- f) **Youth Offending Teams** will use the additional funding we are giving to do even more to tackle youth anti-social behaviour through early intervention and diversion. The Turnaround programme is providing more money to Youth Offending Teams across England and Wales over three years, to help them improve outcomes for children on the cusp of entering the youth justice system.
- g) **Housing Associations and Landlords** will work to ensure that no one lives in misery with anti-social neighbours. We will support landlords to use the tools they already have, to respond to reports of anti-social behaviour, work closely with the police and other local agencies to deal with problems and, where necessary, swiftly evict tenants.
- h) **Health Services** and the relevant Integrated Care Board should have an important role – at present, they are sometimes underused. They should be treated as standard for Anti-Social Behaviour Case Reviews that involve victims with health-related vulnerabilities.

Background and context



I think you can tell in my voice. It just raises my blood pressure a little bit... because they're putting what they think is their views above everybody else's.

Research participant who witnessed anti-social behaviour, Leicester³



6. Anti-social behaviour is the main reason people do not feel safe in their local area.⁴ Everyone has experienced anti-social behaviour to a degree – a disturbance or disruption to the normal order of things; an attitude and show of disrespect for a place and the people that call it home. Often repetitive and oppressive, anti-social behaviour leaves victims and communities feeling powerless, spoiling their normal enjoyment of their spaces and chipping away at their peace of mind in their own homes. Anti-social behaviour covers criminal and non-criminal behaviour,⁵ including:
 - a) intimidatory behaviour, such as threatening or unruly behaviour, drunkenness, harassment and loitering in public spaces;
 - b) drug use, and the paraphernalia, mess and disruption that can go with it;
 - c) vandalism, graffiti, and the plague of fly-tipping and littering; and
 - d) disruptive neighbours consistently playing loud music or letting their dog bark all night.
7. People are worried and frustrated by anti-social behaviour, and understandably so. Reducing anti-social behaviour, and crime overall, were the top reported priorities for levelling up in Britain, according to an Ipsos Mori index⁶; while people polled by Public First in December 2021 primarily blamed anti-social behaviour as the main reason why their area was a worse place to live versus 10 years ago, followed by a deterioration of the high street and more litter and rubbish⁷ – all issues this action plan addresses.
8. There is also a growing gap between the anti-social behaviour that people are suffering, and what they report to police. While the total number of incidences of anti-social behaviour reported to the police has fallen by more than half since 2012⁸ (outlined at Figure 1), last year 35% of people reported witnessing or experiencing anti-social behaviour.⁹ This divide suggests that people are increasingly unwilling to report anti-social

3 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

4 [YouGov. Anti-Social Behaviour](#). 2023.

5 A legal definition of ASB can be found in the Anti-Social Behaviour Act 2014: a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or c) conduct capable of causing housing-related nuisance or annoyance to any person.

6 Ipsos. Ipsos Levelling Up Index: [Levelling up Panel](#). 2022.

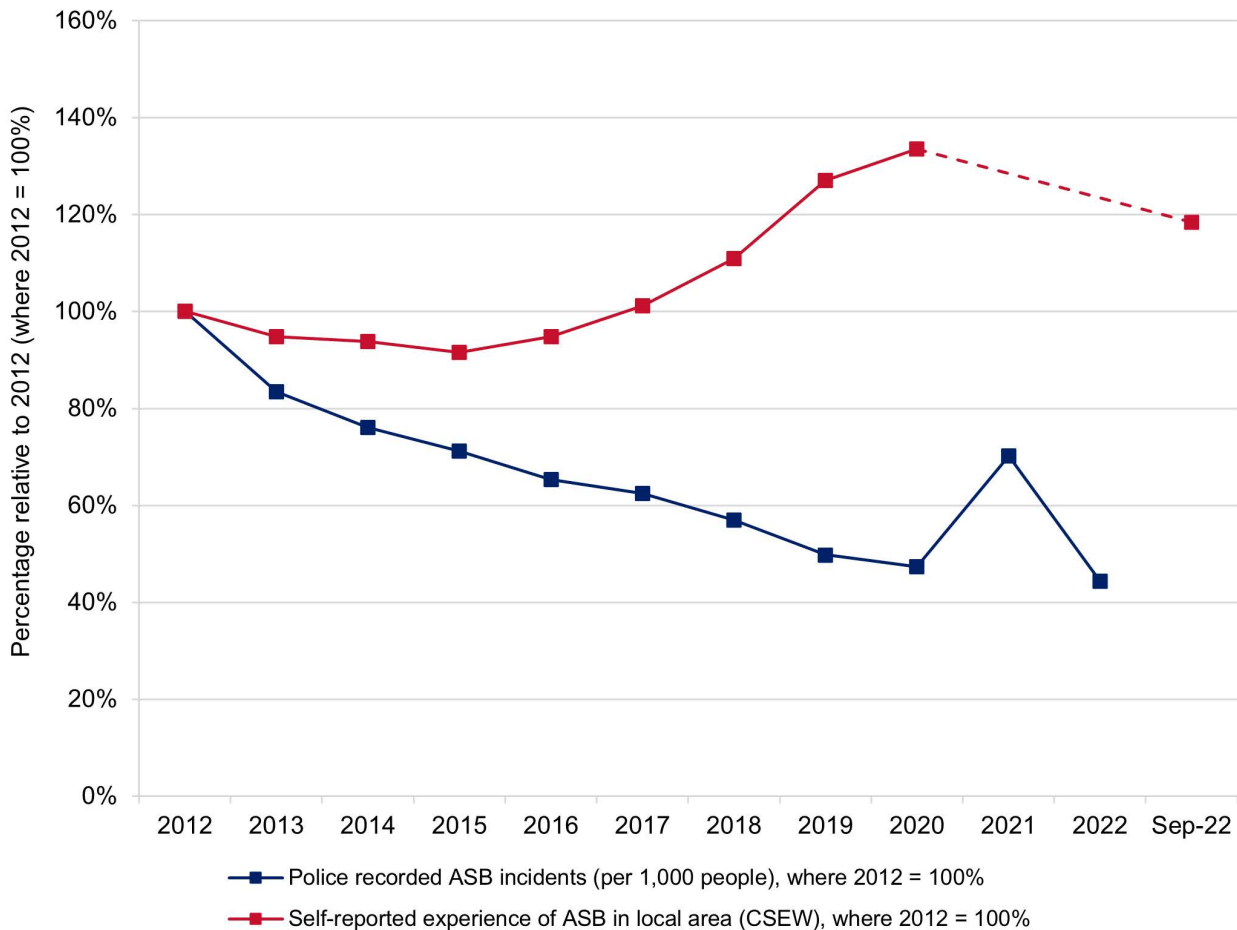
7 Public First. [Levelling Up Poll](#). 2021.

8 Office for National Statistics. [Crime in England and Wales: Other related tables](#). 2022.

9 Office for National Statistics. Crime Survey for England and Wales (CSEW) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending September 2022.

behaviour or have a much wider understanding of what constitutes anti-social behaviour compared to police recorded incidents. There can be little doubt that this is eroding public trust in those who are there to keep them safe and undermining the tradition of policing by consent.

Figure 1: Police recorded anti-social behaviour incidents and self-reported experience of anti-social behaviour, 2012-September 2022¹⁰



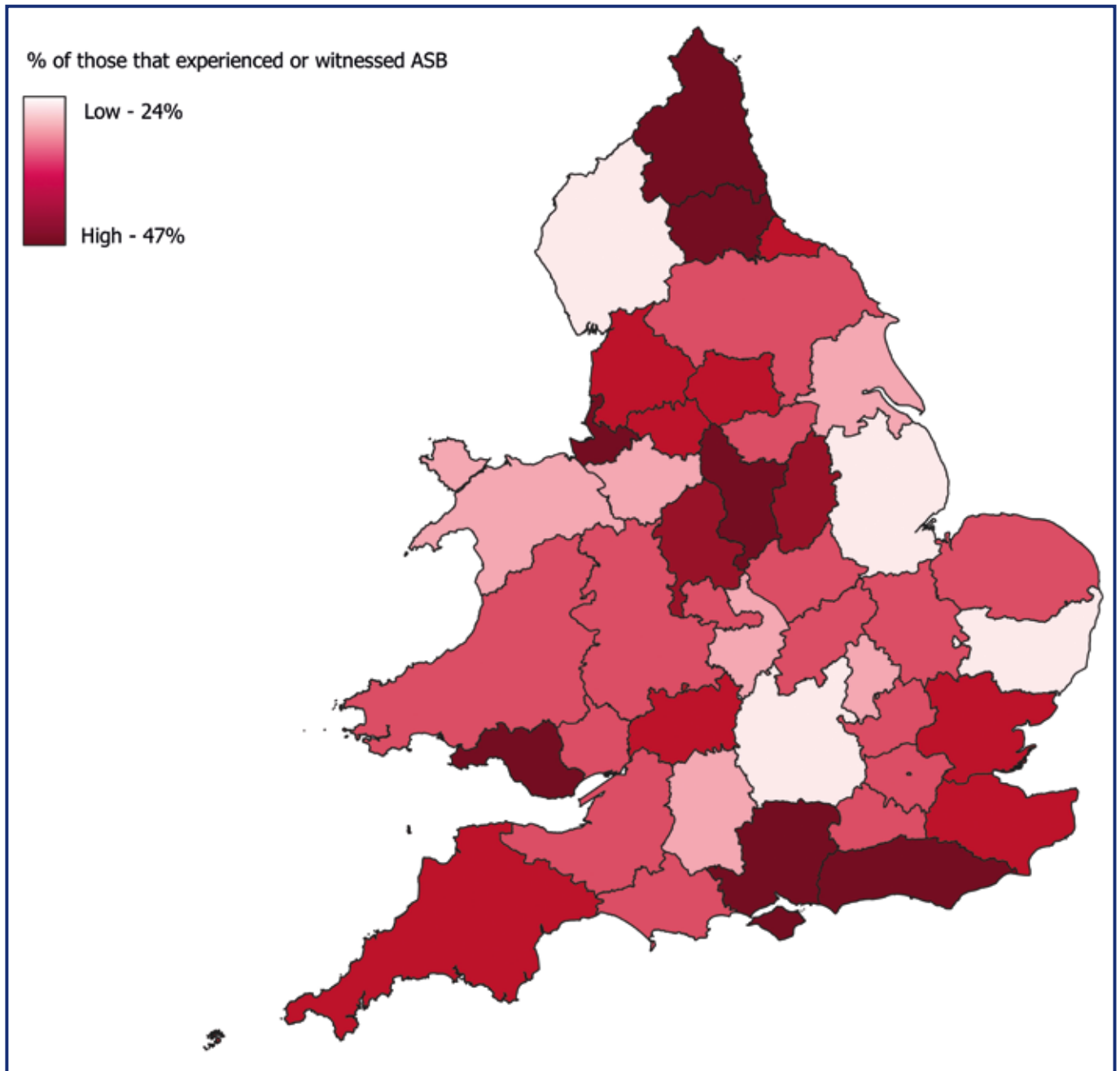
Notes:

Years refer to the preceding April-March period, except for the final point which refers to the year ending in September. Data is for England and Wales only. Furthermore, improved police recording means that public order offences, which have seen an increase in recent years, are no longer recorded as anti-social behaviour. This may explain the consistent decline seen until 2020. The spike in police recorded incidents in 2021 is due to lockdown breaches being recorded as anti-social behaviour.

9. The types of anti-social behaviour that communities are most concerned about vary by area, and people living in some of our most deprived communities often suffer the worst from anti-social behaviour.
10. As Figure 2 shows, the percentage of adults who have personally experienced or witnessed anti-social behaviour in their area is highest in Police Force Areas in the North East, Midlands, and the South East. Derbyshire (47%), Northumbria (45%) and Durham (45%) are the Police Force Areas with the highest percentage of adults with experience of anti-social behaviour. Similar patterns are also evident in data showing people’s perceptions of anti-social behaviour in their areas (as demonstrated in Figure 3).

¹⁰ Office for National Statistics. [Crime in England and Wales: Police Force Area data tables](#). 2023.
 Office for National Statistics. [Crime in England and Wales: Other related tables](#). 2023.
 Office for National Statistics. [Crime in England and Wales: Annual Trend and Demographic Tables](#). 2022.

Figure 2: Percentage of adults who personally experienced or witnessed anti-social behaviour in their area, year ending September 2022¹¹.

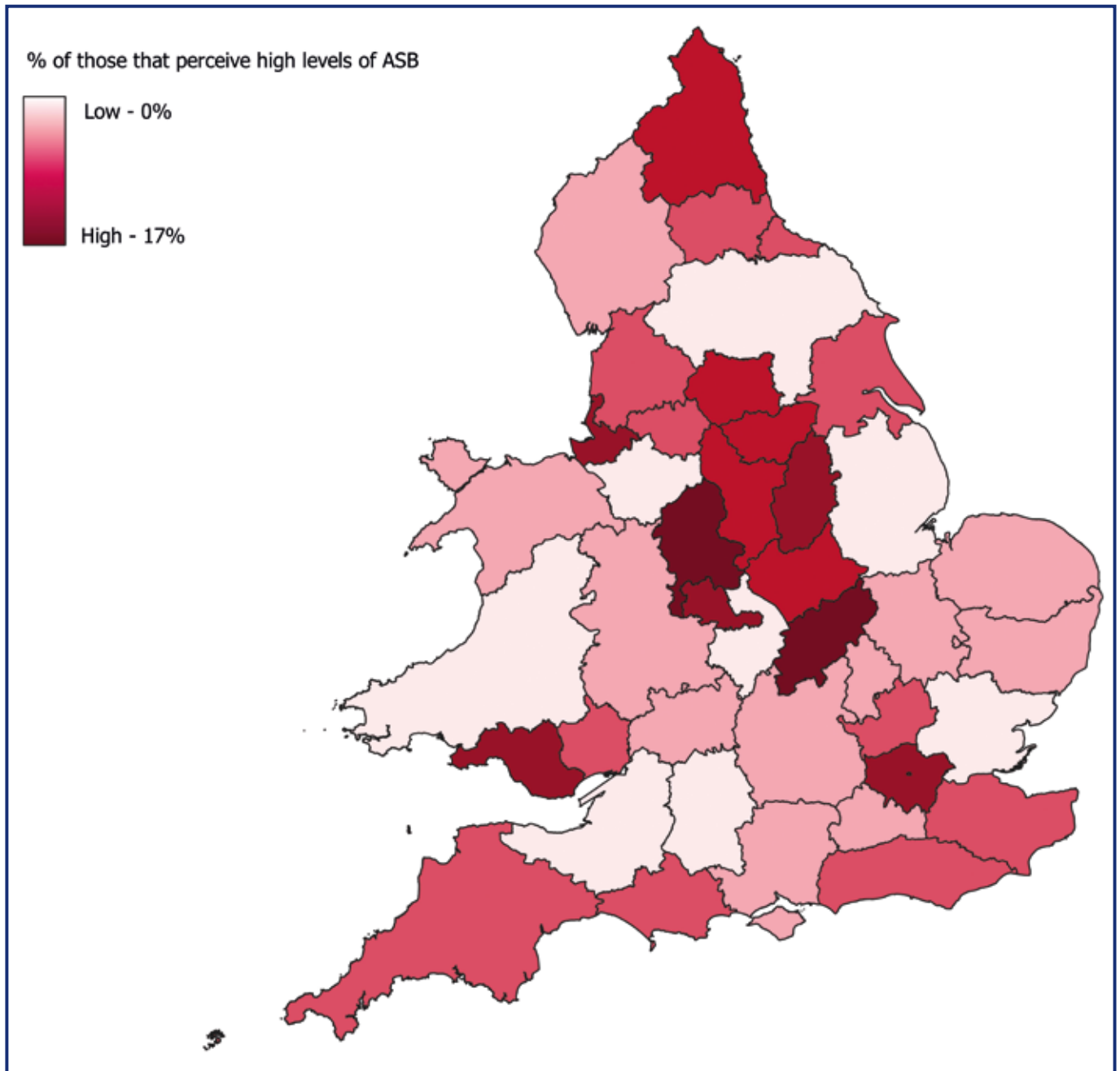


Notes:

Being based on small sample sizes, police force area estimates from the CSEW are less robust than national level estimates and should be treated with caution.

