

***Your Neighbourhood
Your Environment
Your Midlothian***

***Environmental Crime
Enforcement Strategy***

Midlothian – a great, *green* place to grow.

Our Vision

Working with our communities, Midlothian Council is committed to protecting our local heritage and ensuring that our neighbourhoods, green spaces, streets and public areas are well maintained and managed.

A vital part of this objective is tackling environmental crime.

Issues such as fly-tipping, littering, dog fouling, graffiti and fly-posting can have a huge impact on people, wildlife, local pride and the appearance and reputation of an area. Responding to environmental crime also has impacts on Council resources.

Our Vision is to eliminate these issues through preventative interventions; robust zero-tolerance enforcement, utilising the full suite of our powers; and promote behavioural change through education and deterrence. In doing so, we seek to improve the quality of life and local environment for all those living, working and visiting Midlothian.

Our Mission Statement

To protect Midlothian's environment and community health and wellbeing by working with partners to implement a balanced blend of Engagement, Education and zero tolerance Enforcement.

Our Approach

The Council's Protective Services and Neighbourhood Services work with Police Scotland, our communities and key stakeholders to tackle environmental crime through engagement, education and zero tolerance enforcement.



To make broader behaviour changes, this strategy requires to be based on a solid foundation of robust enforcement, engagement and education, with an understanding of the environmental problems and the impact on the area. This requires to be conveyed through

engagement with, and targeted communications to, our residents, schools, local groups and businesses.

Single Midlothian Plan

This Strategy contributes to the delivery of the strategic outcomes of the Single Midlothian Plan.

To improve the health and wellbeing for people living and working in Midlothian and safeguarding our communities, we recognise that protecting the environment and ensuring that places where we live and work are clean and safe is a preventative and sustainable objective.

We seek to enhance Midlothian's reputation by way of a cleaner and safer environment, which will, in turn, promote a positive image for inward investment and prospective residents.

Strategy Aims & Objectives

The strategy sets out its approach to tackling local environmental issues.

To meet this aim, the Strategy has the following objectives:

- Educate and raise awareness of effective waste management, fly-tipping, litter control, dog control and other local environmental quality issues to our residents and local businesses across Midlothian.
- Advise and assist businesses and members of the public to meet legal obligations.
- Undertake robust enforcement action in a proportionate, accountable, consistent, transparent, targeted and timely manner.
- Establish and implement novel and innovative service activities to improve compliance.
- Monitor and report performance.

Enforcement work can, and in some cases will, extend beyond public land onto adjacent, private land when necessary. We will engage with our regulatory partners, SEPA and private land owners accordingly.

What is classed as 'Environmental Crime'?

The following are classed as Environmental Crimes and Midlothian Council has powers to tackle these:

Fly-tipping

Varies in size from a single mattress or black bin bag to large-scale truck loads of construction, demolition and excavation waste. Some illegal dumps, whilst small in size, can be serious particularly if hazardous waste is involved. Waste is classed as a fly-tip if it is too large to be removed by a normal hand sweeping barrow. In simple terms, a single full bin bag upwards would constitute a fly-tip. Similarly several carrier bags full of rubbish dumped together would also constitute a single fly-tip.

Fly-tipping in Midlothian varies from small amounts of domestic waste to commercial loads of fly-tipping such as tyres, business or construction waste.

Waste Duty of Care

Offences in relation to household and commercial waste duty of care.

Litter

Includes the offence of dropping litter as well as litter emanating from a business or littered private land which is open to the public, such as a retail park or train station. Litter can also emanate from a premises which is not containing refuse correctly.

Dog fouling

Offences whereby owners allow their dogs to foul in public open spaces without picking up and disposing properly. Enforcement activity in relation to dog control orders are dealt with separately.

Abandoned vehicles

Midlothian Council has a duty to deal with abandoned vehicles. Parking offences are dealt with separately.

Graffiti and fly-posting

Offences in relation to writing or drawings on a wall or surface, whether considered unauthorised art or discriminatory in nature; and the unauthorised display of any literature or promotional material.

