Anti-social Behaviour and Environmental Enforcement Strategy

Date: September 2018
Anti-social Behaviour and Environmental Enforcement Strategy

1. Introduction

1.1 This document sets out the council’s approach to handling anti-social behaviour and environmental related enforcement matters. It lets the public know what to expect when environmental crime or anti-social behaviour contraventions are found and where resources will be targeted.

1.2 It is the aim of the Borough Council of Wellingborough (the council), Wellingborough Norse and partners to ensure the health, safety and well-being of persons living and working in the borough, and to protect and improve the environment. This will be achieved by a process of educating, advising, and regulating. Fair and effective enforcement is an essential component in achieving this aim.

1.3 It is recognised that many residents take great care and interest in the environment around them and participate in formal or informal activities to maintain the natural and built environment; sadly, however, some residents and visitors to the borough show little respect for the area. The council aims to tackle this anti-social behaviour and environmental crime.

1.4 The council must also, however, provide good value for money and we therefore need to prioritise our work.

1.5 Environmental enforcement encompasses a range of legislative powers which are administered by different teams within the council, but as part of corporate approach. This includes environmental health, housing and planning. Whilst there can be some overlap between the differing legislative roles and there is some liaison between officers to select the most effective tool for the job, this strategy is focussed on anti-social behaviour, nuisance and environmental crime. It does not propose a strategy for any actions under the umbrella of the Town and Country Planning Acts or Housing legislation.

1.5 A number of agencies, including the Police, report issues of anti-social behaviour or environmental crime to the council as well as the individuals directly affected. It is important that we work in partnership to resolve matters.

1.6 This strategy should be read in conjunction with the Environmental Health Enforcement Policy and the Wellingborough Norse Enforcement Policy.

2 Anti-social Behaviour and Environmental Protection Enforcement Process

2.1 The Environmental Protection team within Environmental Health will respond to any complaints concerning anti-social behaviour, nuisance, pest control, stray dogs, animal welfare or air quality.
2.2 Anti-social behaviour is any kind of behaviour that causes alarm, harassment or distress to the community. Anti-social behaviour can mean different things to different people and an individual’s tolerance to behaviour can vary. Simply because behaviour is distressing to an individual, it will not necessarily mean that it would be classified as anti-social behaviour.

2.3 Anti-social behaviour can manifest itself in a variety of ways, but examples of anti-social behaviour which can be investigated by the council include:
- Aggressive begging
- Antisocial drinking
- Bonfires
- Dog fouling
- Noise nuisance
- Putrescible waste accumulations

2.4 The Police are also responsible for investigating anti-social behaviour and the council will often work very closely with the Police. Examples of antisocial behaviour which are handled by the police include:
- Alcohol related issues
- Criminal damage
- Domestic Abuse
- Drug dealing
- Harassment
- Hate or racist incidents
- Intimidation
- Physical violence
- Prostitution/sexual acts/kerb crawling
- Threatening behaviour
- Vehicle nuisance,
- Verbal abuse,

2.5 The council will investigate all complaints received within its remit. The Environmental Protection team will respond to all complaints received within 5 working days. Note: this is a dedicated policy, rather than the corporate complaints procedure.

2.6 Further detail on the council’s approach to handling complaints of anti-social behaviour or environmental protection issues can be found within Appendix A.

3 Environmental Crime

3.1 Wellingborough Norse is responsible for investigating complaints of environmental crime on behalf of the council. Environmental crime will include:
- Abandoned vehicles
• Fly tipping
• Fly-posting
• Graffiti
• Littering

3.2 Wellingborough Norse will investigate all complaints received within its remit and will respond to all complaints received within 3 working days. All complaints will be investigated and concluded within 15 working days.

3.3 Further detail on Wellingborough Norse’s approach to handling complaints of environmental crime issues can be found within Appendix B.

4 Standards and consistency

4.1 When dealing with customers we will explain the law and procedures as clearly as possible. We will be open about why we have reached a particular decision.

4.2 When deciding what enforcement action is necessary and proportionate, consideration will be given to the seriousness of the matter, the business’s/individual’s past performance, and willingness to prevent a recurrence.