11 Office for National Statistics. [Crime Survey for England and Wales \(CSEW\) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending September 2022](#). 2023.

Figure 3: Percentage perceived high level of anti-social behaviour in their area, year ending September 2022¹².



Notes:

Being based on small sample sizes, police force area estimates from the CSEW are less robust than national level estimates and should be treated with caution.

12 Office for National Statistics. [Crime Survey for England and Wales \(CSEW\) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending September 2022](#). 2023.

Tougher punishment



I think mental health takes a huge hit... a lot of people are constantly victimised as a result of anti-social behaviour... then [that] has a negative impact on their wellbeing. Their mental wellbeing, and physical wellbeing, actually, I know one of the victims has suffered quite heavily with heart problems over stress.

Local authority stakeholder, Leicester¹³



11. Too often, anti-social behaviour goes unchecked or unpunished which is why this plan centres around safety, security and respect for others. It addresses victims' anger, alarm and frustration about disrespect, their personal safety concerns and their experience of community decline. Polling in January 2023 found that 54% of the public do not think that the police take anti-social behaviour seriously enough, and 68% believe the police have given up altogether on trying to solve 'low level' crimes.¹⁴

¹³ Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

¹⁴ Kimaram, A., Tryl, L., Burns, C., and Surmon, T. [Where are the police? Britons' attitudes to crime, anti-social behaviour and the police \(moreincommon.org.uk\)](#). 2023.

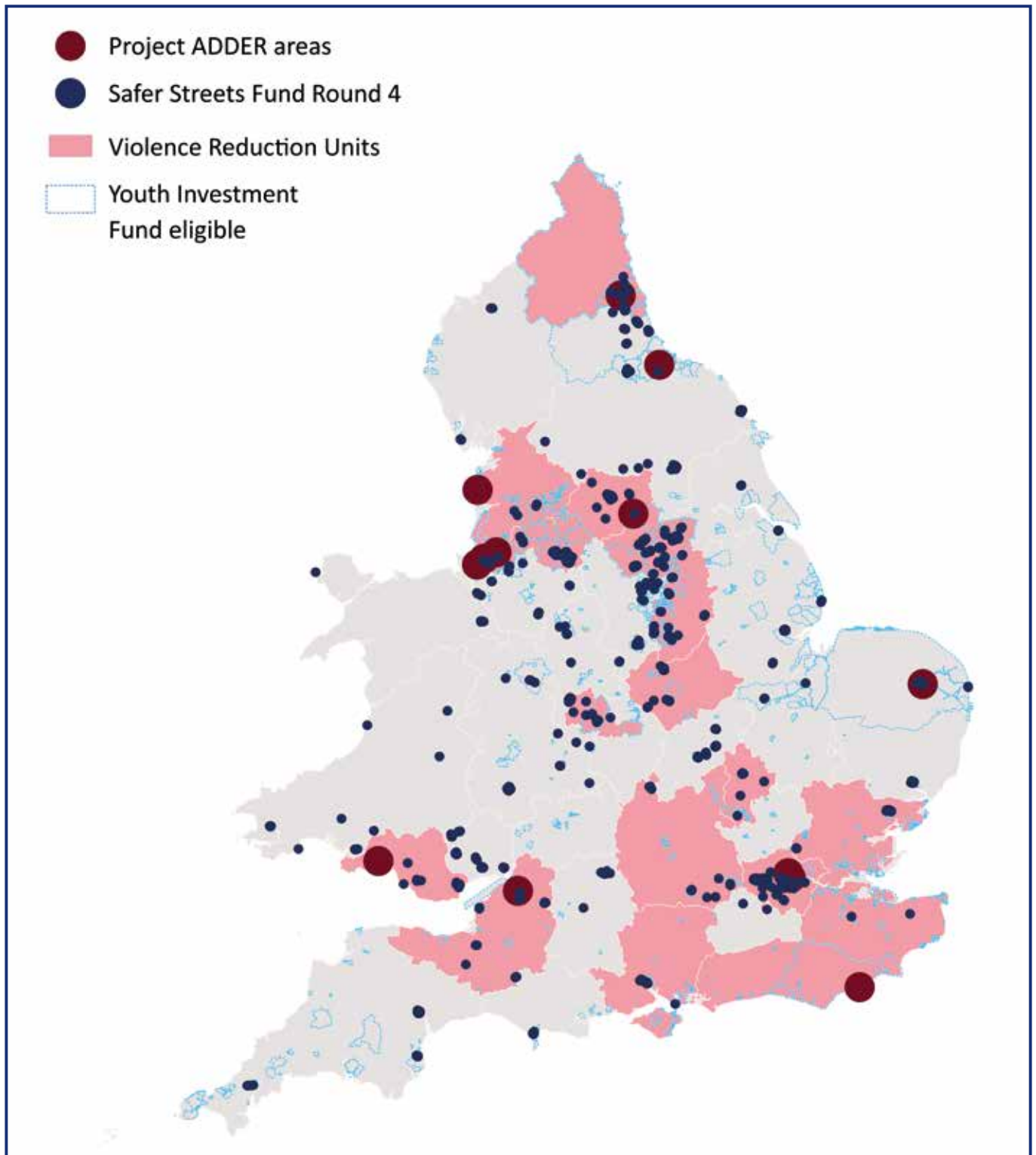
12. But anti-social behaviour is not 'low-level' or just a 'nuisance' crime. It should not be treated as such, especially by those responsible for enforcement and keeping communities safe. Actions have consequences and people have every right to expect that persistent perpetrators will face swift and certain 'Immediate Justice'. The measures we are introducing strengthen the array of powers and tools the police, councils and agencies are equipped with to deal with situations of anti-social behaviour that arise – reflecting the Government's determination to do all we can to stamp it out.
13. We will tackle anti-social behaviour through:
- a) **IMMEDIATE JUSTICE FOR PERPETRATORS:** Those found committing anti-social behaviour will be made to repair the damage they inflict on victims and communities, with an ambition for reparative justice to start 48 hours after their offence, and with communities involved in deciding the type of punishment or consequences they should face;
 - b) **CRACKING DOWN ON ILLEGAL DRUGS:** including a new ban on nitrous oxide and introducing greater use of drug testing on arrest to identify drug users and address the addiction that drives their behaviour;
 - c) **ENCOURAGING ORDERLY BEHAVIOUR:** by strengthening powers in the social and private rented sector to evict or sanction tenants who persistently commit anti-social behaviour, that has negative impacts on their neighbours.

What we have already done

14. To deal with anti-social behaviour, the police, local authorities and other local partners have strong powers, and significant government investment.
- a) Since 2019, the Government has invested over £3 billion, including additional funding each year and that rolled into government grants, to enable the recruitment of 20,000 additional officers – a government priority and manifesto commitment.
 - b) To combat illegal drug supply chains, we are investing £300 million as part of the Drugs Strategy, including up to £145 million to crack down on county lines gangs.
 - c) To target street dealing and open use in hotspots, we have backed local partnerships under Project Adder with £59 million, funding more visible policing and treatment for drug takers.
 - d) We are supporting the areas most afflicted by organised crime, including through 'Clear, Hold, Build', a multi-agency partnership, set to be rolled out to all forces across England and Wales. In a successful pilot in Bradford, anti-social behaviour fell by 34%.
 - e) We are also continuing to deliver the twin-track Grip and Violence Reduction Unit programmes to tackle serious violence in public spaces. Since 2019, we have invested £340 million across both programmes into the 20 police force areas worst affected by serious violence in England and Wales and have already prevented over 136,000 violent offences.
 - f) We are injecting up to a further £93 million additional investment into Community Payback, to ensure criminals across England and Wales complete up to eight million hours of unpaid Community Payback per year. In high-vis, and under supervision, they will clean up graffiti, clear wastelands, and redecorate public places and buildings such as community centres.

- g) We have launched a new expert panel to help social housing landlords tackle anti-social behaviour.

Figure 4: Intervention funding by area: Violence Reduction Units, Youth Investment Fund, ADDER, Future ADDER and Safer Street Fund.



How we will go further

Immediate justice for perpetrators



Unless the changes [are] made, you can read as much as you like about being a good person, but actions speak louder than words, and people are getting away with things because they're a bully, or because they're being anti-social and they don't think the rules apply to them

*Research participant who witnessed anti-social behaviour,
Newcastle upon Tyne¹⁵*



15. The powerlessness felt by victims when anti-social behaviour goes unpunished means they are less likely to report anti-social behaviour at all, while offenders feel they can act with impunity. We are determined to change this. As part of changing the system to stamp out anti-social behaviour, we will provide the tools and funding to dispense Immediate Justice, by issuing out of court disposals with conditions to swiftly repair any damage – the aim being for them to start within 48 hours of the offence. In some circumstances, for example where the original damage has already been cleared up, they will support the local community in other ways, like unpaid work in shops and picking litter on high streets. Victims and communities will have a say in shaping the consequences perpetrators face and will see justice being done – offenders will wear hi-vis vests and be working under supervision – as they face the consequences of their actions and work to pay back their community. Backed by around £50m this will start in 10 initial trailblazer police force areas and be rolled out nationally in 2024. Police and Crime Commissioners will take a leading role, commissioning services for Immediate Justice to fulfil out of court disposals, working with local authorities, the police, youth offending teams and other agencies to do so.
16. For criminals who are sentenced in court to Community Payback, we will be increasing the number of Community Payback hours delivered by offenders each year to up to 8 million hours. These hours are spent improving local communities: removing graffiti, clearing wasteland, and decorating public places and buildings such as community centres. We will also be going further to ensure the Probation Service is doing everything it can to tackle anti-social behaviour, by:
 - a) piloting new ways of using Probation Service-delivered Community Payback rapidly to clean up particularly serious incidents of anti-social behaviour in specific local areas. The Probation Service will work with certain local authorities to develop new and quicker processes, enabling probation teams, made up of people serving Community Payback, to be deployed rapidly to places which urgently need cleaning up following antisocial behaviour taking place. This new, rapid model will offer certain local authorities a means to restore public places to normal as soon as possible.
 - b) extending offenders' involvement in Keep Britain Tidy's projects. Last year's annual Spring Clean week saw 1,500 offenders spend almost 10,000 hours on 300 community clean-up projects. This year, we will build on this success and run a

¹⁵ Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

second clean-up week in the autumn, which will focus on anti-social behaviour and raise awareness of the contributions of Community Payback teams. Each and every week, Probation Service Community Payback teams deliver thousands of hours of community payback work – and it is vital we use campaigns like Keep Britain Tidy to raise awareness of this work among the public.

17. We will also do more to ensure that we give local people a say in how and where Community Payback hours should be used to deter anti-social behaviour and clean up their park or high street. We will do this by:
- a) ensuring that the Probation Service, by law, consults key community leaders including Police and Crime Commissioners and local authorities on how and where our expanded eight million hours a year of Community Payback are used to improve public spaces and buildings. This will ensure that Community Payback hours are spent working on agreed local priorities.
 - b) giving local people a say in which projects local perpetrators complete. The Probation Service will be relaunching the Community Payback nominations website early next year, which will make it easier and more accessible for communities and members of the public who report anti-social behaviour to nominate potential Community Payback projects for offenders and the Probation Service to complete.

Cracking down on illegal drugs



“

I find in the evenings, I’m a bit reluctant to walk down, because there’s people taking drugs, there’s the laughing gases, the little pellets all on the floor. Beer cans. And even in the parks, it is quite bad. So, I think when it gets dark, I’m a bit reluctant to leave the house now.

Research participant who experienced and witnessed anti-social behaviour, Newcastle upon Tyne¹⁶

”

16 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

18. Drugs are a scourge on society. They ruin lives, blight our neighbourhoods and make our streets unsafe. Half of people that report they don't feel safe alone in their local area cite drug taking and dealing.¹⁷
19. As set out in the Drug Strategy and Beating Crime Plan, we are clamping down harder on drug dealers and are clear that 'recreational use' is not harmless. This action plan goes further, changing laws as needed to take a tougher approach to drug misuse and anti-social behaviour.
20. It is already illegal to sell nitrous oxide, sometimes known as 'laughing gas', for its psychoactive effect. Yet in England and Wales, nitrous oxide has been the third most used drug, after cannabis and cocaine, since 2012¹⁸¹⁹. Use is prevalent amongst young people, and at the recent peak, almost one in ten 16-24 year olds reported using nitrous oxide in a 12-month period²⁰. Clearly, some corner shops and online retailers continue to sell it without proper checks, and without facing consequences.
21. This is negatively affecting individuals and communities. In its 2023 review, the Advisory Council on the Misuse of Drugs²¹ found there have been anecdotal reports of an increase in social harms such as drug driving and littering of discarded canisters, as well as neurological harms, alongside widespread availability of nitrous oxide for illegitimate use. Some of these harms are felt acutely by communities, and from the public and police we repeatedly hear of links between nitrous oxide and nuisance or anti-social behaviour. Given the harm to communities, the health harms and prevalence amongst young people, we are taking a decisive approach and going further than the Advisory Council on the Misuse of Drugs recommended.
22. We will ban nitrous oxide, intending to do so before the end of the year. When Parliamentary time allows, we intend to legislate to make nitrous oxide a Class C drug with potential prison sentences and unlimited fines for unlawful supply and possession.
23. We recognise there are many legitimate uses of nitrous oxide, and we do not want to hinder responsible medical, industrial and consumer use. We will consult on the ban of nitrous oxide and how best to protect people and communities from the harmful effects, while exempting legitimate uses so as to minimise the burdens on businesses.
24. We will also expand drug testing on arrest – so more suspected criminals can be tested, and more drugs tested for.
25. At present, suspected criminals can be drug tested in police detention only if they have committed certain offences, such as theft, robbery, burglary, drug possession and dealing, fraud and begging, without further approvals. We will expand this to also include night-time economy-related offending, offences linked to violence against women and girls, domestic abuse, serious violence, and anti-social behaviour.
26. Currently only certain opiates and cocaine (including crack cocaine) can be tested for. We will widen this to all Class A drugs, including ecstasy and methamphetamine. We will also bring forward further legislation to enable Class B drugs like cannabis, speed and ketamine to be tested for, as well as consider further broadening this to some Class C drugs.

17 [YouGov. Anti-Social Behaviour](#). 2023.

18 Home Office, [Drugs Misuse: Findings from the 2012-2013 Crime Survey for England and Wales](#), 2013

19 Office for National Statistics, [Drug misuse in England Wales: year ending March 2020](#), 2020

20 Advisory Council on the Misuse of Drugs. [Nitrous Oxide – Updated Harms Assessments](#). 2023

21 Advisory Council on the Misuse of Drugs. [Nitrous Oxide – Updated Harms Assessments](#). 2023

27. We will also consult on expanding drug testing powers to enable ‘on the spot’ testing, so police can test individuals on the street who they suspect are committing crimes whilst under the influence of drugs.

Encouraging orderly behaviour



Again, it’s more the persistent anti-social behaviour where that’s a problem. We have a lot of people with anxiety and depression. So yes, it can have such a negative impact on somebody’s life and again, more so when it’s somebody who’s living in it and can’t leave. So, if it’s a neighbour dispute or if it’s something, it tends to be a lot more severe.

*Local authority stakeholder, Leicester*²²



[It] affects me because she obviously makes me sleep deprived and then I’m just annoyed for the whole day and I’m up at six in the morning for work and stuff and then it stresses me out... I’m tired in work, I don’t want to go to work and stuff like that.