All of the issues highlighted in this Strategy are of great importance to maintaining a clean and safe environment. We seek however to prioritise work on certain issues in order to approach enforcement work in a structured way, targeting the most prevalent issues affecting Midlothian's environment. In particular, the current priority areas are:

- Fly-tipping on public and private land;
- Duty of Care with respect to commercial and household waste;
- Littering;
- Dog fouling.

Legislation

Environmental Protection Act 1990

Section 33, Prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste (Scotland)
Section 33A, Fixed Penalty Notices for contravention of section 33(1)(a) and (c): Scotland (inserted by section 55 of the Antisocial Behaviour etc. (Scotland) Act 2004)
Section 34, Duty of care etc. as respects waste
Section 46, Receptacles for household waste
Section 47, Receptacles for commercial or industrial waste
Section 59, powers to require removal of waste unlawfully deposited
Section 79 (1) (e) Statutory nuisances and inspections thereof
Section 87, the offence of leaving litter
Section 88, Fixed Penalty Notice for littering
Section 89, Duty to keep land and highways clear of litter etc
Section 90, Litter Control Areas
Section 91, Summary Proceedings by persons aggrieved by litter (Litter Abatement Order)
Section 92, Summary proceedings by litter authorities (Litter Abatement Notice)
Section 93 Street Litter Control Notices and 94 Street Litter: supplementary provisions
Section 94B, free distribution of printed matter (advertising materials)
Section 99, powers in relation to abandoned and luggage trolleys

Legislation which has amended the Environmental Protection Act 1990

Antisocial Behaviour etc. (Scotland) Act 2004
Waste (Scotland) Regulations 2012
Litter (Fixed Penalty Notices) (Scotland) Order 2014
The Controlled Waste (Fixed Penalty Notices) (Scotland) Order 2014
Regulatory Reform (Scotland) Act 2014

Other Relevant Legislation

Prevention of Damage by Pests Act 1949
Refuse Disposal (Amenity) Act 1978
Civic Government (Scotland) Act 1982
The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991
Town and Country Planning (Scotland) Act 1997
Dog Fouling (Scotland) Act 2003
The Dog Fouling (Fixed Penalty) (Scotland) Order 2016
The Single Use Carrier Bags Charge (Scotland) Regulations 2014
Landfill Tax (Scotland) Act 2014

Fly-tipping & Duty of Care

Fly-tipping is a criminal offence. Fly-tipping is the illegal dumping of waste onto land that has no licence to accept it – from a bin bag of household rubbish to large quantities of tyres or construction waste. If a person is found guilty of the offence they can be issued with a fixed penalty notice or could potentially be sentenced to imprisonment and risk a fine of up to £40,000.

Fly-tipping is a nationwide problem with a range of causes. Some unscrupulous people make money from disposing of other people's waste in an apparently legal business venture, only to dump it illegally. Others seek to save on the cost of disposal for themselves. There are others who are simply lazy or who have the attitude that somebody else can clear up their waste. Then there are waste offences linked to serious organised crime.

Whatever the reasons, it impacts on the visual amenity of the area, attracts further crimes and costs Midlothian Council considerable expense and time to uplift and dispose of the fly-tipped materials. The Council's response costs to fly-tipping across Midlothian are circa £60,000 per annum (based on 3 year average).

With its rurality, Midlothian experiences incidents of fly-tipping on country roads, lay-bys, farm tracks and other similar locations, as well as in more urban areas.

Material fly-tipped on private land and moved to public land by the landowner is an offence by the person(s) who moved it.

Householder Duty of Care

Householders have a duty to ensure that only a registered waste carrier removes household, garden or construction waste from their property. They should also be able to provide documentary evidence (waste transfer note) upon request by an authorised officer. This is known as the householder Duty of Care.

The Council will continue to highlight the duty of care obligation, together with providing a mechanism to identify a local registered waste carrier. As a consequence, the Council will no longer accept ignorance of this legal duty.

Householders failing to comply with this duty will be issued with a Fixed Penalty Notice and/or prosecuted.

