

Environmental Crime Enforcement Strategy

Report by Kevin Anderson, Executive Director - Place

Report for Decision

1 Recommendations

Council is recommended to approve the Environmental Crime Enforcement Strategy.

2 Purpose of Report

The purpose of this report is to provide Midlothian Council with an appropriate Strategy for our teams to engage, educate and robustly enforce environmental crime incidents, including fly-tipping, littering, dog fouling and other associated offences.

Date: 31 January 2022
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3 Background

- 3.1 Midlothian Council Labour Group tabled a Notice of Motion on 29th June 2021 with regards to working with local groups and individuals to improve open spaces; provision of public space bins; and environmental enforcement using private companies; and requested that a report be presented. A report was presented at August 2021 Council meeting, where Council approved Officers to develop a Midlothian Environmental Crime Strategy, led by Protective Services; and report to Council.

4 Environmental Enforcement

- 4.1 Currently, environmental offences are investigated and actioned by the Environmental Health Service. With the range of statutory functions and, most recently the Covid pandemic, to regulate and enforce, the priority of response is targeted towards the higher public health and safety risks.
- 4.2 The Environmental Health Service and Police Scotland's Midlothian Community Action Team have worked effectively together over the past 18 months with regards to fly-tipping offences, with three individuals charged with associated offences. The reports have been submitted to the Procurator Fiscal.
- 4.3 With the stretch on resource within Environmental Health, an alternative model to pursue offenders for littering, dog fouling etc is required to robustly deal with perpetrators and serve as a deterrent. An approved Environmental Crime Enforcement Strategy will provide the framework for all associated offences to be tackled and improve the visual amenity and environment of Midlothian.

5 Midlothian Environmental Crime Enforcement Strategy

- 5.1 The Strategy implements a visible enforcement service to tackle environmental crime. The subject and composition of the team is subject to a separate Council report. The team will ensure that our residents and businesses are both informed and educated about the importance of maintaining a clean, green local environment.
- 5.2 A suite of interventions, including the highlighting and utilisation of all regulatory powers and provisions, is prescribed within the Strategy, necessary to combat environmental crimes.
- 5.3 The Strategy Implementation Plan details the prescribed actions with timescales.

7 Performance Reporting

- 7.1 With the significant partnership working with both Police Scotland and the Scottish Fire and Rescue Service, with regards to environmental crime, reporting performance regularly to the Police and Fire & Rescue Board would provide the necessary governance structure, robust process and scrutiny to the operations and management of this regulatory function going forward.

8 Report Implications

8.1 Resource

The Strategy Implementation Plan is predominantly resourced through existing budgets and staffing establishments. Service provision of one tonne bags for specific domestic waste materials, to encourage appropriate disposal, together with relevant plant to facilitate collection will be undertaken on a pilot basis to test its viability and impact. This facility will be ideal for small garden, DIY or household projects like renovations which have quite a bit of messy, loose waste and/or very heavy waste like bricks, soil or broken tiles.

They are also a great alternative to a skip if there is very limited access and not enough space to put down a skip.

There would be a revenue expenditure requirement of purchase of appropriate bags and hire of 17 tonne tipper vehicle with clam. The pilot would extend from May to September. The cost of plant hire and bags would be circa £20,000, although collections would be chargeable and offset these costs. Staff resource would be taken from the existing Waste Services establishment. Collected bag contents will be sorted to maximise reuse/recycling and minimise landfill disposal.

The assessment and options appraisal for the creation of an environmental crime enforcement resource is contained within a separate Council report.

6.2 Digital

Not applicable at this stage.

6.3 Risk

Additional resource will be required to target environmental crime if contractors are not appointed. This will have a reputational and financial implication on the Council for environmental crime.

6.4 Ensuring Equalities

Having a robust response to environmental crime and the ongoing partnership working with communities is vital to Midlothian's community safety. The subject of this report has a positive impact in the environment and as such does not affect the wellbeing of the community or have a significant detrimental impact on equality, the environment or economy.

6.5 Additional Report Implications

See Appendix A

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

The route map outlines the phases of service recovery and transformation which will underpin the Single Midlothian Plan.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☒ Sustainable
- ☐ Transformational
- ☒ Preventative
- ☒ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☒ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

The report aims to deliver best value.

A.5 Involving Communities and Other Stakeholders

Consultation with communities, local groups, Police Scotland and SFRS will be imperative.

A.6 Impact on Performance and Outcomes

The report aims to measure progress through outcomes.

A.7 Adopting a Preventative Approach

The report is based on the creation of a wellbeing economy which prioritises prevention, fairness for people, the economy and the environment.

A.8 Supporting Sustainable Development

The improvement and enhancement of our environment.