*Research participant who witnessed anti-social behaviour, Liverpool*²³



28. Anti-social behaviour by neighbours is particularly stressful. Feeling on edge or frightened at home impinges on people’s wellbeing and security. A survey in 2022 found that over one in four social housing residents had been affected by anti-social behaviour in the past year²⁴. Applied across the sector, it would be equivalent to one million households. Of those who reported anti-social behaviour to their landlord, 55% were dissatisfied with the outcome and 40% of those affected by anti-social behaviour who did not report it did not do so because they did not think their landlord would do anything about it.²⁵ In the private rented sector, one in three landlords who have ended a tenancy report that they did so because their tenant engaged in antisocial behaviour.²⁶ Nuisance, criminal and abusive behaviour which impacts people at home is both disrespectful and unacceptable.
29. Neighbours sometimes fall out over issues – after-hours noise if a neighbour works nightshift, occasional parties, or property left in communal areas – that they can settle between themselves, but this is not always the case. As a first step, residents should seek to resolve disputes, if possible. We are exploring ways to increase mediation in

22 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

23 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

24 Department for Levelling Up, Housing and Communities. [Social Housing Quality Programme Resident: Residents Survey Report executive summary](#). 2022

25 Department for Levelling Up, Housing and Communities. [Social Housing Quality Programme Resident: Residents Survey Report executive summary](#). 2022.

26 Department for Levelling Up, Housing and Communities. [English Landlord Survey 2021: Main Report](#). 2022.

the Private Rented Sector, for example with the new Ombudsman to support landlords when tenants commit low-level – but high impact – anti-social behaviour. This will prevent avoidable evictions.

30. Sustained acts of intimidating or disruptive behaviour are not acceptable. These should lead to the eviction of the tenant involved. Landlords must be able to act against persistently problematic tenants and relieve innocent parties living nearby. Through this action plan we are strengthening the system – changing laws and arming landlords with the tools to ensure that anti-social tenants face the consequences of their actions.
31. For those living in the private rented sector or in properties owned by Private Registered Providers, we will ensure landlords can act more quickly than ever before to evict anti-social tenants. Through our reforms for renters, we will make grounds for possession – the legal reasons a landlord can evict a tenant – faster and far easier to prove. This will mean landlords can take immediate action – rather than giving two months’ notice and waiting for the end of a fixed term, as they currently need to when relying on Section 21. We will support tenants and landlords by:
 - a) ensuring that all private tenancy agreements include clauses specifically banning anti-social behaviour – making it easier for landlords to use the breach of tenancy ground to evict anti-social tenants.
 - b) making the notice period two weeks for all anti-social behaviour eviction grounds as part of our reforms for renters. We will also ensure that landlords are aware of existing tools – such as injunctions and Criminal Behaviour Orders – to crack down on anti-social tenants.
 - c) planning to expand the discretionary eviction ground, to make anti-social behaviour easier to prove in court: clarifying that any behaviour ‘capable’ of causing ‘nuisance or annoyance’ can lead to eviction.
 - d) speeding up the process of evicting an anti-social tenant by working with His Majesty’s Courts and Tribunals Service (HMCTS) to explore how to prioritise anti-social behaviour cases in Possession Lists in the courts.
 - e) bringing forward legislation which will set out the principles that judges must consider when making their decision, such as giving weight to the impact on landlords, neighbours, and housemates and whether the tenant has failed to engage with other interventions to manage their behaviour.
 - f) preventing short-term lets importing anti-social behaviour into communities, such as noise problems or drunken and disorderly behaviour. We will do this by setting up a new registration scheme giving local authorities the data to easily identify short-term lets in their area. If a let proves problematic, they can take action against guests and owners. We will publish a consultation on the registration scheme shortly.
32. Where premises themselves are a source of nuisance, we will consult on expanding Closure Powers. These currently allow police or council officers to quickly shut down premises that are being used, or likely to be used, to commit nuisance or disorder. We intend to extend these powers to Housing Providers, making it easier and quicker for them to directly tackle nuisance premises without needed to go through the police or council officers.

33. Social rented sector tenants must also be protected from the insidious effect of anti-social behaviour on their daily lives and in their communities. Social landlords already have powers to tackle anti-social behaviour, through their allocation of social housing and through existing powers of eviction. We will ensure those powers are being used by setting clear expectations they are exercised in a timely fashion, and we will go further to strengthen the position of all social landlords by:

- a) updating statutory social housing allocations guidance ('Allocation of Accommodation guidance'²⁷) to be clear that evidence of committing anti-social behaviour can and should be used to de-prioritise anti-social behaviour perpetrators, who should be at the back of the queue for social housing; and
- b) speeding up the process of removing anti-social behaviour perpetrators from their communities by exploring a "three strikes and you're out" eviction expectation for all social landlords, meaning three proven instances of anti-social behaviour followed by three warnings from your landlord. After three strikes, the Government thinks it is right that perpetrators of anti-social behaviour face eviction and should be deprioritised for further social housing and will work with the sector to achieve this.

27 Department for Levelling Up, Housing and Communities. [Allocation of accommodation: guidance for local housing authorities in England](#). 2012.

Making communities safer



You get that, sort of, lingering anxiety. You're checking over your shoulder and looking around as you are leaving your home or as you go about your day. For a while, I've felt, the best thing to do is leave the neighbourhood as quickly as possible. I just felt that I wasn't able to lead a safe neighbourhood life and was aware that was a really sorry affair to have to have this in mind.

Research participant who witnessed anti-social behaviour, London²⁸



34. Anti-social behaviour is the main reason people do not feel safe in their local area.²⁹ And given fear of anti-social behaviour is worsening, existing powers could be used more effectively by agencies.
35. Crime, including anti-social behaviour, tends to be highly localised. Nearly a quarter of all neighbourhood crime is concentrated in just 5% of neighbourhoods.³⁰ The issues facing communities also vary. Residents of Oldham, in Greater Manchester, for example, were most worried about groups loitering at tram stops and harassing passengers. For residents of Clacton, in Essex, it was the public drinking around the town centre fountain

28 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

29 YouGov. [Anti-Social Behaviour](#). 2023.

30 Home Office. Safer Streets Fund (2021-2022) Prospectus. 2021.

driving people away. In Walsall, in the West Midlands, the primary concern was the violent reputation of certain neighbourhoods that meant people felt intimidated and avoided driving through them. In these three areas, which featured in the Onward think tank's recent Levelling Up Locally report, residents said they felt powerless in the face of anti-social behaviour.³¹ This plan has been designed with the diverse needs of local people and areas in mind, to ensure specific local challenges can be addressed.

36. We will tackle anti-social behaviour through:

- a) **SCALING UP HOTSPOT ENFORCEMENT:** by increasing police presence alongside other uniformed authority figures, such as wardens, in problem areas for anti-social behaviour, including public transport;
- b) **DISCOURAGING ANTI-SOCIAL BEHAVIOUR:** by increasing the use and size of on-the-spot fines for littering, graffiti, and fly-tipping to keep our parks and streets clean – which local authorities can use to fund more enforcement activity.

What we have already done

37. To tackle crime and keep our communities safe:

- a) We are on target to recruit the 20,000 additional officers by 31 March 2023, taking us to over 148,400 officers across England and Wales. This will be the highest number of officers in forces across England and Wales on record.
- b) The £120 million Safer Streets Fund has supported 270 projects across England and Wales, including 102 focusing on anti-social behaviour as part of round four.
- c) We have helped local authorities combat fly-tipping by introducing fixed penalty notices and strengthening their powers to stop, search and seize the vehicles of suspected fly-tippers. We have also consulted on preventing householders from being charged to get rid of DIY waste to help ensure people dispose of their waste in a responsible way, encourage recycling and reduce the risk of fly-tipping.

31 Hawksbee, A., and Menon, S. H. [Levelling Up Locally](#). 2022.

How we will go further

Scaling up hotspot enforcement



Yeah, just more police about and having more of a presence especially around town areas. It'll just invite people to feel more safe to travel into the town areas for entertainment. So if there's police around, feel a bit safer. That's all.

*Participant, Northampton*³²



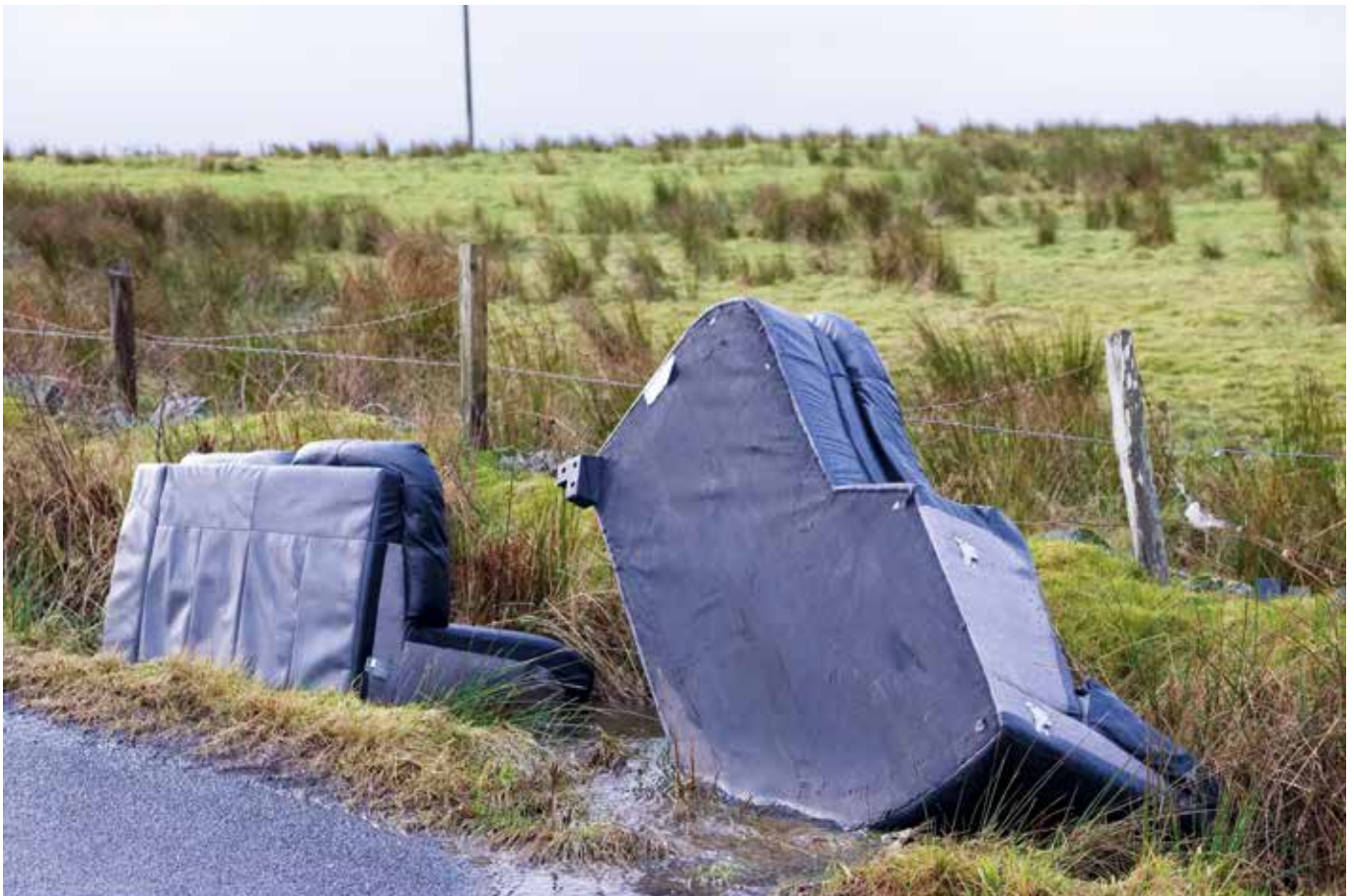
38. We know people feel safer when there are more police and authority figures on the streets and the evidence also shows taking a 'hotspot' approach, where uniformed police spend time at problem areas on a regular basis, reduces levels of crime.³³
39. With around £60m we will fund an increased police presence to clamp down on anti-social behaviour, targeting hotspots. Police and Crime Commissioners will drive and lead the approach, working with their police forces and local authorities to identify parts of their community where a stronger, focused approach is needed due to anti-social behaviour. Initially we will work with 10 police force areas, but from 2024 will support a hotspot approach across every police force area in England and Wales, which will see thousands of additional patrols taking place in places blighted by anti-social behaviour. We will also fund more authority figures which could include uniformed local authority wardens with Police and Crime Commissioners determining the most effective measures locally, guaranteeing extra enforcement presence to deter or punish offences, including fly-tipping and littering. To make this sustainable and led by community need, we will work with Police and Crime Commissioners and local authorities to encourage innovative local partnerships and matched investment from business and organisations that will benefit from reduced anti-social behaviour, such as Business Improvement Districts or large retailers.
40. While the police, local authorities and other agencies already have a range of powers to tackle anti-social behaviour, they do not use them consistently, or, at times, enough. As part of our new approach to ensuring all partners have the tools they need to protect the public, we will consult on changes to existing anti-social behaviour tools and powers to ensure a stronger response, including:
 - a) extending dispersal powers to local authorities and increasing the length of dispersal to 72 hours.
 - b) extending public spaces protection orders to police and ensuring they can be used quickly and effectively.
 - c) extending power of arrest to all breaches of civil injunctions.

32 Kimaram, A., Tryl, L., Burns, C., and Surmon, T. [Where are the police? Britons' attitudes to crime, anti-social behaviour and the police \(moreincommon.org.uk\)](#). 2023.

33 Braga, AA, Turchan, B, Papachristos, AV, Hureau, DM. [Hot spots policing of small geographic areas effects on crime](#). Wiley Library – journal: Campbell Systematic Reviews. 2019.

- d) lowering the age limit of community protection notices to include younger perpetrators.
 - e) increasing the upper limit of fixed penalty notices for breaches of community protection notices and public spaces protection orders to £500.
 - f) extending Community Safety Accreditation Scheme powers to include relevant anti-social behaviour powers.
 - g) to make public transport safer, building on the model seen in the West Midlands, we will pilot an expansion to Transport Safety Officers with up to £2.5m additional funding – specially-trained staff to deal with low-level nuisance and disorder, who target hotspot routes and locations.
41. We will support local areas to make more use of existing powers with the statutory guidance and new toolkits.
- a) We will update the Manual for Streets, a key piece of design guidance which supports local areas to create safer streets for people. It will include guidance on how local areas can use design to prevent crime and anti-social behaviour.
 - b) We will work with the College of Policing and Police and Crime Commissioners to publish best practice for responding to anti-social behaviour and to help police forces consistently treat these crimes with the urgency they deserve.

Discouraging anti-social behaviour



42. Litter, graffiti and fly-tipping make our neighbourhoods look and feel ugly and neglected. Dumping unwanted furniture and dirty mattresses in alleyways, chucking food wrappers and cigarette packets in the street, and spraying shopfronts or statues with graffiti are acts of vandalism or neglect borne of disrespect for others and our environment. Perpetrators should face consequences.
43. We want to see councils take a much tougher approach to this form of anti-social behaviour. We remain clear that the use of on-the-spot fine powers (called Fixed Penalty Notices or FPNs) should never be used to target accidental littering, or to punish those who are trying to do the right thing when education would be the better approach. But taking proportionate and effective enforcement action against people who intentionally or carelessly damage their local environment is a practical step authorities can take to change behaviour and deter others from offending. To equip them with everything they need and strengthen their arm, we will change laws and provide statutory guidance on the proportionate use of litter fining powers.
44. As a first step, this year we will increase the upper limits for on-the-spot fines:
- a) Those caught fly-tipping could be fined up to £1,000 (from £400 now)
 - b) Those who litter or graffiti could be fined up to £500 (from £150 now)
 - c) Those who breach their household waste duty of care could be fined up to £600 (from £400 now)
45. Currently, research suggests 92% of councils do not give out any on-the-spot fines to people for carrying out graffiti³⁴. And while in 2021/22, councils issued 91,000 fines for fly-tipping, along with other enforcement actions, in total they dealt with almost 1.1 million incidents.³⁵ We want to see councils use these on-the-spot fines much more. Local authorities will have the freedom to set the rates that offenders should pay, within the limits above. Revenue from fines will be reinvested locally in clean up and enforcement – meaning perpetrators pay for local councils to continue toughening their approach in future years. We will increase transparency of the data on the use of on-the-spot fines, including publishing league tables on fly-tipping to show which local authorities are taking a muscular approach. This will support them to investigate, identify and catch perpetrators by triangulating known vandalism hotspots, investing in CCTV and paying for more wardens on patrol.