The Council provides a comprehensive waste collection service, together with Household Waste Recycling Centres, to enable residents and businesses to dispose of their waste safely and legally.

Business Duty of Care

Businesses are under a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care.

This Duty states that businesses must take all reasonable steps to keep waste secure prior to disposal. Businesses must be sure that their waste is transferred to a company licensed by SEPA to take it and transport, recycle or dispose of it safely.

This transfer of waste must be officially recorded on a Waste Transfer Note. Businesses will receive a Waste Transfer Note from their authorised waste company and this record must be kept and stored by the business for two years.

Where businesses fail to comply with the Duty of Care, the Council will take firm enforcement action by issuing statutory notices, Fixed Penalty Notices and prosecution, where necessary.

Private Land response

With a number of incidences of fly-tipping that occurs in Midlothian occurring on ground which is in private ownership, Midlothian Council tackles this problem in collaboration with Midlothian Partnership against Rural Crime (MPARC), of which many of the estate owners are represented. MPARC work through promotions, initiatives and enforcement to reduce the amount of fly-tipping across the area.

Together with enforcement being the responsibility of SEPA, this strategy establishes that Midlothian Council will seek to have fly-tipping removed promptly from private land using advice and assistance in the first instance but through enforcement powers where there is a reluctance to remove fly-tipping or a recurrence of fly-tipping in the same area.

Where fly-tipping occurs on private land, Midlothian Council will assist the landowner with disposal routes. Landowners victim of fly-tipping can contact the Council to have the material assessed and may be permitted to transport the material to the recycling site at Stobhill, provided the booking protocol is followed. On a case by case basis, some material may be accepted free of charge but hazardous materials and tyres will be recharged at the full disposal cost.

Landowners will be subject to full costs should subsequent/repeat fly-tipping occur on land where deterrent or preventative measures have not been instigated.

Where circumstances require, Midlothian Council will use powers under the Environmental Protection Act 1990 to serve notice on land owners to require them to remove fly-tipped material and also to take necessary action to prevent fly-tipping in the same area. Failure to comply with these notices can result in fines of up to £5000 plus up to £500 for every day of non-compliance.

Enforcement and Penalties

Midlothian Council ensures that all enforcement is proportionate and transparent, with the following approach adopted:

Enforcement Procedure: Fly-tipping in Public Areas

1. All reported incidents of fly-tipped material will be investigated.
2. Where the Investigating Officer believes the incident could result in a possible conviction, the fly-tipped material will be examined in the presence of a witness for evidential purposes.
3. The evidence will be collected and controlled for evidential purposes.
4. Following an investigation, where the Council believes there is sufficient evidence, a Fixed Penalty Notice will be issued. Notices can only be served by authorised officers where they have reason to believe that an offence has been committed and only where sufficient evidence can be obtained.
5. Serious offences will result in a report being submitted to the Procurator Fiscal.
6. Where formal enforcement action is proposed, details of the fly-tipped material will be recorded prior to removal by Waste Services, together with the time taken for removal and costs involved in removal to enable recovery of costs through the courts where successful prosecution occurs.

7. In incidences where there is insufficient evidence, arrangements will be made to have the material removed as soon as practical by Waste Services.

Enforcement Procedure: Fly-tipping on Private Land.

1. All reported incidents of fly-tipped material will be investigated. Incidences involving larger volumes of fly-tipping will be referred to SEPA.
2. Where there exists sufficient evidence, a person who deposits or knowingly causes or knowingly permits controlled waste to be deposited in or on any land ie fly-tipped may be guilty of an offence and on summary conviction is liable to imprisonment for a period not exceeding six months or a fine up to £40,000 or both.
3. It is a defence for a person to demonstrate that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
4. Information and advice will be offered to landowners to prevent fly-tipping.

In all cases relating to a business, where successful prosecution or on payment of fixed penalty notice, perpetrators will be named.

