



# Safer & Stronger Communities Select Committee

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# Environmental Protection

## Anti – Social behaviour



# Legislation (1)

- Environmental Protection Act 1990
- Mandatory powers
- Requires the Council to investigate allegations of statutory nuisance
- Statutory nuisance is more than `mere annoyance`
- Definitions of what can constitute a statutory nuisance

# Legislation (2)

- ..... `prejudicial to health or a nuisance`
- Premises (Private Sector Housing)
- Smoke
- Fumes /gases (residential only)
- Dust/steam/smell/other effluvia (industrial, trade or business only)
- Accumulations or deposit
- Animals
- Noise



# Legislation (3)

- Clean Neighbourhoods and Environment Act 2005
  - Discretionary powers
  - Litter
  - Flytipping
  - Abandoned vehicles (Env Services)
  - Flyposting (Planning)

# Licensing Act 2003

## Licensing Objectives ;

- prevention of public nuisance
  - prevention of crime and disorder
  - protection of public safety
  - protection of children from harm
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- Responsible Authorities ; Police, Fire & Rescue, Trading Standards, Health & Safety, Environmental Protection, Planning, Childrens` Board - powers to require Review



# Noise (1)

- Council house – refer to Housing;
- Tenancy agreement
- ASBO
- Evidence assessed by Env Health ; joint approach /corroboration
- Action from both Departments in parallel

# Housing Department Options





# Procedures

- All complaints are noted and responded to
- Initial Warning letters do not involve interviews
- Repeated complaints involve diary sheets being issued and perpetrators interviewed / visited.

# Options for action include

- Acceptable Behaviour Contracts
- Post criminal convictions ASBO's
- ASB injunctions and other injunctions
- Demotion Orders on Secure Tenants
- Extension of Introductory tenancies
- Possession action secure tenancies

# Housing legal outcomes 2007

- 2 Evictions for ASB
- 1 Possession Warrant due to illegal occupation
- 4 Possession Hearing( outstanding) at Court For breaches Of Tenancy - non rent
- 8 Notice Of Possession Proceedings ASB
  - 3 Demotion Notices served ASB.
  - 3 Notices to Terminate Intro Tenancy ASB.
  - 1 Notice Extending Intro Tenancy ASB.
  - 3 Housing Anti Social Behaviour Injunctions.

# Estate walks

- Pilot during the summer
- 56 estates
- 2 to 8 walks per year
- Instant carding / Door knocked
- Closer monitoring of ground maintenance
- Aim to increase tenant involvement
- Increase low level nuisance actions.



# Noise (2)

- Owner /Occupiers and Private tenants
- Target response - 3 working days
- 2006/07 - 916 63% in target
- 2005/06 - 777 90% in target
- Weather related
- Increase in premises base
- Availability of powerful equipment
- Dog ownership – fear of crime?

# Procedure

- Initial acknowledgement & leaflet for `one offs`
- Contact complainant – explanation and confirm support
- Contact complaint address
- Confirm in writing – issue evidence diary sheets
- Assess evidence – form opinion
- Confirm in writing

# Procedure

- Monitor if appropriate
- May serve Abatement Notice
- Right of Appeal
- Contraventions – seizure of equipment and/or Court
- Maximum penalty
  - domestic ; £5,000
  - commercial ; £20,000

# Clean Neighbourhoods & Environment Act 2005

- Fixed Penalty Notices
- Litter
- Street Litter Control Notices
- Graffiti
- Failure to produce Waste Transfer Notes
- Flytipping - prosecution





# Dogs (Fouling of Land Act) 1996

- Applies to all land in Cannock Chase District, except:
  - farmland, woodland, moor or heath;
  - Common land (other than urban common land)
  - Highways / adjacent land where speed limit is over 40mph



# Dogs (Fouling of Land Act) 1996

- If a dog defecates on designated land and the person in charge of the dog at the time fails without reasonable excuse to remove the faeces forthwith, offence (Section 3). Max fine £1,000 (or fixed penalty of £50.00)

# Streetwardens

- High visibility patrols
- Helping elderly and vulnerable
- Schools – talks on good citizenship and Junior / Student Streetwardens schemes
- Publicity campaigns
- Partnership working
- Witness protection



# Proactive

- Joint Operations Group – JOG
- Police & Community Together - PACT
- Staffs Flytipping Forum
- Out of hours working – noise
- Litter patrols – with Police
- Dog fouling patrols of hotspots
- Streetwardens – highly visible patrols
- Campaigns; Noise Awareness Week & Own Your Streets
- Media profile; articles/press releases/web



# Common Problems – but not for Environmental Health

## Environmental Services

- Coping with the fortnightly collections/recycling
- Bulky items for disposal

## Police

- Ball games in the street



# Questions?