34 Defra, [Graffiti and Fly-posting research report, 2022](#).

35 Defra, [Fly tipping incidents and actions taken in England, 2022](#).

Reducing rough sleeping and begging



I felt like I had anxiety, it was very distressing. When I walked back onto the road and I was walking really, really fast, trying to get into my car. I didn't even go to the shop, I thought, No, I'm not going to go into the shop, just in case [the man begging] is following me.

Research participant who experienced anti-social behaviour, Leicester³⁶



46. Restoring pride in place with safe streets and clean parks means we must maintain and enhance our public spaces. Crucial to this is dealing sensitively yet firmly with those who, in being unable or not always willing to access the support they need, can cause distress or harm to themselves and others. This in turn undermines the overall atmosphere of public safety and community pride.
47. The starting point to solve these issues is to prevent people ending up on the streets in the first place. Last year the Government published its plan to end rough sleeping for good. We committed an unprecedented £2bn over three years, focused on preventing rough sleeping – ensuring, for example, that those leaving a public institution, whether prison, hospital or care, won't find themselves on the streets with no place to go.
48. We now want to do more to safeguard the welfare of those who are vulnerable and sleeping rough, to move them off the streets and into support programmes. This response needs to reflect their often-complex problems, with accommodation often only one part of what they need to integrate back into society. A whole system approach should also ensure access to drug and alcohol treatment and more help to sustain people in work.
49. People may refuse help owing to their complex needs and a lack of trust in services, at a cost to their own welfare or to the welfare of others. Our response must enable local authorities and the police, when working with a wider set of agencies, to direct people at risk on the streets to take up the help that is on offer. But it must also ensure that they can robustly address issues caused by criminal activity as well as intervene where an individual's anti-social behaviour causes real distress to the public, creates a nuisance or undermines people's sense of safety and pride in the community.

³⁶ Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

What we have already done

50. To end rough sleeping and support people off the streets we have:
- a) Invested up to £500m through our flagship Rough Sleeping Initiative 2022-25 so that local authorities can provide tailored support to end rough sleeping.
 - b) Launched the £200m Single Homelessness Accommodation Programme that will deliver up to 2,400 homes for vulnerable people sleeping rough or at risk of rough sleeping (in addition to the 6,000 homes being delivered by the Rough Sleeping Accommodation Programme).
 - c) Committed £42m of funding since 2018 towards the sub-regional Housing First pilots to support the most entrenched rough sleepers in the West Midlands, Greater Manchester and Liverpool City Region.
 - d) Committed up to £186.5m in funding for substance misuse treatment services through the Rough Sleeping Drug and Alcohol Treatment Grant over three years.

How we will go further

51. Nobody should be criminalised for simply having nowhere to live. That is why we are repealing the Vagrancy Act. We have already embarked on a strategy to shift the focus to prevention and move vulnerable individuals into multi-agency support. Police forces and local agencies have, however, made clear they need more direct tools to help deal with individuals whose behaviour is causing a nuisance to the public and, where possible, to move those individuals on and into the support they are eligible for, including where they have refused the help before. This will both ensure individuals' needs are met and reduce the damage done to communities by criminal activity and other forms of anti-social behaviour that can often accompany street activity.
52. We want to go as far as possible to ensure vulnerable individuals on the streets can be directed to the support they need, while cracking down on conduct that is anti-social, intimidating, or criminal. We will introduce new powers for local authorities and the police, coupled with improved multi agency working between local partners. Among other measures, informed by further engagement with stakeholders, we will:
- a) introduce new tools to direct individuals to engage with positive pathways, including accommodation, mental health support, substance misuse support, and immigration or asylum services, so individuals who may have turned away help before access the support they need;
 - b) prohibit organised begging, which is often facilitated by criminal gangs to obtain cash for illicit activity;
 - c) prohibit begging where it is causing a public nuisance, such as by a cashpoint, in a shop doorway, on public transport, approaching people on the street or in their cars, and any broader incidence that cause nuisance, distress or blight; and,
 - d) introduce powers for the police and local authorities to address rough sleeping and other street activity where it is causing a public nuisance, such as by obstruction of doorways and pavements, and to clear the debris, tents and paraphernalia that can blight an area, while ensuring those genuinely homeless and with complex needs are directed to appropriate support.

Building Local Pride

“

I think it stops people behaving like a community. I think people retreat to their own house a lot, there isn't an awful lot of community feel. People don't want to be out when there's fireworks going off, people don't want to be out when they're in danger of bumping into crowds of people.

Research participant who witnessed anti-social behaviour, Cardiff³⁷

”

“

People go about their business, they don't say hello to people, they put their heads down, they go home, lock their doors and that, they don't integrate like they used to, and I think it's become like that as well with people think, Oh, it's not my problem, let somebody else report it.

Research participant who witnessed anti-social behaviour, Liverpool³⁸

”

53. The Government's Levelling Up agenda has pride in place at its heart. The focus is on restoring community pride and belonging. The public spaces we share are a vital part of thriving communities. As 'social infrastructure' they bind us together and create a sense of attachment and association. Neglect of this vital infrastructure soon takes its toll. Empty shops and buildings are visible signs of decline.^{39,40}
54. We know that people are concerned about anti-social behaviour in public spaces, particularly in local parks and high streets.⁴¹ And research shows that when asked to choose one local improvement, people say cutting crime.⁴²
55. The economic and social harms caused by anti-social behaviour are all too clear. People grow reluctant to use local facilities, whether it is to let children play in the park or to take public transport to the shops, the mosque, or the library. Footfall in the high street goes down, depressing the local economy, and community assets go to waste. With the onset of decline, pride in place deteriorates – creating a vicious circle.
56. In this context, anti-social behaviour can have a particular impact on communities already most at risk of economic decline. And as anti-social behaviour gives rise to more serious offences, already vulnerable communities become ever more susceptible to rising crime.

37 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

38 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

39 UK in a changing Europe. [Levelling Up: what England thinks](#). 2022.

40 Cardiff University. [Security, Crime and Intelligence Innovation Institute: The Signal Crimes Perspective](#).

41 YouGov. [Anti-Social Behaviour](#). 2023.

42 UK in a changing Europe. [Levelling Up: what England thinks](#). 2022.

57. We will reinforce our support for local areas and make sure public spaces are thriving:
- a) **TACKLING EMPTY SHOPS AND PROPERTIES AND SUPPORTING LOCAL MARKETS**, by giving local businesses, entrepreneurs and communities the chance to take over vacant properties through High Street Rental Auctions, making our high streets fit for the 21st century with new High Street Accelerators and lifting restrictions on the number of days local people can hold markets can be held and encouraging more people into the town centre;
 - b) **IMPROVING ACCESS TO GREEN SPACES**, by supporting communities to restore their parks and green spaces through an up to £5 million boost to the areas most in need.

What we have already done

58. To revitalise communities and town centres, we:
- a) are investing £2.35 billion across 101 Town Deals, investing up to £25 million in each place (and more in exceptional cases) to support local jobs and businesses, local infrastructure and town centres.
 - b) have funded 216 projects via rounds one and two of the Levelling Up Fund, totalling £3.8 billion, regenerating town centres and high streets, upgrading local transport and investing cultural and heritage assets. Further detail on round three will be announced shortly.
 - c) are supporting 72 places across England with over £830 million to reinvigorate high streets.
 - d) have committed £95 million to the High Street Heritage Action Zones (HSHAZ) initiative which will drive the regeneration of over 60 towns and cities. Historic England is working with councils and residents to transform historic buildings and streetscapes by improving their physical and economic condition, including restoring over 500 shop fronts and over 1,800 heritage assets, building and developing pride in our places;
 - e) have launched the £9 million Levelling Up Parks Fund, giving new money direct to towns and cities that need it most to create and refurbish their parks and green spaces.

How we will go further

Tackling empty shops and properties and supporting local markets



“

It's just getting worse, the streets are dirty, the shops are empty, you've got drunks on most corners...it's just not nice.

Participant, Onward Research, Clacton⁴³

“

Not a chance you walk round Oldham town centre on your own. I have a daughter and I'd rather let her walk round the Arndale [Centre]. I don't think it's safe.

Participant, Onward Research, Oldham⁴⁴

”

”

43 Hawksbee, A., and Menon, S. H. [Levelling Up Locally](#). 2022.

44 Hawksbee, A., and Menon, S. H. [Levelling Up Locally](#). 2022.

59. We know people see empty shops and buildings as a sign of decline. They make them feel unsafe. Undoubtedly, too, our town centres are adjusting to significant challenges. The proliferation of online retail has changed how we shop. The high street must find new ways to attract people and kindle local pride.
60. It will take leadership from the public, private and third sectors together to make this happen, as well as involvement from communities and residents themselves. To help revitalise our high streets and prevent further decline, we are changing laws and arming councils with new tools:
- a) To breathe new life into shuttered shops we will introduce High Street Rental Auctions across all local authorities this autumn, following passage of the Levelling Up and Regeneration Bill. These auctions will allow local authorities to sell off the rental rights for empty properties to willing tenants, such as businesses and community groups, for a short period of time. To supercharge use, we will provide up to £2m of financial support to make sure that areas which need this the most are not priced out by prohibitive refurbishment costs to bring the properties up to standard.
 - b) At the same time, we will also pilot High Street Accelerators which will incentivise and empower local people to work together to develop ambitious plans to tackle vacancy and reinvent their high streets so that they are fit for the future. We will support this programme with up to £2.5 million of funding for up to 10 key areas.
 - c) To ensure that tackling anti-social behaviour remains the focus of reshaping high streets and neighbourhoods we will produce guidance highlighting the links between good design and reducing anti-social behaviour once the amended National Planning Policy Framework is published and the Levelling Up and Regeneration Bill is in place. This could include more street lighting and CCTV. We will also consult on whether the National Planning Policy Framework should explicitly refer to the need for planning policies and decisions to reduce anti-social behaviour.
 - d) Because complex commercial leasing rules are holding back high streets, we will launch the Landlord and Tenant Act Review – led by the Law Commission – with a view to their reform. Our aim is to make the system easier to understand and more transparent and attract more investment into UK commercial property.
 - e) So that local authorities can move quickly when a private property is left vacant, we will make changes to the Empty Dwelling Management Order regime, cutting the minimum time period for action from two years to six months specifically for properties which have become a magnet for anti-social behaviour or occupied by squatters.
 - f) We will consider changes to the guidance for Section 215⁴⁵ notices, which local authorities can use to make owners and occupiers fix and tidy their land and buildings, so that it includes notices on empty buildings that are ruining the local amenity. We are also removing the upper limit on fines for landlords and building owners who do not comply with a Section 215 order, encouraging them to fix disrepair that can attract anti-social behaviour.
 - g) Additionally, we intend to target the awful practice of ‘cuckooing’ or home invasion and will engage with stakeholders on making it a new criminal offence. By ‘cuckooing’ we mean criminals taking over a premises (often the home of a vulnerable person, such as an individual with limited physical or mental capacity, or substance addiction) to use for illegal activities. This has a serious impact on the victim being exploited

45 MHCLG. [Town and Country Planning Act 1990 Section 215: best practice guidance 2005](#).

but can also affect local communities that are likely to suffer a range of anti-social behaviour as a result.

61. We know that the high street is going through a period of significant change, and that such change brings both risk and opportunity. The actions that we will deliver through this plan will provide additional tools and support for local leaders so that our high streets not only survive, but flourish. By helping local authorities tackle persistent and long-term vacancy, we will see more opportunities for local businesses and communities to rent and own property on the high street, helping to transform empty and derelict buildings into thriving hubs of activity.
62. We want our high streets to be vibrant, safe and welcoming environments regardless of the time of day. As we see vacancy reduce and footfall increase, it is essential that the people living, working and visiting high streets are able to enjoy themselves without fear of anti-social behaviour or abuse. Our new guidance on high street design will support local authorities actively to consider the ways in which their high streets can be developed to help people feel confident and safe.
63. The future of the high street should be shaped by local people and communities and it is our hope that with more opportunities to rent and own vacant property, and with our new accelerator pilot to bring local people together, we will continue to see more communities, residents, and local businesses having a direct say in how their high street evolves.
64. We will give local people more flexibility to host local markets, attracting people and traders to the town centre. We have already abolished the requirement for local areas to apply for planning permission to set up a market, and we will go further by doubling the number of days markets can be held – in line with other uses of outdoor space.

Improving access to green spaces

65. We know that having access to parks and green spaces is important to people. More than nine in ten people say parks and green spaces are important to creating a sense of pride in place.⁴⁶ And being able to spend time in your local park can have significant health benefits as well as providing a space for people to meet, play, exercise and socialise.⁴⁷ We want to improve access to green spaces for everyone, but particularly in urban areas where access is more limited. Last year, we provided £9 million to areas in need to support the creation and refurbishment of parks – whether formal gardens, town parks or ‘pocket parks’ – and planting of more trees. As part of this Action Plan, we will boost our investment in green spaces by providing up to £5 million funding to areas most in need to restore their parks and green spaces, giving more people access and improving pride in place.

46 Research carried out by [YouGov](#) for [Keep Britain Tidy](#).

47 Public Health England. [Improving access to greenspace. A new review for 2020](#). 2020.

Prevention and early intervention



Anti-social behaviour is almost always a product of the environment and the, kind of, socio-economic background, but also it comes from boredom. People don't take part in anti-social behaviour when they've got better things to do.

*Research participant who witnessed anti-social behaviour,
Newcastle upon Tyne⁴⁸*



66. Around 80% of prolific adult offenders begin committing crimes as children. As well as the personal cost in human suffering and missed life chances, the estimated cost of late intervention to the economy is nearly £20.6 billion per year. Of this, £850 million is attributed to anti-social behaviour (2023/24 prices)⁴⁹.

48 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

49 Chowdry, H., Fitzsimons, P. [The cost of late intervention: EIF analysis 2016](#) | Early Intervention Foundation. 2016.

67. Yet this is often driven by young people having nowhere to go, and can have links to challenges in education. When home and school are not safe havens, for a range of reasons, anti-social behaviour can take root. While the vast majority of children persistently absent from school are off because of illness and are not involved in anti-social behaviour, persistent unauthorised absence for other reasons can be a risk factor for getting in trouble. The strengthened measures in this plan will boost support for young people, to prevent anti-social behaviour and protect the wider public.
68. Working with Youth Offending Teams, youth and probation services, and local authorities, we will:
- a) **INTERVENE EARLY** with ‘at risk’ young people to steer them away from anti-social behaviour and crime; and
 - b) **INCREASE LOCAL ACTIVITIES** by building on our National Youth Guarantee with further support and additional youth service hours in anti-social behaviour hotspots.

What we have already done

69. Alongside clear expectations of parents, the Government has committed significant provision for young people:
- a) The Turnaround programme will support 17,000 children on the cusp of the justice system, to turn them away from further or more serious offending and anti-social behaviour, by completing an assessment to understand their needs and engage the whole family in interventions to meet their identified needs to address the root cause of the issues bringing them to the attention of agencies such as the police.
 - b) The Alternative Provision Specialist Taskforces pilot is operating in 22 alternative provision schools and is focusing on targeted support for children most at risk, including those who have been excluded from mainstream school. The programme co-locates a diverse specialist workforce (like mental health professionals, speech and language therapists and youth workers) in a school, to work directly with children to offer intensive support. The programme is running until March 2025 and has already worked with over 2,500 children.
 - c) To help families with multiple complex needs, we have committed £695 million to the Supporting Families programme, taking the total investment over the last 10 years to £1.9 billion. This aims to address problems early and improve the lives of 300,000 families by 2025.
 - d) Priority support for areas of deprivation, including anti-social behaviour hotspots, is available through the £16.5 million Uniformed Youth Fund⁵⁰. This supports organisations such as the Scouts and Police Cadets to reach around 20,000 more teenagers across England.