Strategy Action Plan

Engagement	Education	Enforcement
Regular communication and updates to Community Councils, landowners and local businesses by Protective Services	<i>Your Waste, Your Responsibility, Your Midlothian.</i> Information and advice page on duty of care on website, complete with a list of local "trusted" operators for waste collection and disposal to reduce the supply of waste disposal work to unlicensed operators, thus reducing the amount of fly-tipped waste from this source.	Zero tolerance. Creation of Environmental Crime Team. Issue of statutory notices; Fixed Penalty Notices for small volumes of waste and where there is no history of similar offences and/or no aggravating circumstances; seizure of vehicles; and prosecution reports submitted to Procurator Fiscal in all other cases, where evidence permits.
Regular social media and local press publicity, highlighting the need to check waste collectors have a waste carrier's licence with SEPA	Promote reporting mechanisms through forums and social media and effective signage in identified locations.	Undertake overt and authorised covert surveillance operations, to enable us to act swiftly in relation to fly-tipping at identified hot-spots and on public land, roads and verges.
Undertake 'duty of care' inspections on businesses, including food businesses when carrying out food hygiene inspections. These duty of care inspections involve checks on correct waste disposal contracts are	Promote to business premises owners the need to check their tenants are using their premises for the purpose which they rented it for, especially large industrial premises or locations in secluded areas. This should	We will continue to work closely with partners in relation to the investigation of large scale fly-tipping and take enforcement action where evidence permits.

in place and they are sufficient for the purpose	prevent business premises landlords becoming the victims of crime themselves and reduce the chances of a premises being rented by organised waste criminals.	
Provide additional cost effective waste collection services, including re-use and upcycling, to increase the community offer to minimise opportunities for fly-tipping	Offer advice and assistance to landowners, including those who find themselves the victim of fly-tipping on their land, including how they might prevent the same from happening in the future	Publicity of all offenders following successful prosecution and issuance of statutory notices, Fixed Penalty Notice in relation to Duty of Care and Fly-Tipping.

Littering

Littering is a criminal offence. Throwing down or dropping an item in any public open space is classed as littering. If a person is found guilty of the offence they can be issued with a fixed penalty notice or could potentially be prosecuted and risk a fine of up to £2,500.

Litter is comprised mainly of materials often associated with eating, drinking and smoking.

The true extent of littering is masked by the routine statutory duties of Neighbourhood Services and the programme of street and public space cleansing operations, as detailed in the Code of Practice on Litter and Refuse (COPLAR).

Enforcement powers are available to not only tackle those littering, such as the use of a littering fixed penalty notice, but also to tackle the shops, takeaways and other premises whose customers may be prone to throwing away litter associated with purchases made. We will ensure that where the evidence shows problems are associated with specific premises, we will insist that those premises clear litter which originated from their premises in the vicinity.

Street Litter Control Notices

Midlothian Council may, to prevent the accumulations of litter or refuse in and around any street or open land adjacent to any street, issue street litter control notices imposing requirements on occupiers of premises in relation to litter or refuse.

For premises prescribed with a frontage on a street, the authority may serve a street litter control notice on the occupier, or on the owner of unoccupied premises, if they're satisfied that:

- There is recurrent defacement by litter or refuse of any land, being part of the street or open land adjacent to the street, which is near the premises
- The condition of any part of the premises which is open land near the frontage is and, if no notice is served, is likely to continue to be detrimental to the amenities of the locality by reason of the presence of litter or refuse
- There is produced, as a result of the activities carried out on the premises, quantities of litter or refuse of such nature and in such amounts as are likely to cause the defacement of any part of the street, which is in the vicinity of the premises

Notices will specify appropriate and reasonable requirements in relation to the area of open land which adjoins the vicinity of the frontage of the premises on the street – the 'specified area'. Notices can include clearing litter and providing or emptying litter bins. The owner cannot be required to clear litter or refuse from any carriageway unless it is closed to traffic.

If the litter authority believes that a person has failed or is failing to comply with any requirement imposed by a notice, they can apply to the Sheriff for an order requiring the person to comply with the requirement within such time as specified in the order. If a person fails to comply with an order, without reasonable excuse, they could be fined up to £2,500.

