

London Borough of Camden

Local Environmental Quality Enforcement Policy

The Environmental Protection Act 1990 places a duty on local authorities to ensure that the roads and highways for which they are responsible are kept clear of litter and refuse, as far as is practicable. The Act also imposes a duty on waste collection authorities – of which Camden is one – to arrange for the collection of household waste in their areas.

In addition to these statutory duties, the London Borough of Camden is committed to enhancing the attractiveness of the borough and reducing anti-social behaviour, crime and fear of crime. These commitments recognise the link between poor local environmental quality (LEQ), perception of place and the fear of crime whilst also recognising that everyone in Camden has a personal responsibility to manage their waste responsibly and keep Camden free of litter, obstructions and other LEQ issues.

There is a large body of evidence to show that LEQ issues can have a significant detrimental impact on local communities. For example, graffiti isn't just criminal damage to somebody else's property it is also a signal that can encourage further vandalism and more serious crimes. The prevalence of LEQ issues such as graffiti, flytipping, litter and flyposting in a local area can leave communities feeling forgotten, impacting on perceptions of place and quality of life.

In 2005, the Clean Neighbourhoods and Environment Act (CNEA) introduced a raft of powers for local authorities to use to help tackle LEQ problems and anti-social behaviour such as litter, graffiti, dumped waste and dog control. This policy sets out how Camden will use these, and other, powers and tools at its disposal to ensure that enforcement work is carried out in an effective, consistent, proportionate and fair manner across the borough. In conducting our enforcement work, we are committed to observing the Principles of Good Enforcement¹, as set out in the Enforcement Concordat, of which Camden is a signatory and the *Code for Crown Prosecutors*

The scope of this policy extends to all waste and local environmental quality issues experienced across the borough on both public and private land and its aim is to improve Camden's local environmental quality by reducing environmental crime across the borough.

What we will do

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1. Standards: setting clear standards
 2. Openness: clear and open provision of information
 3. Helpfulness: helping business by advising on and assisting with compliance
 4. Complaints about service: having a clear complaints procedure
 5. Proportionality: ensuring that enforcement action is proportionate to the risks involved
 6. Consistency: ensuring consistent enforcement practice.

- 1) We will take actions to support residents, businesses and visitors by raising awareness of good practice in waste management, litter control, dog control, highways obstructions and other local environmental quality issues.
- 2) We will raise awareness amongst residents, businesses and visitors of their responsibilities and obligations and what constitutes an offence in terms of waste management, litter control, dog control, highway obstructions and other local environmental quality issues
- 3) We will undertake enforcement action in a reasonable, consistent and proportionate manner.
- 4) We will ensure that enforcement action is proportionate to the risk/impact posed by the offence
- 5) We reserve the right to take firm and immediate enforcement action whenever necessary without offering prior advice or guidance when significant threats are posed to the environment or public safety or when the council has to deal with offences that are prevalent in the area.

Enforcement Powers

We define 'enforcement' as encompassing all the actions we may take to achieve compliance with environmental and anti-social behaviour legislation. The level of enforcement action taken will be in proportion to the severity of the crime. The main levels of enforcement are:

Level	Action	Comments
1.	Education	General awareness raising activities offering guidance and support and include such things as media campaigns, attendance at community events and residents meetings and providing residents, business and visitors with appropriate literature about the impact of certain activities.
2.	Advice	General written or verbal advice given, often in response to minor issues of non-compliance, clearly and unambiguously setting out the standards required by the Council, and offering advice and assistance with compliance.
3.	Enforcement Notice	A formal written notice imposing statutory requirements, often issued in response to more serious breaches of standards and often with a stipulation that compliance be achieved within a specified period.
4.	Fixed Penalty Notice	A formal notice given on any occasion when there is reason to believe that a person has committed an offence and offering that person the opportunity of discharging any liability to conviction by payment.
5.	Prosecution	Action taken in response to serious or prevalent offences, breaches of conditions of compliance or a failure to comply with an enforcement notice or fixed penalty notice

Our decision on what level of enforcement action is necessary will take into account:

- 1) The risk/impact/severity of the offence. We will be more likely to prosecute where the breach of condition has resulted in a serious environmental impact and/or impact on public health
- 2) Intent of the offender. We will be more likely to prosecute where the offender knows that a course of action - whether of commission or omission - is likely to lead to a contravention of the law, but chooses to follow that course of action nonetheless
- 3) History of offending. We will be more likely to prosecute where we have evidence of a history of offences, even if these offences are not the subject of legal proceedings e.g. because they are past the legal deadline for bringing an action
- 4) Principles. In considering whether to instigate prosecution proceedings, regard will be had to the principles laid down in the *Code for Crown Prosecutors*, issued by the Director of Public Prosecutions

Prosecutions

Where there is sufficient evidence we will normally prosecute in any of the following circumstances:

- 1) Serious or prevalent offences, breaches of conditions with significant actual or potential impacts on the environment and/or public safety
- 2) Consistent or repeated contravention of legal duties
- 3) Failure to comply with an enforcement notice
- 4) Failure to discharge liability to conviction by payment of a fixed penalty notice within specified timescales
- 5) Failure to supply information without reasonable excuse or knowingly supplying false or misleading information
- 6) Obstruction of our staff

Prosecution of company and individuals

Where a company is involved it will be usual practice to prosecute the company. However where individuals have caused offences e.g. of obstruction then we will consider prosecuting those individuals. We will also consider the part played in the offence by directors and managers and action may be taken against such officers if appropriate.

Choice of court

Where an offence is of special gravity, the Council will consider requesting magistrates to refer the case to the Crown Court, where appropriate.

Public information

The Council believes that public information about enforcement is important to maintain confidence in the regulatory system and to impress on others the gravity with which the Council regards offences. It will therefore be our policy to give factual information about prosecutions to the media.

Complaints

If you are unhappy with any aspect of enforcement action then please contact us:

By post Head of Street Environment Services
Culture and Environment Directorate
Camden Town Hall
Argyle Street
London WC1H 8EQ

By phone 020 7974 6914

By email street.environment@camden.gov.uk

Online using the on-line complaints form found on Camden's website at
www.camden.gov.uk/cleanstreets

Any complaint will be investigated and we will send you a response within 15 working days. If you are not satisfied with the response, you have the right to refer your complaint to a higher level through the Council's Complaints Procedure. If you would like a copy of the Council's Complaints Procedure or need help or advice about making a complaint you can contact:

By post Complaints Liaison Officer
Culture and Environment Directorate
Camden Town Hall
Argyle Street
London WC1H 8EQ
By phone 020 7974 6937

Online using the on-line complaints form
found on Camden's website at
www.camden.gov.uk