50 <https://www.gov.uk/government/news/government-outlines-ambitious-plans-to-level-up-activities-for-young-people>

- e) Children and young people in some of the most deprived areas of England will benefit from 278 new multi-use games areas through a £30 million investment from the Government’s Football Foundation in the PlayZones programme, offering healthy and attractive alternatives to anti-social behaviour.
 - f) We are also delivering a National Youth Guarantee: by 2025, every young person will have access to regular clubs and activities, adventures away from home and opportunities to volunteer. This is supported by over £500 million of investment in youth services.
 - g) In the ‘Built on Love’ Strategy, we have outlined our plans to build on the strengths of current early help services, through the creation of Family Help. Through the £45m Families First for Children Pathfinder programme, we will test how multi-disciplinary family help teams can improve the support children and families receive.
 - h) We are investing around £300 million to enable 75 local authorities to create family hubs and improve ‘start for life’ services. Family hubs bring services together for families, including young people. Some family hubs will provide youth services on site, and all family hubs will be able to provide information and connect young people to local youth services and other support, such as mental health or drug and alcohol support.
70. Good attendance at school is essential, and parents have a responsibility – and a legal duty – to ensure their children attend, with the law protecting a child’s right to education. There are a range of interventions, including enforcement, to protect this right. This includes parenting contracts, to formalise the actions the parent will take to improve attendance, and the support provided to enable this, and attendance prosecution, where failure to ensure regular school attendance can result in a parent being fined up to £2,500.

How we will go further

Intervening early and increasing local activities



Just kids bored, nothing else to do, nowhere to go. I’m not just justifying it but yeah that seems to be what it is to me.

*Participant, Northampton*⁵¹



71. The Youth Investment Fund is integral to the National Youth Guarantee – investing over £300 million in up to 300 new and refurbished facilities in levelling up priority areas as safe spaces where young people can take part in a range of activities with the support of trained adults. Over 80% of top tier local authority areas eligible for the Youth Investment Fund contain at least one anti-social behaviour hotspot . When the facilities open their doors, we will be prioritising resource funding to expand the offer to young people in those areas.

51 Kimaram, A., Tryl, L., Burns, C., and Surmon, T. [Where are the police? Britons’ attitudes to crime, anti-social behaviour and the police \(moreincommon.org.uk\)](https://moreincommon.org.uk). 2023.

72. By giving young somewhere safe to go, something engaging to do, and someone trusted to talk to, they help to steer young people away from bad life choices. We will invest in more of these opportunities. With up to £11m we will fund one million more hours of provision for young people over the next two years in areas where anti-social behaviour is worst. This is the equivalent of up to 200 local youth clubs opening an extra night a week for young people for two years, supporting them where they need it most.
73. For young people who are on the cusp of offending, or have other more complex needs, we will:
- a) Expand the eligibility criteria for the Turnaround programme so it can intervene even earlier, and investing more to help a further 500 young people via 1-1 support. Through the programme, we are already providing tens of millions of pounds to Youth Offending Teams across England and Wales to support them to work with children on the cusp of the criminal justice system, supporting them from going on to be involved in and commit further anti-social behaviour and crime. We will go further still and expand the programme's eligibility criteria so children can get support at an even earlier stage, and increase government investment in the programme so even more young people are supported.
 - b) Outside the classroom, we will work with delivery partners on the National Youth Guarantee to ensure a stronger focus in areas where young people are most at risk of being drawn into anti-social behaviour. They will have the opportunity to join activities such as The Duke of Edinburgh's Award Scheme and the National Citizen Service, and uniformed youth groups such as Scouts, Girlguiding, and Cadets.

Improving data, reporting and accountability for action



And when you get anti-social behaviour, you tend to think, Right, I'm going to report it to the police, you ring the police, the police then tell you, It's not our problem, you've got to contact the council. You ring the council and they turn round and say, Well it's a police matter, nothing to do with us. So we're left in between, thinking, Where do we turn to?... it does leave us with a feeling of being dumped to one side.

Research participant who experienced anti-social behaviour, Leicester⁵²



I think [anti-social behaviour] genuinely is one of the only areas, really, where the onus is on you to know where to report to. And if you get it wrong, the onus is still on you to find the right person to report to. And I've seen that first-hand.

Member of police force, Newcastle upon Tyne⁵³



74. Data equals knowledge. Good data about anti-social behaviour is required to take effective action and improve people's lives. But the people who suffer anti-social behaviour need to give the authorities the evidence and the present system does not encourage them to do so. This plan changes that, because we need their help to build a clear picture of where anti-social behaviour happens, how often and what type. Which anti-social behaviour worries victims most, and where do they most want the police and councils to intervene?
75. There are a range of reasons why many people do not report anti-social behaviour. They have no faith that it will be dealt with seriously; they do not understand what anti-social behaviour is or how to report it, or they fear repercussions from offenders. We also know that when people do report anti-social behaviour, the challenges that they face during the process often put them off from reporting it in the future⁵⁴. But all this creates a vicious circle. The very lack of reporting data means anti-social behaviour is not tackled as a priority, and even fewer people report it as a result – only exacerbating the

52 Home Office. [Anti-social behaviour: incident journey – from reporting to resolution](#). 2023.

53 Home Office. [Anti-social behaviour: incident journey – from reporting to resolution](#). 2023.

54 Home Office. [Anti-social behaviour: incident journey – from reporting to resolution](#). 2023.

negative impacts of anti-social behaviour, increasing feelings of helplessness and reducing trust in agencies. This then serves to reduce reporting even further.

76. We need to break this cycle, to ensure the public's voices are heard and to improve how anti-social behaviour is acted upon, by:
- a) **IMPROVING HOW ANTI-SOCIAL BEHAVIOUR IS REPORTED AND ACTED UPON** so members of the public can have a simple and clear route to report anti-social behaviour, access advice and guidance in one place, and be updated on the outcome of their case. To ensure victims can challenge any unsatisfactory response, we are also relaunching Anti-Social Behaviour Case Reviews, providing greater clarity for victims on when it can be used.
 - b) **HOLDING ALL LOCAL PARTNERS TO ACCOUNT** through expanded data collection and publication and setting clear expectations on their role in tackling anti-social behaviour.

Improving how anti-social behaviour is reported and acted upon



When there's no resolve, you feel helpless because it's like, you've got no power over this and the people that have got the power over this are not really doing their job, you know?

Research participant who experienced anti-social behaviour, London⁵⁵



I think actually if we dealt with Community Triggers earlier and maybe pushed people towards them sooner, they wouldn't be such a big job when we do get them... if we signposted a lot earlier and asked those people to come forward if they were unhappy earlier, then we'd have less have to work do.

Local authority stakeholder, Leicester⁵⁶



55 Home Office. [Anti-social behaviour: incident journey – from reporting to resolution](#). 2023.

56 Home Office. [Anti-social behaviour: incident journey – from reporting to resolution](#). 2023.

77. We know that people who report anti-social behaviour find the process lengthy and difficult to navigate, often without sufficient communication and feedback from agencies. We will radically change how anti-social behaviour is reported across England and Wales.
- a) In the first phase, we will establish a central anti-social behaviour hub on [GOV.UK](https://www.gov.uk), which will act as the central source of the latest information on anti-social behaviour. The hub will bring together guidance and tools available at the local level to tackle anti-social behaviour, and clear information on what action you should expect if you report an incident. This will be updated regularly.
 - b) Over the next 12 months we will provide funding to develop a digital one-stop-shop where people can report anti-social behaviour to the right local responders and get feedback on the response. This will include ensuring the public have easy and flexible ways of reporting anti-social behaviour – whether online, by text, email or phone – and will receive an update on what has happened as result. This will also enable local agencies to share information on perpetrators of anti-social behaviour within communities better, identify repeat offenders and take necessary action.
 - c) The Anti-social Behaviour Case Review, formerly known as the Community Trigger, which gives victims recourse to challenge where a local response is currently underused: in 2022, 94% of people surveyed had never heard of the tool.⁵⁷ We will relaunch the ‘Anti-social Behaviour Case Review’, providing greater clarity on how and when it can be used, and encourage agencies to automatically conduct reviews once the threshold has been hit (as opposed to waiting for victims to request).
 - d) Through the upcoming Community Safety Partnerships review, we will explore whether Community Safety Partnerships should be required to report to Police and Crime Commissioners on local anti-social behaviour data and strategy and we will set out the role of Police and Crime Commissioners in the Anti-social Behaviour Case Review process.

Holding all local partners to account

78. To better understand where anti-social behaviour is happening, how to tackle it and hold agents to account for enforcing against anti-social behaviour, we will:
- a) provide over £5m funding to increase the sample size of the Crime Survey for England and Wales (CSEW) from 35,000 to 55,000 for the survey year 2023/24 and to 70,000 in future years, enabling people’s experience and perception of anti-social behaviour to be reported at a more granular local level than is currently possible;
 - b) consider the use of new technology to survey people about anti-social behaviour in local areas on a rolling basis, which will provide an easy channel to communicate local priorities;
 - c) work with local authorities and the police to establish mandatory reporting of key anti-social behaviour metrics, and work with the courts and housing providers to improve overall quality of local data;

⁵⁷ Resolve. [We hear you – a victim-focused approach to community safety](#). 2022.

- d) with local government partners, identify outcomes relating to anti-social behaviour which should be included in the set of comparative data on local authorities' performance produced by the Office for Local Government (Oflog). Oflog has the purpose of increasing transparency, fostering accountability, and helping drive the improvement of local government performance; and
 - e) provide additional guidance to agencies on data sharing, to make sure key information does not fall through the cracks between agencies when responding to anti-social behaviour incidents.
79. The Government expects local partners to work together to deliver a multi-agency approach to tackling anti-social behaviour and delivering the proposals set out in this plan, with Police and Crime Commissioners playing a key role in coordinating implementation at a local level, working with Community Safety Partnerships, police forces, local authorities, and other relevant delivery partners such as Youth Offending Teams, housing associations and the Probation Service.
80. It is also vital that we measure the overall success of this plan in tackling anti-social behaviour to ensure that it is meeting the commitments we have set out. We will assess the impact of our proposals on both communities' experience and perceptions of anti-social behaviour and their effectiveness in tackling it. To achieve this, we will draw from the wide range of data enhancements outlined throughout this plan, alongside wider measures, to monitor and evaluate its success and to further inform our understanding of what works in driving down anti-social behaviour.
81. We will oversee the implementation and delivery of this action plan with a new Anti-Social Behaviour Taskforce jointly led by the Home Secretary and the Secretary of State for Levelling Up that will bring together national and local partners, with a sole focus of addressing anti-social behaviour and restoring pride in place in communities.



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/official-documents.

Any enquiries regarding this publication should be sent to us at

Department for Levelling Up, Housing and Communities
Fry Building, 2 Marsham Street
London SW1P 4DF

Tel: 030 3444 0000

Printed on paper containing 75% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd on behalf of the Controller of His Majesty's Stationery Office.

Environmental Crime Enforcement Policy

Document Hierarchy: Policy

Document Status: FINAL

Document Ref: DOC Environmental Crime

Originator: J Sands

Owner: Assistant Director Partnerships

Version: 5

Date: November 2023

Approved by Cabinet

Classification: Official

Environmental Crime Enforcement Policy

Document Location

This document is held by Tamworth Borough Council, and the document owner is Jo Sands, Assistant Director Partnerships

Printed documents may be obsolete. An electronic copy will be available on Tamworth Borough Councils Intranet and internet. Please check for current version before using.

Revision History

Revision Date	Version Control	Summary of changes
21/11/2023	5	Review of fly-tip fines, littering, graffiti, flyposting FPN levels and introduction of duty of care FPN level Update to Tell Us
21 /1/2021	4	Update of Flytipping early payment levels and 3 year review
31/3/18	3	Legislative changes and FPN level amends
07/12	2	Legislative changes
2011	1	

Approvals

Name	Title	Approved
Andrew Barratt	Chief Executive Officer, Tamworth Borough Council	April 2018
Cabinet	Portfolio Holder Communities and Wellbeing	June 2018
Cabinet	Portfolio Holder Regulatory and Community Safety	January 2021

Document Review Plans

This document is subject to a scheduled 3 year lreview. Updates shall be made in accordance with legislative changes and will be with the agreement of the document owner.

Distribution

The document will be available on the Intranet and internet.

Security Classification

This document is classified as Official and available for staff and public access

Contents

- 1.Introduction 1
- 2.Enforcement Options..... 1
 - 2.1. No Action..... 1
 - 2.2. Informal Action 2
 - 2.3. Fixed Penalty Notices 2
 - 2.4. Statutory Notices..... 3
 - 2.5. Simple Cautions..... 3
 - 2.6. Prosecution..... 4
- 3.Anti-Social Behaviour (Environmental Crime) Incident Notices 5
- 4.Issuing Fixed Penalty Notices and other enforcement actions..... 5
 - 4.1. Request for personal details by an Authorised Officer: 6
- 5.Evidence..... 6
- 6.Persistent Offenders..... 7
- 7.Juveniles (person aged under 17)..... 8
- 8.Payment of Fixed Penalties..... 9
- 9.Non-payment of Fixed Penalties 9
- 10.Authorisation..... 9
- 11.External Partners 10
- 12.CORE OFFENCES..... 11
 - 12.1. Pedestrian Litter 11
 - 12.2. Littering from Vehicles 12
 - 12.3. Abandoning a vehicle..... 13
 - 12.4. Nuisance vehicles..... 14
 - 12.5. Vehicle Nuisance 15
 - 12.6. Dogs..... 16
 - 12.7. Fly Posting 20
 - 12.8. Graffiti 22
 - 12.9. Fly Tipping 22
- 13.Duty of Care Offences..... 24
 - 13.1. Industrial and Commercial Waste 24
 - 13.2. Householders 25
- 14.Control of litter and refuse 26
 - 14.1. Waste Receptacles..... 26
 - 14.2. Powers to prevent littering..... 27
 - 14.3. Controlling the Distribution of free literature..... 28
 - 14.4. Abandoned Shopping and Luggage Trolleys 29
- 15.Supporting and Future legislation 29
- 16.Protecting Our Staff..... 30
- 17.Supporting Policies and Strategies 30
- 18.Comments, compliments and complaints 30
- 19.Media Arrangements..... 31
- 20.Monitoring and Review of the Policy..... 31

1. Introduction

This policy sets out the general principles that the Council intends to follow in relation to the enforcement and prosecution of environmental crimes in conjunction with the Corporate Enforcement Policy.

In the first instance, the Council's preferred action is to secure compliance through education and information. Enforcement action will require authorised officers to follow set procedures and protocols in order to ensure consistency in the collection of evidence and the enforcement actions applied. These actions represent a zero tolerance to environmental crime, but will not always require prosecution action.

Publicity for the policies and procedures in place will be ongoing with appropriate leaflets, posters, articles in Council publications, web pages and school education. Enforcement action should only be taken if there is evidence of an offence having taken place and in those circumstances where individuals or businesses commit serious breaches, flout the law, where it would otherwise have an adverse effect upon community confidence, where the offence although not serious in of itself is widespread in the area, or where the offender refuses to work with us to seek compliance

The Council has the power to take appropriate enforcement action against persons that commit a variety of environmental crimes. The following are considered to be the core offences upon which action will be taken, although not exclusive:

- Littering (including littering from vehicles)
- Abandoned and nuisance vehicles
- Dog Fouling
- Fly tipping
- Graffiti/Flyposting
- Duty of care offences
- Litter and refuse control offences

This list is not exhaustive and represents most the most common offences and may be added to as legislation is updated or amended. In addition there are additional powers which can assist the Council control accumulations of litter and refuse and will seek to take the appropriate action for these offences using a wide range of enforcement actions as prescribed by legislation.

2. Enforcement Options

2.1. No Action

In some cases that no action will be taken in cases where there is little or no evidence or where the offender has fully co-operated with information given in accordance with the Enforcement Strategy. In all cases the offender will be advised in writing of the decision.

2.2. Informal Action

Informal action includes verbal or written warnings and requests for remedial action. It may involve offering advice, information and assistance to ensure compliance with legislation.

Informal action will be taken when one or more of the following apply:

- The act or omission is not serious enough to warrant formal action
- The consequence of non-compliance will not pose a significant risk to public health
- Confidence in the individual/business management is high
- Past history indicates that informal action is likely to achieve compliance
- Other mitigating circumstances apply

When an informal approach is used, any written warning or notice of remedial action should contain the following information: date, time and location of the alleged offence, personal details of the alleged offender, the nature of the offence and relevant legislation. It should also contain all information to understand what work is required and the reasons. The warning should be signed and dated upon issuing by an authorised officer.