Types of land on which a street litter control notice may be served include land:

- Up to 10 metres from an automated teller machine
- Up to 100 metres away from various premises as described in The Street Litter Control Notices Order 1991, amended 1997. These include betting offices and shops, premises where lottery tickets are sold, premises where goods are displayed adjacent to or in front of the premises, and fast food premises.

The Council will seek to utilise this Notice where appropriate.

Litter Control Areas

Local Authorities can designate certain types of littered land to which the public have access as Litter Control Areas if they consider that the presence of litter or refuse on that land is detrimental to the amenities of the area and is likely to remain so.

This places a duty on each occupier of that land to ensure that the land they occupy is kept clear of litter and refuse, so far as is practicable.

Litter Control Areas are areas that are accessible to the public but privately owned. The types of land that can be designated as Litter Control Areas include car parks, retail parks, business parks and industrial estates.

The Council will seek to designate Litter Control Areas where appropriate.

Litter Abatement Notices

A Litter Abatement Notice will be issued by the Council when satisfied that the relevant land of a duty body, including land within a Litter Control Area, is defaced by litter or refuse or that defacement by litter or refuse is likely to recur. The notice will specify the time within which the litter must be cleared and/or prohibit further littering. The notice will be served on the occupier of the land or, if there is no occupier, on the owner.

If the person on whom a litter abatement notice is served, without reasonable excuse, fails to comply with the notice, they could be fined up to £2,500, further penalties may be imposed for each day on which the offence continues after the conviction.

If a person on whom a litter abatement notice is served fails to comply with the requirements imposed by the notice, the authority may:

- Enter the land and clear the litter or refuse
- Recover the expenditure attributable to their having done so

The Council will seek to utilise this Notice where appropriate.

Community Litter Action

Midlothian Council recognises the value of empowering communities to assist in litter clean ups and to raise awareness of litter and fly-tipping prevention to improve local environmental quality.

Clean ups are the most widespread of community efforts to tackle litter. Community clean ups bring people together to tackle litter and other environmental issues within their own neighbourhoods. But while they have many positive outcomes, there is growing recognition of the need for community interventions to put a firmer emphasis on tackling the problem at source by preventing litter being dropped in the first place.

The Council will support Community clean ups by providing advice, equipment and coordinate uplift of collected waste materials.

Strategy Action Plan

Engagement	Education	Enforcement
Create Neighbourhood Environment Team to holistically tackle local environmental issues, including littering and dog fouling	<i>Your Litter, Your Responsibility, Your Midlothian.</i> Information and advice page on website.	Zero tolerance. Creation of Environmental Crime Team. Issue of statutory notices; Fixed Penalty Notices; and prosecution reports submitted to Procurator Fiscal in all other cases, where evidence permits.
Creation of Neighbourhood Environment Improvement Group, as a forum for liaison and communication with Community Councils, landowners and local businesses; and to coordinate and facilitate community litter action	Promote reporting mechanisms through forums and social media and effective signage in identified locations.	Undertake prioritised patrols; and authorised covert and overt surveillance operations, including cameras capturing littering from vehicles, to enable swift action in relation to littering.
Provide additional bins at identified locations, to increase the availability to minimise opportunities for littering	Create environmental crime information packs for schools. School education visits.	Implement Policy for juvenile litter offenders.

Dog Fouling

Dog fouling on streets and in public parks is unsightly but also presents a danger, especially in areas where children are likely to be playing or adults are engaging in sports.

Failing to pick up after dogs is socially unacceptable and those committing this offence are in the extreme minority.

Midlothian Council has in place the Professional Dog Walkers' Registration Scheme and promotes the Green Dog Walker campaign to encourage responsible dog ownership.

Enforcement and Penalties

Where an authorised officer has reasonable grounds to suspect a person of committing a dog fouling offence, ie by failing to immediately remove and dispose of the fouling, a fixed penalty will be served. This penalty is £80 increasing to £100 if not paid within 28 days.