2.3. Fixed Penalty Notices

A Fixed Penalty Notice (FPN) will be issued to persons who have committed a relevant offence; full payment of the FPN will discharge the original offence for which the individual cannot then be prosecuted, provided that full payment is received within the specified time period.

FPNs provide enforcement agencies with an effective and visible way of responding to low level environmental crime. Experience has shown that the public generally welcomes the use of FPNs provided they are issued sensibly, enforced even-handedly and are seen as a response to a genuine problem.

FPNs will not normally be issued to juveniles (see Section 8) or to persons who are registered blind.

It is essential for the issuing of a Fixed Penalty Notice that the authorised officer collects adequate evidence to support any legal proceedings if the notice is returned unpaid.

The Council's standard approach will be to set the level of FPN's payable the default penalties set by statute (currently The Environmental Offences (Fixed Penalties) (England) Regulations 2017)¹ (Unless otherwise stated)

¹ http://www.legislation.gov.uk/ukxi/2017/1050/pdfs/ukxi_20171050_en.pdf

The Fixed Penalty Notice must contain the following information; date, time and location of the offence, personal details of the offender, the nature of the offence and relevant legislation, and be signed and dated upon issuing by an authorised officer.

The notice will clearly state that by opting to pay the fixed penalty the Council will take no legal action for the prescribed offence, providing that the payment is received within 14 days of the issuing of the notice.

2.4. Statutory Notices

The Council has the option for some offences to issue statutory notices in lieu of prosecution, by serving notice and permitting works to be done in default thus enabling costs to be recovered by civil means.

Statutory notices will be issued as statute allows where one or more of the following apply:

- There is a significant contravention of the legislation
- The consequence of non-compliance could be potentially serious to public health
- There is a history of non-compliance with informal action
- There is evidence giving rise to lack of confidence in the individual or business to respond to an informal approach
- Although it is intended to prosecute, effective action also needs to be taken as quickly as possible to remedy conditions that are serious and deteriorating

Statutory notices will normally be served for the more serious issues or repeated contraventions and may also be issued in conjunction with prosecutions and FPNs.

Realistic time limits will be given for the compliance with statutory notices, where possible agreed with the individual/proprietor as attainable and appropriate.

Failure to comply with a statutory notice will normally result in the institution of legal proceedings. Officers must, therefore, have sufficient evidence available to justify their issue or work in default.

2.5. Simple Cautions

The Council may consider the offer a simple caution as an alternative to prosecution. The purpose of a caution is to;

- Deal quickly and simply with less serious offences
- Divert less serious offences away from the courts
- Reduce the chance of repeat offences

As with all types of enforcement action, the alleged offender will be required to supply the officer with their personal details. These details cannot be used to issue any other type of enforcement action for that offence; however they can be used in conjunction with future enforcement action.

The decision whether to offer a simple caution or higher level enforcement action will relate to the nature of the offence and the attitude of the alleged offender.

The following conditions must be fulfilled before a caution is administered:

- There must be evidence of the alleged offenders guilt sufficient to give realistic prospect of conviction
- The alleged offender must admit the offence
- The alleged offender must understand the significance of a caution and give informed consent to be cautioned

If there is insufficient evidence to consider prosecution then a simple caution will not be considered.

There is no legal obligation for a person to accept the offer of a caution and not pressure should be applied to the person to accept one, however full information will be disclosed to offender as to the consequences of the refusal. If an offender refuses to accept formal caution, a prosecution will normally be pursued.

Simple cautions must contain the following information; date, time and location of the alleged offence, personal details of the alleged offender, the nature of the offence and relevant legislation. It must be signed and dated by an authorised officer and must be issued using a notice which also includes the signature of the offender agreeing to accept a caution.

The Chief Executive or nominated deputy will be authorised to issue formal cautions.

2.6. Prosecution

In certain cases prosecution through the courts may be the most appropriate course of action, or where other enforcement actions have had no effect. This will only be with due regard to the Enforcement Strategy principles.

Prosecution will likely follow when:

- A Fixed Penalty Notice is issued to an alleged offender is returned unpaid after the 14 day payment period
- An offence is of a size or nature where other enforcement actions are considered to be insufficient.
- Previous actions have failed and there is no option for other enforcement action
- The nature of the offence is deemed to be in the interest of the public

- The offence has a serious or significant impact on the environment

The Chief Executive or nominated deputy is authorised to instigate legal proceedings after consideration by the Council's legal representatives.

3. Anti-Social Behaviour (Environmental Crime) Incident Notices

Authorised officers will be issued with Anti-Social Behaviour (Environmental Crime) incident notices to issue to offenders to inform them of an action being taken by the Council.

The notices will be two page carbonated paper and allow the officer to note the offender's details, time, date and location and brief details of the offence/incident witnessed and the likely action being taken. These tickets will not in themselves be a Fixed Penalty or other notice, but will be used to record and check information and allow the offender to understand the actions to be taken.

The top copy of the notice will be given to the offender and the carbon copy returned to the office with witness statement. The copy will be retained as evidence.

4. Issuing Fixed Penalty Notices and other enforcement actions

Enforcement action will be retrospective to the alleged offence being committed.

The Council's standard procedure will be to issue Fixed Penalty Notices Statutory Notices and Simple Cautions through the post. Delivery will be by recorded delivery or hand delivered.

Informal actions, advice and records of visits and/or details of remedial actions will be placed for posting in accordance with existing policies or a record made of visit on site and handed to the individual/business owner.

It is therefore essential that the evidence and information collected by the authorised officer must be of an adequate standard to support any resultant legal action. (Section 5 applies)

4.1. Request for personal details by an Authorised Officer:

Authorised officers have the power to require the name and address of a person who they believe has committed an offence. These personal details can then be used to pursue enforcement action against the alleged offender.

To avoid serving enforcement action using false details, the authorised officer will use all reasonable methods to confirm the details supplied by an alleged offender.

Failing to supply personal details, or giving a false name and address to an authorised officer is an offence, and carries level 3 fine (currently £1000) upon conviction. If a person fails to provide an authorised officer with personal details, the officer will take all reasonable steps to obtain information on that person.

Officers may ask for verification of ID in the form of driving licence, bank cards etc on site.

Confirmation of identity can also be through the Electoral Register where personal details can be checked against the electoral roll (but this will not include juveniles), company records and school visits (juveniles). Where appropriate, assistance from partners may be required via use of CCTV or PNC checks. Upon confirmation of the alleged offender's personal details, the appropriate enforcement action can be taken.

Authorised officers, for the purposes of environmental crimes detailed will be all nominated staff of the Council.

General UK General Data Protection Regulations 2018 - The Council will control this data which will be retained for a period of seven years and processed under the exercising of official authority laid down by law.

5. Evidence

Evidence is the key to the enforcement procedure. The recording and storage of this evidence must be carried out in a concise and consistent manner and in accordance with the Police and Criminal Evidence Act to ensure its admissibility in Court. Evidence collected by authorised officers will come in various forms, from various sources and, dependant on its quality, could be used in a variety of enforcement actions.

A locked evidence cupboard will be established with nominated key holders. All evidence will be clearly logged and recorded and held in accordance with provisions of the Data Protection Act 2018 and UK General Data Protection Regulations (GDPR) 2018.

Evidence that is obtained by an authorised officer 'in the field' will be recorded contemporaneously in ink in a PACE notebook. All entries must be clear and precise.

Evidence obtained by use of Body worn video or CCTV will be in accordance with existing policy and procedure.

Evidence may also be in the form of:

- Addressed documents
Evidence gathered in relation to an offence, can come in the form of an addressed document, which may relate to the person believed to have committed the offence (eg when household waste is found to be fly tipped, an

authorised officer will search the waste for any documentation which may relate to the person responsible).

- **Witness statement from an authorised officer**
When enforcement action is taken against an alleged offender, where an authorised officer has witnessed the offence occurring, that officer will have to produce a witness statement.
- **Witness statement from other persons**
Evidence received from members of the public can be used to issue formal cautions, Fixed Penalty Notices or other enforcement action. In order for the evidence to be of value the witness must be willing to attend court to give evidence, if that becomes necessary. Any statement made by a witness must be signed and dated by the witness and witnessed by the authorised officer at the time of taking of the statement. Statements will be recorded on forms prepared to comply with evidential procedures.
- **Interview of alleged offenders**
The Police and Criminal Evidence (PACE) Codes of Practice require any person interviewed regarding his involvement or suspected involvement in a criminal offence must be under caution, otherwise the evidence will be inadmissible in court. This caution must be carried out before any questions are put to the person suspected of the offence in regard to the offence. **PACE interviews will only be undertaken by trained persons and included in staff training plans.**

No juvenile (a person aged under 17) or mentally impaired person (as defined by Section 1A of the Mental Health Act 1983) should be interviewed without an appropriate adult being present. This could include parent, social worker or carer.

- **Interviewing by letter**
As a last resort it may be necessary to try to interview the suspect by way of correspondence. In this way it will be possible to write to the suspect under caution asking them relevant questions and giving them a time by which to reply.

6. Persistent Offenders

To ensure that the enforcement procedure is fair and consistent, persistent offenders will be dealt with as follows;

- Where an informal action has been recorded on a previous occasion, and a further offence is committed on a separate occasion, no further warnings will be issued.
- Where a formal caution has been issued on a previous occasion, and a further offence is committed on a separate occasion, no further cautions will be issued.

- On acceptance of the caution, the alleged offender understands that any future infringement of the law will result in further enforcement action. In these cases the next likely course of action would be to institute legal proceedings.
- A person may be issued with up to two Fixed Penalty Notices in total. If found to have infringed the law on a third separate occasion no further penalty notices will be served upon that person and court proceeding will be instigated.

7. Juveniles (person aged under 17)

When a juvenile is alleged to have committed an offence the name, address, age and date of birth of the suspected offender should be obtained, together with the name and address of his or her parent or legal guardian. Once the age of the offender has been ascertained, the correct course of action can then be followed.

For offenders between 10 and 15 years old, DEFRA guidelines state that a fixed penalty should **not** normally be issued in the first instance.

The Council in conjunction with the Police and other agencies in the Tamworth Community Safety Partnership, will continue a policy of education on environmental issues with school children, including targeted school warning and enforcement weeks. Young people regrettably commit environmental crime offences and therefore need to be considered in terms of what enforcement approach is appropriate to protect Tamworth's local environment without unduly and inappropriately jeopardising the interests and needs of local people.

Legally fixed penalty notice can be issued to anyone over the age of 10 and authorities are recommended to adopt special procedures for issuing notices to young offenders. This ensures that they are acting in accordance with their duty under the Children Act 2004; which requires that authorities have regard to the need to safeguard and uphold the welfare of children and to seek the introduction of a none financial, none criminal, restorative justice scheme as an alternative to FPN payment.

There is no existing enforcement policy designed specifically to address the issues associated with issuing fixed penalty notices to young people and ensure that we make every effort to deal with matters in the same way so that our approach is consistent and in line with the Enforcement Strategy.

To tackle the issue of environmental crime by young people we will introduce a restorative justice intervention scheme for 10-17 year olds, where there is an alternative option to the fixed penalty notice financial and/or Court action. A young person who is witnessed offending during specific school enforcement campaigns or during regular officer patrols and their parent, can now choose to join in a litter-pick facilitated by the Council, Staffordshire Youth Offending Service and Staffordshire Police as an alternative to the fixed penalty notice.

Young people who fail to respond to either the litter pick option or to payment of Fixed penalty payment following the prescribed process, will receive one final visit and letter

from the Council reminding them of the consequences of the offence and offering a final chance of litter pick or payment . Following this, failure to respond to best efforts will result in prosecution.

This scheme is viewed as a positive way to reduce environmental crime without criminalising juveniles, whilst still ensuring the community can see that justice is being done.

For offenders aged 16 or 17 years old, a Fixed Penalty Notice can be issued using the same procedure as for adults.

8. Payment of Fixed Penalties

When a Fixed Penalty Notice has been issued, the alleged offender generally has 14 days within which to make the full payment amount, or pay the discounted amount within 7 days.

Payment of the fixed penalty notice will normally be made in one of three ways:

- by debit or credit card over the 'phone to the Council Offices
- by cheque through the post
- Via the PAY IT option on www.tamworth.gov.uk

Payment of FPN by instalments will **not** normally be accepted. Instalments will only be allowed at the discretion of the Executive Director Finance where demonstrable hardship is proven.

9. Non-payment of Fixed Penalties

When, after 5 working days after the 14 day period a Fixed Penalty Notice has not been paid, the alleged offender will be sent a reminder letter. This letter will state the terms of the penalty payment, and the fact that the deadline has now passed.

If a Fixed Penalty Notice remains unpaid for a period of 14 days after the payment deadline has passed, a file will be put together to enable legal proceedings be instigated. All unpaid penalties will be followed up by legal proceedings.

10. Authorisation

The statutes enforced by the Council require that the enforcement officers are duly authorised.

Authorised officers will be either:

- I. an employee of the Council who is authorised in writing by the Council for the purpose of giving notices under the relevant legislation;

- II. any person who, in pursuance of arrangements made with the Council, has the function of giving such notices and is authorised in writing by the Council to perform that function; or
- III. any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices.

It is essential that officers are correctly authorised, so as not to be challenged in court.

Authorised officers will be trained on how to gather evidence that will be in accordance with judicial requirements and on conflict avoidance techniques when dealing with alleged offenders.

The authorisation will identify the officer by name and position, will describe the legislation that the officer is authorised to enforce and will be signed by a delegated senior officer on behalf of the Council.

11. External Partners

The Council will seek support from Staffordshire Police and other agencies within the Tamworth Community Safety Partnership, Environment Agency, Keep Britain Tidy, DEFRA, Staffordshire County Council, other registered social landlords, local businesses for support in the delivery of this policy.

12. CORE OFFENCES

12.1. *Pedestrian Litter*

There is no formal definition of litter, however Section 87 of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act (CNEA 2005) defines the offence of littering as the throwing down, dropping or depositing of litter on any land, including land covered by water, and leaving it. The land must be within the area of a principal litter authority and 'open to the air' (if the land is covered, but open to the air on at least one side, the offence only applies if the public has access to that land). Littering is an offence in public places as well as on private land unless the owner of that land has given permission for the dropping of the litter or a legal authorisation exists to do so. A litter offence can be prosecuted through a magistrates' court and carries with it a maximum fine of level four on the standard scale (currently £2,500).

The CNEA 2005 also makes it clear that litter includes smoking-related litter and discarded chewing gum.

Paragraph 2.1.5 of the Enforcement Strategy refers to the problem of littering. Enforcement action will therefore be taken on the first occasion an offence is witnessed being committed.

In every case where the action of littering has been witnessed or there is other firm evidence, the presumption will be to issue the FPN in lieu of prosecution.

The policy applies to dropped/thrown litter in ANY open place in Tamworth.

Offences observed on overt CCTV or via officer's body worn video will be pursued where identity can be obtained.

On a case by case basis, authorised officers may, in accordance with the principles of the Enforcement Strategy choose to consider the placing of bags of rubbish (where evidence can be found) as littering. Public urination may also be regarded as a littering offence.

Penalty

In lieu of prosecution for a litter offence the alleged offender will be given the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty to the **default of £100 with a reduction to £50 if paid within 7 days²**

² Default level ASB Action Plan

12.2. Littering from Vehicles

Littering from vehicles and the subsequent problems on verges, highways and danger to animals is of major concern to the public.

Section 154 of the Anti-social Behaviour, Crime and Policing Act 2014 amends the Environmental Protection Act 1990 to introduce a new section 88A: “Littering from vehicles: civil penalty regime” (“S88A”).

In order to introduce this option the Council will continue to seek to adopt the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 (with effect from 1st September 2018) . The adoption of the regulations will allow the Council to issue a civil penalty notice to the keeper of a vehicle from which litter is thrown, requiring the keeper to pay a civil penalty. The keeper does not assume any criminal liability for the littering offence: failure to pay the civil penalty results in a civil debt, not prosecution for the littering offence.

The Council will consider all available avenues to identify a keeper, whilst taking care not to enforce against an innocent party.

Alternative actions include use of fly tipping powers (See Section 12.9)

Penalty

The Council will issue a civil penalty (where possible) set at the default £100 with effect from 1 September 2018 ³.

The civil penalty notice must be paid within 28 days. We also propose to allow the offender to discharge liability for the full amount by making an earlier payment of a lesser amount within 14 days of receiving the civil penalty notice.

Appeal

A civil penalty notice can be challenged their liability to pay on a number of grounds, including cases where the vehicle has been hired to someone else, or the keeper can prove that the vehicle had been stolen at the time the littering offence was committed. In the first instance, keepers will be able to make representations in writing against the civil penalty notice to the council. If this does not resolve the matter, they would then have a right to appeal the civil penalty notice to an independent adjudicator. The Traffic Penalty Tribunal England and Wales will act as the independent adjudicator for the civil penalty notice regime.

³ http://www.legislation.gov.uk/ukdsi/2018/9780111163818/pdfs/ukdsi_9780111163818_en.pdf

12.3. Abandoning a vehicle

Under the Refuse Disposal (Amenity) Act 1978, a person commits an offence if they, without lawful authority, abandon on any land in the open air, or on any land forming part of a highway, a motor vehicle or anything that has formed part of a motor vehicle.

The CNEA 2005 allows local authorities to issue Fixed Penalty Notices to persons alleged to have committed such an offence.

There is no legal definition of an abandoned vehicle. Council authorised officers will check the following when forming decisions on abandonment using guidance issued by the Dept of Environment, Food and Rural Affairs (DEFRA)

- Valid road tax
- If there is a registered owner
- The roadworthiness of the vehicle
- Parked in a place likely to be a danger to other road users (Police immediate removal power)

Notice of immediate, 7 or 14 day removal will be issued after due consideration by authorised officers as to the location and state of a vehicle.

Vehicles can be removed immediately, but some must be stored for a certain length of time and notice served before disposal.

For vehicles that the local authority considers to have some value, the written notice period to the last registered keeper before a vehicle can be destroyed is seven days. The Council have the appropriate authority from the DVLA for this purpose.

Vehicles that the local authority considers to have no value can be destroyed immediately if it is thought that they have been abandoned. A local authority no longer has to wait for the expiry of a valid license and may destroy immediately any vehicle that it regards as only fit for destruction. In cases where it is not evident that the vehicle has been abandoned, the vehicle can then be disposed of if the owner cannot be traced or fails to respond to a Notice.

Vehicles with some value that have been abandoned on the highway may be removed immediately by the local authority who then send a 21 day notice to the address of the last registered keeper (a subsequent notice of 14 days may be issued to enable the local authority to make further enquiries).

The Council reserves the right to recover costs of removal, storage and disposal from the person responsible for abandoning the vehicle.

Normally authorised officers will only be able to arrange for the removal of a vehicle from a highway or public land.

The Council may also issue a 15 day notice to the owner or occupier of the intention to remove abandoned vehicles on private land. The landowner or the occupier must agree with this removal. The Council reserve the right to recharge the cost of doing so to the occupier or registered keeper (if one has been identified). A notice is not required to be issued where a vehicle is abandoned on a road (within the meaning of the Road Traffic Regulation Act 1984) – that is, any length of highway or of any other road to which the public has access. In this case the vehicle can be removed immediately.

If found guilty of abandoning a vehicle on a highway or on land in the open air, a person can be fined up to £2,500 or a term of not exceeding three months imprisonment, or both.

In lieu of prosecution for an abandoned vehicle offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £200, reduced to £150 if paid within the first 7 days.

12.4. Nuisance vehicles

The CNEA 2005 make it a new offence to leave **two or more** motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale, **or to cause two or more motor vehicles** to be so left. This only applies to persons who are carrying out a business of selling motor vehicles.

The CNEA 2005 also makes it an offence to carry out restricted works (repair, maintenance, servicing, improvement or dismantling) on a motor vehicle on a road. This only applies to persons who are in the course of a business of carrying out restricted works or for gain or reward.

Authorised officers will only be able to take enforcement action, including the removal of a vehicle, for nuisance vehicles on a road. A person found guilty of a nuisance vehicle offence can be fined up to £2,500, or a term of not exceeding three months imprisonment, or both.

There are very few instances of this offence in Tamworth, however, the right is reserved and where action is in accordance with the Enforcement Strategy that in lieu of prosecution for a nuisance vehicle offence, to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £100, reduced to £75 if paid within the first 7 days.

12.5. Vehicle Nuisance

Under Section 59 of the ASB, Police and Crime Act 2014 the Community Safety Partnership introduced the **Public Space Protection Order (Vehicle Nuisance)** in 2016 (renewed in 2019).

Under the terms and restrictions of the Public Spaces Protection Order the following is PROHIBITED:

- a) Engaging in, promoting, encouraging or assisting in the carrying out of any car cruising* event in or on public highways, car parks and all other land to which the public has access in the Borough of Tamworth and is causing or likely to cause
 - o Excessive noise
 - o Danger to other road users (including pedestrians)
 - o Damage or risk of damage to private property
 - o Litter
 - o Any nuisance to another person not participating in the car cruise

** A congregation of the drivers of 2 or more motor vehicles (including motor cycles) on the highway or at any place to which the public have access and performs any of the following activities;*

- o *Driving at excessive speed*
 - o *Driving in convoy*
 - o *Racing other motor vehicles*
 - o *Sounding horns or playing radios*
 - o *dropping litter*
 - o *shouting or swearing at, or abusing, threatening or otherwise intimidating (including by the use of sexual language or making sexual suggestions) another person,*
- b) Congregating or loitering as part of a group around (or in) one or more stationary vehicles at any time where such activity causes or is likely to cause noise, harassment, alarm or distress
- c) Engaging in, promoting, encouraging or assisting in activities of 'doughnutting', drifting or other vehicle related nuisance causing or likely to cause danger to the public
- d) Causing or permitting excessive amplified music or other noise from vehicles such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering in or around one or more vehicles on any public road or land to which the public has access in Tamworth
- e) Undertaking on-going vehicle repairs or renovation or store unroadworthy vehicles or those declared SORN on publically accessible car parks or highways likely to cause a danger or nuisance to the public except in the course of their own business on their own land or with the express permission of Tamworth Borough Council or relevant landowner

Persons gathering for social purposes, charitable or other events where the landowner has no objection are permitted at all times subject to compliance with all conditions above.

Penalty

In lieu of prosecution for a nuisance vehicle offence under this PSPO, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by payment of a Fixed Penalty Notice of £100.00 to be paid within 28 days (reduced to £85.00 if paid within 14 days) which would discharge any liability to conviction for an offence under Section 67(1) of the Act.

12.6. Dogs

Regulation for offences relating to dog offences is now dealt with under Section 59 of the Anti Social Behaviour, Police and Crime Act 2014 .

The Public Space Protection Order (Tamworth Dog Control) came into force on 20 October 2017 (renewed in October 2020 and 2023) and makes the following provisions:-

A. The Fouling of Land by Dogs

This relates to the offence of fouling of land by dogs. The public health implications of dog foul are well documented.

If a dog defecates at any time on land to which this order applies, and the person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless;

- a) he has a reasonable excuse for failing to do so; or
- b) the owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to his failing to do so;

The Order applies to land described in the Schedule A below, being land in the area of Tamworth Borough Council.

For the purpose of the order:

- a) placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces;

Schedule A: Dog fouling of land

Subject to the exception in paragraph 2 below, the Order applies to all and which is within the area of Tamworth Borough Council and which is –

1. Open to the air (which includes land that is covered but open to the air on at least one side); and to which the public are entitled or permitted to have access with or without payment.
2. Excepted from the description in paragraph 1 above is:
 - a. Land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
 - b. Agricultural land.

B. Dogs on Leads

Dogs whilst not on a lead and poorly supervised, or startled, have a greater potential to cause road traffic accidents, or to cause injury to pedestrians and other dogs. The restrictions in the Order are designed to facilitate a sharing of our public spaces, whilst recognising that dogs do need to be exercised off lead.

A person in charge of a dog shall be guilty of an offence, if at any time, they fail to keep their dog on a lead, unless:

- a) he has a reasonable excuse for failing to do so, or
- b) the owner, occupier, or other person, or other authority having control of the land has given consent (generally or specifically);

This part of the Order applies to land described in the Schedule B below being land in the area of the Council.

Schedule B: Dogs on leads

1. Subject to the exception in paragraph 2 below, the Order applies to the following designated land:-

Amington Cemetery, Wilnecote Cemetery (Old and New), Glascoate Cemetery, Wigginton Cemetery, Anker Valley Sports Pitches, Pedestrian area of the Town Centre, Upper and Lower Lawn (Castle Grounds), St Edithas Church Graveyard and all current and future public footpaths and grass verges to highways in Tamworth (as defined by the Road Traffic Act 1988)

2. Excepted from the description in paragraph 1 above is:
 - a. land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
 - b. agricultural land.

C. Dogs on leads by direction

In parts of the Borough where dogs are permitted off leads, a minority of irresponsible dog owners allow their dogs to cause damage to property, and cause problems for pedestrians and other dog owners.

This part of the Order is designed to enable authorised Council Officers/Police to direct that the owner put their dog on a lead.

A person in charge of a dog will be guilty of an offence if at any time, on land to which this Part applies, they fail to comply with a direction given them by an authorised officer of the Council to put and keep the dog on a lead, unless;

- a) he has a reasonable excuse for failing to do so; or
- b) the owner, occupier, or other person or authority having control of the land, has given consent (generally or specifically);

For the purposes of this request an authorised officer of the Council/Police may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent either a nuisance, or behaviour by the dog likely to cause annoyance or disturbance to any other person, or the worrying of other animals on designated land to which this order applies.

This Part of the Order applies to land described in Schedule C below being land in the area of the Council.

Schedule C: Dogs on leads by direction

Subject to the exception in paragraph 2 below, the Order applies to all and which is within the area of Tamworth Borough Council and which is –

1. Open to the air (which includes land that is covered but open to the air on at least one side); and to which the public are entitled or permitted to have access with or without payment.
2. Excepted from the description in paragraph 1 above is:
 - a) land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
 - b) agricultural land.

D. Dogs exclusion

There are specific parts of the Borough from which dogs should be excluded for their safety and that of pedestrians, and for public health and aesthetic reasons. This part of the Order states the relatively few places from where dogs will be excluded.

A person in charge of a dog will be guilty of an offence if at any time he takes the dog onto, or permits the dog to enter or remain on, any land specified in the Order, unless;

- a) he has a reasonable excuse for failing to do so; or

- b) the owner, occupier, or other person or authority having control of the land, has given consent (generally or specifically);

This Part of the Order applies to the land described in Schedule D below being land in the area of the Council.

Schedule D: Dogs exclusion

1. Subject to the exception in paragraph 2 below, the Order applies to designated play areas (fenced or unfenced) within the Borough of Tamworth as specifically but not excluding other designated areas and future areas
2. Excepted from the description in paragraph 1 above is:
 - a) land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
 - b) agricultural land.

General Point For the purpose of parts A, B, C, and D of the Public Space Protection Order:

Nothing in the Public Space Protection Order shall apply to a disabled person (within the meaning of the Equality Act 2010) whose disability restricts his ability to comply with the Order and the dog is their guide dog or assistance dog.

For the purpose of this article, a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Offences - A person who is guilty of an offence shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale

Penalty

In lieu of prosecution for a dog related offence under this PSPO, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by payment of a Fixed Penalty Notice of £100.00⁴ to be paid within 28 days (reduced to £85.00 if paid within 14 days) which would discharge any liability to conviction for an offence under Section 67(1) of the Act.

⁴ ASB, Crime and Policing Act 2014

12.7. Fly Posting

There is no formal definition of fly posting, although it is generally taken to be the display of advertising material on buildings and street furniture without the consent of the owner and contrary to the provisions of the appropriate legislation'. In simple terms they are illegal advertisements which can saturate an area within a matter of hours.

It is appropriate for a distinction to be drawn between, for example, a poster advertising a local community or charitable event and a poster advertising a commercial activity.

3(D) of the Town and Country Planning (Control of Advertisements) regulations allows the display of temporary notices or signs which are intended to advertise any local event being held for charitable purposes.

Advertisements within this category must not exceed 0.6 square metre in area (roughly 3 feet by 2 feet). In addition the advertisement must not be displayed more than 28 days before the event and must be removed within 14 days after it ends

1. The signs must be kept clean and tidy
2. The signs must be kept in a safe condition
3. The signs should have the permission of the asset owner
4. The signs should not obscure road signs.

Applications from charities or local organisations will be accepted on this basis, providing permission has been granted from the asset owner or landowner.

Staffordshire County Council do not normally allow the affixing of any kind of signage to their property, with the exception of some AA and RAC directional/event signage and house developers who must apply for the appropriate consent. We will endeavour to check permissions for these types of posters prior to any action being taken.

There are various legislative powers available to the Council for tackling fly posting problems. Each case will be considered with due regard to the principles of the Enforcement Strategy.

The Council will take appropriate action against those responsible for fly posting. In the first instance we will endeavour to make informal contact with offenders and request removal of items within 24 hours. Offenders will also be given advice on processes for application of legal advertising and signage and be made aware of the enforcement actions which can be taken. Failure to respond advice will result in further appropriate action.

Under Section 225, Town and Country Planning Act 1990, it is possible to remove any placard or poster displayed in contravention of the Town and Country Planning (Control of Advertisements) Regulations 1992. Notice is not required where the fly post does not identify the person who displayed it and

where the person cannot be identified after enquiry. Where a person can be identified, two days' notice must be given for the removal of illegal posters and placards. Failure to comply with a notice will result in removal of the signage with these costs being charged to the offender. The Council will seek to charge £25 per poster for removal of offending items.

Persistent offences and/or where an offender has had two notices of removal, the Council will seek to prosecute, with offenders upon conviction, subject to a fine of up to £2500.

The Anti-social Behaviour Act 2003 (ASBA 2003) allows the Council to serve Fixed Penalty Notices on persons who commit 'minor' graffiti or fly posting offences as an alternative to prosecution (except where the offence is racially or religiously motivated). The offences must be witnessed or substantial proof obtained as to the identity of the offender.

Failure to pay a FPN will result in prosecution, which can be considered on any of the following legislation:-

- Section 1 (1) Criminal Damage Act 1971
A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence
- Section 131 (2) Highways Act 1980 *
If a person without lawful authority or excuse pulls down or obliterates a traffic sign placed on or over a highway or a milestone or direction post (not being a traffic sign) so placed is guilty of an offence
- Section 132 (1) Highways Act 1980 *
A person who, without either the consent of the highway authority or an authorisation given by or under enactment or a reasonable excuse, paints or otherwise inscribes or affixes any picture, letter, sign or other mark upon the surface of a highway or tree, structure or works on or near a highway is guilty of an offence

** Staffordshire County Council is the Highways Authority and the Council have sought delegation of these powers as required*
- Section 222, Town & Country Planning Act 1990
If any person displays and advertisement in contravention of the regulations he shall be guilty of an offence

The ASB, Crime and Policing Act 2014 also allows for the issue of Community Protection Notices to company directors who may have vicarious liability the fly posting advertising their products, company or event or beneficiary of any event advertised illegally seeking immediate removal of posters. Failure to comply may lead to the issue of FPN or prosecution.

12.8. Graffiti

The tackling of graffiti will continue to be monitored using ongoing processes in partnership with all Council services, Police and other partners. Offensive or racial graffiti will be removed from Council assets within 24 hours where practicable.

Tags are recorded and identified with the restorative justice approach being preferred by use of prosecution under the Criminal Damage Act. Wardens will continue to identify offenders and each case will be assessed on a case by case basis.

The policy for the issue of FPNs will be as per fly posting in Section 13.6 under the Anti-social Behaviour Act 2003 (ASBA 2003)

Property and public utility asset owners may also be served with Community Protection Notices under the ASB, Crime and Policing Act 2014 for the removal of graffiti considered to be detrimental to the amenity and/or causing distress.