In addition, cases may be referred to the Procurator Fiscal. A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Strategy Action Plan

Engagement	Education	Enforcement
Create Neighbourhood Environment Team to holistically tackle local environmental issues, including littering and dog fouling.	<i>Your Dog, Your Responsibility, Your Midlothian.</i> Information and advice page on website.	Zero tolerance. Creation of Environmental Crime Team. Issue of Fixed Penalty Notices; and prosecution reports submitted to Procurator Fiscal in all other cases, where evidence permits.
Creation of Neighbourhood Environment Improvement Group, as a forum for liaison and communication with Community Councils.	Promote the Professional Dog Walkers' Registration Scheme and Green Dog Walker campaign; and reporting mechanisms through forums and social media and effective signage in public open spaces.	Undertake prioritised patrols; and authorised covert and overt surveillance operations, to enable swift action in relation to dog fouling.
Provide additional bins and disposal bags at identified locations, to increase the availability to minimise opportunities for failing to pick up after dogs.	Create environmental crime information packs for residents in hot spot areas; and schools. School education visits.	Implement Policy for juvenile litter offenders.

Abandoned Vehicles

Abandoned vehicles are unsightly and may be dangerous. They affect the neighbourhood environment and may attract vandals, increase the risk of crime and fire; and create a general nuisance in locations where parking is limited. Abandoning a vehicle is an offence.

The Police have the relevant legislative powers to remove a vehicle immediately where it breaches local traffic regulation orders or is causing an obstruction or danger.

Any vehicles that are abandoned within Midlothian become the responsibility of the Council. A vehicle is deemed abandoned where it meets the following criteria:

- the vehicle has no current vehicle keeper on DVLA record
- the vehicle has been stationary for a length of time
- the vehicle is significantly damaged or unroadworthy: eg flat tyres, wheels removed; broken windows
- the vehicle is burnt out
- the vehicle is lacking one or more of its number plates
- the vehicle contains waste

A search for the owner will be undertaken using the DVLA system on receipt of a notification of an abandoned vehicle. A notice will be attached to a vehicle where it meets the criteria and confirmed as abandoned. On expiry of the notice, the vehicle will be removed and disposed of.

Types of Notice:

- 24 hour notice – this is actioned if the vehicle is of little value, ie burnt or in such a condition that it will be scrapped, or is being vandalised (determined by the Officer attending)
- 7 day Notice – this is actioned if the vehicle is considered to have a monetary value (determined by the Officer attending)
- 15 day Notice – applies to abandoned vehicles on private land which is open and accessible to the public. The Council is not statutorily obliged to deal with abandoned vehicles on private land. An assessment will be made based on visual amenity impacts and safety concerns.

Costs in carrying out the abandoned vehicle procedure will be recovered by the Council, where evidence permits.

Untaxed vehicles or those declared as SORN on a public road are the responsibility of the DVLA.

Abandoned caravans and trailers are included within the definition of “vehicle” in the Refuse Disposal (Amenity) Act 1978. The above process will be followed but timescales may be extended. Trailers, caravans, horseboxes and similar, can also be considered under Section 59 of the Roads (Scotland) Act 1984. The Council, as Roads Authority, has powers to remove any item deemed to be causing an obstruction on the road. Failure to comply with a notice to remove is punishable on conviction by a maximum fine of £200.

A Contractor will be used to uplift abandoned vehicles, trailers, caravans, horseboxes and similar, store for a maximum 7 days in cases where the vehicle is of value, then destroy.

Any vehicle that is claimed will be released to the owner on payment that covers all associated costs.

Graffiti and Fly-Posting Strategy

Graffiti impacts the visual appearance of neighbourhoods. It can attract further vandalism and antisocial behaviour.

Removing graffiti can be expensive. The Council will work with the Police to identify the perpetrator, with the Police taking the relevant action.

Where graffiti occurs on Council property, it will be removed on a suitable timescale relative to the content. Threatening, sectarian, discriminatory or other offensive material will be removed as quickly as possible, within 48 hours. Other forms of graffiti will be actioned within 10 working days. Some heritage surfaces may require additional time to have the graffiti removed.