Penalties

In lieu of prosecution for a fly posting or graffiti offence, the Council reserve the right with witness statement to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty to the default of £100 (reduced to £50 if paid within the first 7 days).

12.9. Fly Tipping

There is no specific definition of fly-tipping other than that set out in section 33 of the Environmental Protection Act 1990, which says it is an offence in general terms, to treat, keep or dispose of controlled waste other than in accordance with an environmental permit or in a manner likely to cause pollution of the environment or harm to human health.

The offence may only be committed in relation to controlled waste, although nearly all wastes now qualify as controlled waste (household, commercial, industrial or clinical).

Illegal dumps of waste can vary in scale and the type of waste involved. Tipping a mattress, electrical items or a bin bag full of rubbish in the street causes a local nuisance, and tipping household items and small-scale building or garden waste in open spaces reduces their amenity value to the community.

The powers to deal with fly tipping incidents are shared between local authorities and the Environment Agency. The national Fly Tipping Protocol (agreed between the Environment Agency and LGA) gives guidance on which

authority should take the lead in dealing with fly tips dependant on their size, composition and location.

Fly tipping education and awareness campaigns will be included in the education programme. Evidence found in fly tipped rubbish will be used to identify the owner. In the first instance (especially where household waste is identified and where practicable, the offender will be visited and an attempt made to return the rubbish (door stepping) or asked to clear away the items supported by appropriate informal action.

All incidents of flytipping should be reported and investigated, however the Council is only able remove fly tipped material from “Relevant land” - land that is open to the air (notwithstanding that it is covered if it is open to the air on at least one side), which is under direct control of a principal litter authority (Tamworth Borough Council) and to which the public are entitled or permitted to have access, with or without payment (EPA section 86(4)).⁵

The Council must also ensure that any “relevant highway” for which it is responsible, so far as is practicable, kept clear of litter and refuse (EPA section 89(1) (a)). A “relevant highway” is one that is maintainable at public expense, but not a trunk road which is a special road. A local council is responsible for so much of the highway as falls within its area (section 86(9)).

Land managers, occupiers or owners of private property are responsible for clearing and disposing of any fly-tipping found on private land.⁶

Where substantive evidence is found in items dumped on any land (regardless of ownership). The Council will seek to recover their investigation and land owner clean-up costs of doing so from convicted fly tippers on successful prosecution.

Both the Council and the Environment Agency may serve a notice under the EPA1990 requiring the occupier of land to remove material fly tipped and/or reduce the consequences of the deposit of the fly tipped material.

Occupiers of land can establish a statutory defence such as he did not knowingly permit the material to be fly tipped on his land and the CNEA 2005 removes the defence of an offender acting under his employer’s instructions.

All incidents of fly tipping will be recorded and investigated (where practicable) within 3 working days. In the first instance evidence will be sought by officers and retained according to procedure.

The CNEA 2005 increased the penalty for a person found guilty of a fly tipping offence to up to £50,000, or a term not exceeding 5 years imprisonment for both hazardous and non-hazardous waste offences.

⁵ <http://www.tacklingflytipping.com/Documents/NFTPG-CaseStudies/Fly-tipping-responsibilities-Guide-for-local-authorities-and-land-manage....pdf>

⁶ <http://www.tacklingflytipping.com/landowners/1500>

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 introduced the ability to issue immediate fixed penalties to fly tippers.

Penalty

In lieu of prosecution for a fly tipping offence the Council reserve the right with witness statement to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty to the maximum level by legislation of £1000, reduced to £500 if paid within 7 days⁷.

13. Duty of Care Offences

Section 34 of the Environmental Protection Act 1990 sets out the waste duty of care that applies to anyone who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker has control of such waste

Section 53 of the CNEA 2005 extends the powers to investigate illegal waste disposal or duty of care offences to authorised council officers.

13.1. Industrial and Commercial Waste

It is an offence to place trade (industrial) or commercial waste into street or domestic litter bins and all businesses* must have a trade refuse collection agreement with a contractor authorised to carry waste.

** exemptions apply for a business operating from a domestic address and for some residential care homes*

Private landlords who may manage residential houses in multi occupation and whose residents are not registered for Council Tax purposes will be required to register for trade waste agreements and control accumulations of 'commercial' rubbish arising from their premises.

The preferred approach with businesses will be to make formal visits and work with Economic Development to educate and inform in order to seek compliance. This will include encouraging businesses to sign up to the Tidy Business Pledge and achieve Keep Britain Tidy Business awards.

Businesses will receive advisory visits on a planned basis or as reports are received of waste and associated litter issues.

Businesses are legally obliged to keep **any** waste resulting from their activities safe whilst in their possession. The Council will seek to take action on the following duty of care offences:-

⁷ Amended 2023 under the Government ASB Action Plan

- **34 1 (b) Failing to take reasonable steps to prevent escape of controlled waste**

All businesses must ensure their waste is stored in appropriate containers so that it cannot fall out, blow away or escape. The waste should also be secured against unauthorised removal and secure from animals, vandals, thieves, accident or weather.

A record will be made of advisory visit with written warning and 14 days given to rectify the issue. Failure to act on the advice of authorised officers will, on a case by case basis and in accordance with the principle of the Enforcement Strategy result in further enforcement action.

- **34 1c Failing to take reasonable steps to ensure that a transfer of the waste is to an authorised person and accompanied by a waste transfer note**

Waste can only be passed on to an authorised person and the producer must retain a waste transfer note that sets out certain details of the waste.

Where offenders are identified, amendments to Section 34, by the CNEA 2005, make it an offence when a person has failed to carry out their duty to provide the necessary authority for transporting waste.

As part of the education process, businesses will be asked to provide the relevant waste transportation documents at the time of visit and the Council will allow that person 14 days within which to produce the documentation or provide proof that the a waste contract has been signed.

If the documentation is not produced within 14 days and in lieu of prosecution for failing to produce the necessary authorisation for transporting waste, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £300, reduced to £200 if paid within the first 7 days.

A business or waste carrier found guilty of failing to provide the necessary authority for transporting waste can be fined up to £5,000 on prosecution.

13.2. *Householders*

Duty of care offences do not apply to householders domestic rubbish collection and other household waste arising from the operation of a business from a domestic address when refuse is presented in accordance with Council waste and recycling policies. However duty of care does apply when disposing of excess waste over and above the normal permitted amount on domestic collections, eg the old washing machine, tv, sofa etc

Householders employing a contractor to remove waste from their property (such as garden or building waste) do, however, have a duty to take reasonable measures to ensure that their waste is passed on to an authorised person. The duty emphasises the responsibility that residents must not support illegal waste transfer and fly tipping, whether knowingly or unknowingly.

A process of education and awareness will be implemented as a preferred course of action.

Evidence found in fly tipped rubbish will be used to identify the owner. In the first instance, where practicable, the householder will be visited and an attempt made to return the rubbish (door stepping) or asked to clear away the items.

Penalties:

In lieu of prosecution for a householder duty of care offence the Council reserve the right with witness statement to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty to the default level allowed by statute (currently £200) reduced to £150 if paid within 7 days⁸.

14. Control of litter and refuse

Some offences may occur that do not form part of the Core Offence list, but are still of a nature that could lead to the issuing of a Fixed Penalty Notice or a caution. The Council will seek to use these powers on a case by case basis to deal with waste and litter accumulations on private or public land or the street.

14.1. Waste Receptacles

Household - Under the Section 46 of the EPA 1990 (as amended by interim legislation in May 2012), the Council can specify what materials can and cannot be placed in certain kinds of domestic waste receptacles (such as only residual waste in black sacks and only glass and cans in green boxes) and the location where residents must put their waste receptacles to facilitate waste collection. If the location is outside of the boundary of a property, the Council reserve the right to specify between what times the receptacles must be put out and taken back in.

The Council will adopt a policy that each kind of waste receptacle specified by the Council can only be used for the materials described in the Council's published waste sorting guides, in accordance with the Waste Management Strategy.

All waste receptacles must be left for collection at the edge of a property or agreed location and, where waste containers have to be left on the highway,

⁸ ASB Action Plan 2023

containers should not be put out before 7am on day of collection and removed as soon as practicable on the day of collection.

The Council reserve the right to issue a Waste Receptacle Notice for failure to present household waste as specified where it may be detrimental to the community, however Subsection (2) of the Deregulation Act 2015 the removed the criminal offence in England of failure to comply with a Waste Receptacles Notice

Each case will be reviewed on its own merit and where proportionate a fixed civil penalty (default £60) for any such failure to comply may be issued or other legislation considered such as measures under the ASB, Crime and Policing Act 2014.

Business – Under Section 47 of the EPA the Council has the power to specify the type and number of waste receptacles needed to contain waste in accordance with Section 34 (duty of care) and where they should be placed to facilitate emptying, the substances or articles which should not be placed in them as well as the precautions that should be taken where particular substances or articles are placed in them.

Advice on the type and size of receptacles will form part of the advisory visits to businesses or as intelligence is received as to problems occurring.

The Council reserve the right to issue a Waste Receptacles Notice to a person who fails to comply with these specified requirements and a person found guilty of failing to comply with a notice can be fined up to £1,000. The CNEA 2005 introduces the use of fixed penalties for failure to comply with a Waste Receptacles Notice.

In lieu of prosecution for failure to comply with a Waste Receptacles Notice, the Council reserve the right to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £300 reduced to £180 if paid within the first 7 days.

14.2. Powers to prevent littering

In order to promote a proportional response and to work with local businesses, through education and visits on an ongoing basis to encourage participation in preventative schemes, provision of bins etc. This process will be encouraged in close partnership with Environmental Protection to deter and prevent issues arising which may affect public health and the surrounding area including pest infestation.

On occasion, where an approach of informal agreement does not work, the Council will reserve the right to take action as required under a wide range of enforcement powers on a case by case basis to tackle:

- Street litter outside premises including food and drink packaging and other litter from 'fast food' outlets and mobile operations or litter from cash machines.
- Clearing of Litter and Refuse on Private Land -There are a range of measures that the Council may employ to require the clearance of land and the actions required must be reviewed on merit and in accordance with the Enforcement Strategy.
- Excessive graffiti/defacement of private property

The Anti-social Behaviour, Crime and Policing Act 2014 replaced councils' powers to issue Litter Clearing Notices, Street Litter Control Notices and Graffiti/Defacement removal notices with new, more flexible powers to issue Community Protection Notices or Public Space Protection Orders, to tackle any type of anti-social behaviour which is having a detrimental impact on the quality of life in the local community.

The powers are covered in the Tamworth Borough Council ASB Policy.

Penalties

Cases will be considered on their own basis and in lieu of prosecution for failing to comply with a Community Protection Notice or PSPO, the Council can give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £100, reduced to £80 if paid within the first 14 days and seek to charge the offender for the clear up.

14.3. Controlling the Distribution of free literature

The CNEA 2005 gives local authorities the power to control the distribution of free literature by designating areas of their own land or highways where free literature is only permitted with their consent. These powers have yet to be adopted by the Council.

The process of street designation will require work with Staffs County Council who are the highways authority. At that time anyone distributing free material in a designated area without consent (except charities or for political purposes) is committing an offence and, if found guilty, could be fined up to £2,500.

The Council will consider complaints received about the distribution of free literature and assess whether it is appropriate to make an order to restrict the distribution of free literature. If such an order were to be made, in lieu of prosecution for a distribution of free literature offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a default £100, reduced to £50 if paid within the first 7 days.

The Council will continue to advise any persons/businesses who distribute free literature in the town that excess litter caused as a result may result in the issue of a Fixed Penalty Notice (Section 2.1 Litter refers)

14.4. Abandoned Shopping and Luggage Trolleys

Abandonment of shopping trolleys is not a major issue in Tamworth and informal arrangements with retailers exist for their recovery.

The Council can choose to adopt powers under Section 99 of the EPA 1990 to seize, store and dispose of shopping and luggage trolleys found in its area should there be a requirement for this. There are prescribed consultation procedures that must be followed before the powers can be adopted.

If the powers were adopted, the Council would be required to notify the trolley owner within 14 days of it being seized and keep the trolley for at least 6 weeks. At the end of that period the Council could sell or dispose of the trolley and charge the person who appears to be the owner an amount to cover the removal, storage, administration and disposal costs. There are no provisions for issuing FPNs for abandoned trolleys.

The level of the occurrence will be monitored with a view to adoption of these powers if necessary.

15. Supporting and Future legislation

The Council may also seek to take action to tackle all environmental crime using other existing statutes on a case by case basis for which action will be in accordance with the Corporate Enforcement Strategy.

Together with our partners, we will make full use of relevant legislation including but not limited to:

- Anti-Social Behaviour Crime and Policing Act 2014
- Anti-Social Behaviour Act 2003
- Section 59 Environmental Protection Act 1990
- Part III (Statutory Nuisance) Environmental Protection Act 1990
- Section 215 Town and Country Planning Act Section 22 (3)
- Control of Pollution Act 1974
- Section 78 Public Health Act 1936
- Section 34 Public Health Act 1961
- Section 6 Refuse Disposal (Amenity) Act 1978
- Section 4 Prevention of Damage by Pests Act 1949
- Crime and Disorder Act 1998
- Data Protection Act 2018
- UK General Data Protection Regulations 2018

- Equalities Act 2010
- Housing Acts 1985, 1996 and 2004
- Environmental Protection Act 1990
- Clean Neighbourhoods and Environment Act 2005
- Refuse Disposal (Amenity) Act 1978
- Mental Health Act 1983 (amended 2007)
- Human Rights Act 1998
- Freedom of Information Act 2000
- Care Act 2014
- Local Government Act 2000
- Serious Crime Act 2015

The council will develop and publish revised procedures necessary to implement any future legal powers.

16. Protecting Our Staff

Tamworth Borough Council will not tolerate, under any circumstance, any threats, violence or abusive behaviour towards our staff or contractors. We will take firm action against any person who shows acts of aggression towards any person carrying out their work in respect of this Policy or any other service. We will involve the police if it is decided that this action is appropriate.

Where there is a risk of harm or violence from someone at an address, a 'HAT' (Harassment, Assault and Threat) marker will be added to all Tamworth Borough Council systems as a warning to staff that may come in to contact with this person

17. Supporting Policies and Strategies

This Corporate Environmental Crime policy links to a number of existing strategies and policies that may impact on the reduction of Environmental Crime and ASB in the borough of Tamworth. Some of these are listed below:

- Tamworth Community Safety Partnership Plan
- TBC Lone Working Policy
- TBC Hate Crime Policy
- TBC Safeguarding Children and Adults at Risk of Abuse and Neglect Policy
- TBC Equality Scheme (Making Equality Real in Tamworth)
- TBC Corporate Enforcement Strategy
- TBC Anti-Social Behaviour Policy

18. Comments, compliments and complaints

The Borough Council provides a wide range of services for people who live and work in Tamworth and for visitors to the town.

We want to know what you think about these services so that we can make sure that they meet our needs and expectations details can be found here: <https://www.tamworth.gov.uk/comments-compliments-complaints>

You can also take a look at our Comments, Compliments & Complaints Policy which details how to make a comment, compliment or complaint.

Our helps us to learn from your views and improve our services. However, for more serious matters you may wish to make a formal complaint.

To ensure we receive customer feedback, either positive or negative, please use our on-line form that can be found here: <https://mytamworth.tamworth.gov.uk/do-it-online/report-it/comments-and-compliments/> or call us on our mainline number: 01827 709709 email: tellus@tamworth.gov.uk

19. Media Arrangements

Where possible and if it is deemed to be in the wider community interest we will publish the outcomes of court decisions taken where prosecutions have been undertaken by the Council.

20. Monitoring and Review of the Policy

We will review this policy every 3 years to ensure that any changes in legislation or best practice are included and updated.

We will consult with service users, staff, internal and external partners in the review.

The Council will maintain procedural documents for the use of environmental enforcement powers and this will be subject to scrutiny and monitoring by the Infrastructure Safety and Growth Committee

Any major changes to policy will be subject to Cabinet approval.

Camera View



Location



Signage

This page is intentionally left blank