Private property owners are responsible for graffiti on their properties. The Council can assist in the removal of offensive graffiti on private property, for which a recovery cost can be levied.

Under Section 58 of the Antisocial Behaviour etc (Scotland) Act 2004, the Council can serve a graffiti removal notice on any responsible person where a relevant surface has been defaced by graffiti and the defacement is detrimental to the amenity of the locality or offensive. This applies to owners of street furniture, educational institutions and certain statutory transport undertakers. The notice prescribes a period of not less than 28 days for the graffiti to be removed. Where a person fails to comply with the notice, the Council may remove the graffiti from the property and recover costs.

Fly-posting is an illegal form of outdoor advertising, providing a cheap and instant message. It is often associated with graffiti. It has a negative impact on the quality of the environment.

The Town and Country Planning (Scotland) Act 1997 states that the person is deemed to be displaying an advertisement if they are:

- The owner or occupier of the land on which the advertisement is displayed; or
- The advertisement gives publicity to his goods, trade, business or other concerns.

An Advertisement Enforcement Notice will be served to secure the removal of an advertisement which required Express Advertisement Consent and which in the view of the Council would not obtain such consent. The displaying of an advertisement that requires such consent without that consent is an offence.

Power to remove or obliterate Placard and Posters (Section 187 of the Town and Country Planning (Scotland) Act 1997)

The Council will undertake speedy removal of fly-posting and utilise its powers to tackle the issue with the perpetrator using enforcement powers.

The Roads (Scotland) Act 1984 makes it an offence to place anything on the public road without the consent of the roads authority. It is an offence to paint, inscribe or fix upon the surface of a road or tree, traffic sign, milestone, structure or works a picture, letter, sign or other mark. The penalty, where an offence is proven, is up to level 3 of the standard scale.

General Amenity

Amenity Notices (Section 179 of the Town and Country Planning (Scotland) Act 1997)

An Amenity Notice will be served to address untidy land or buildings. If the notice is not complied with, the Council has the option to seek to enter the land and undertake the works itself and recover the cost of doing so.

Enforcement against unauthorised works to trees protected by a Tree Preservation Order or Trees located within a Conservation Area (Sections 168 and 174 of the Town and Country Planning (Scotland) Act 1997)

Wilful cutting down, damaging or destroying a tree protected by a Tree Preservation Order constitutes an offence. The Council can require the planting of a replacement tree and if there is a failure to do so enter land to undertake the works itself and recover the costs. Replacement planting of trees can also be required in relation to the unauthorised felling of trees in a Conservation Area

Monitoring and Review

To assess the effectiveness of this strategy in meeting its aims, several measures will be evaluated and reported quarterly to the Police and Fire and Rescue Board. This will highlight where measures have made an improvement and also provide further information on areas which may be failing.

Evaluation measures are:

- Numbers of environmental crime complaints to the Council.
- Numbers of graffiti and fly posting clean up requests.
- Numbers of enforcement actions, including statutory notices, fixed penalty notices and reports to the COPFS in relation to environmental crime.

Reviews will take place quarterly and where new powers are introduced or where significant changes are required to the strategy it will be brought back to the Council for approval.

Strategy Implementation Plan

Action	Timescale
Populate and update website	April 2022
Establish <i>Trusted Operator</i> scheme for local waste collection and disposal companies	April 2022
Procure additional redeployable CCTV units	April 2022
Establish Neighbourhood Environment Improvement Group	April 2022
Scope and implement cost effective waste collection services to increase the community offer to minimise opportunities for fly-tipping, eg: 1 ton bag waste collections Re-use facility at Stobhill, requiring engagement with charities and Third Sector	April 2022
Establish contract for abandoned vehicle uplift, storage and disposal	April 2022
Establish Environmental Crime Team	May 2022
Implement Policy for juvenile litter offenders	May 2022
Create Neighbourhood Environment Team within Neighbourhood Services	June 2022