4.3 When we receive a complaint it is allocated to a case officer, which is notified to the complainant. Officers will provide a personal, helpful and courteous service and will provide a positive response to requests for advice and information. We will respond to high risk incidents within one working day and will respond to non-high risk incidents within 5 day working days.

4.4 Consistency of approach does not mean uniformity; it means taking an appropriate approach in similar circumstances to achieve rational outcomes. We aim to achieve consistency in the advice we give in our responses to complaints, including our decisions about whether we should or should not take enforcement action.

4.5 Officers will liaise with colleagues to ensure that the most appropriate service takes action, and that any action we take is consistent with any enforcement action taken by other services.

4.6 Confidentiality will be maintained. All personal information will be handled in accordance with the Data Protection Act 1998 and the General Data Protection Regulations 2018. Further detail can be found in the council privacy statement.

4.7 As a rule we do not investigate anonymous complaints, to avoid the risk of investigating vexatious complaints.

4.8 It is very difficult to measure performance or efficiency of enforcement, since not all investigations into contraventions of the law result in formal action being taken. Informal negotiations are usually effective in resolving issues. Enforcement action will be taken in accordance with the Environmental Health Enforcement Policy.
5. **Submitting your enforcement concern or complaint.**

5.1 Complaints can be submitted in a number of ways, over the telephone; via email; through the council’s website; or in person at the council offices. To ensure the most efficient use of resources, complainants are requested where possible to submit their complaint through the council’s website.

6. **Complaints about the enforcement/compliance service**

6.1 If you have any suggestions, concerns or difficulties we want to hear from you. We are committed to improving our service and dealing promptly with any shortcomings.

6.2 Where there is a disagreement with a decision of the council over appropriate enforcement action, this will not, in itself, be grounds for complaint.

6.3 In the first instance you should discuss the matter with the case officer, who will be familiar with the case.

6.4 The council has a corporate complaints procedure for use where you feel that your concerns have not been adequately addressed by the case officer. Information can be found on our website.

7. **Education and Prevention**

7.1 The council will work in partnership with a number of other agencies, including the Police, to reduce and prevent anti-social behaviour and environmental related enforcement matters. This will be undertaken in many cases through groups such as the Community Safety Partnership (CSP), Safer Stronger Neighbourhood Partnership (SSNP), and Joint Action Groups (JAG).

7.2 The CSP board comprises local authorities and the Police as statutory partners. It can also be attended by a number of organisations including Housing Associations, Fire Service and Probation Services. The aim of the partnership is to reduce and prevent crime and disorder in the borough. The group refers to Partnership Strategic Assessments to set the priorities of the group and publishes a partnership plan to set out a strategy for reducing crime and disorder.

7.3 The Safer Stronger Neighbourhood Partnership (SSNP) was set up to target preventative action in those areas of the borough identified as being geographic hotspots for crime and drug issues. The group aims to help people to improve their life chances, by early interventions and provide support where needed.

7.4 Preventative work is also undertaken by the council where partners such as the Police identify environmental improvements which would assist in the prevention of anti-social behaviour.

7.5 Planning policies are in place to guide future development in the borough, including how much development there should be and where it should go, and to aid the determination of planning applications. The correct implementation of these policies will reduce the
likelihood of planning contraventions requiring formal action. Further detail on planning policies can be found on the council's website; http://www.wellingborough.gov.uk/info/1004/planning_policy

8. Monitoring and Review

8.1 This strategy will be reviewed by the environmental health team every 3 years or when legislation changes as appropriate.
Appendix A – Environmental Protection Operating Procedures

1.0 Accumulation of Rubbish

1.1 The council can investigate complaints of rubbish which are likely to be causing a statutory nuisance. Rubbish which may cause a statutory nuisance includes those items which could cause risk to health or a nuisance to neighbouring properties and will include:
   • An accumulation of rubbish containing food waste, which gives rise to unpleasant odours and flies.
   • Rotting food or materials which may attract rats or other vermin.
   • Rubbish which may provide harbourage for rats and mice.

1.2 Where residents experience problems with rubbish accumulations within a neighbour’s garden, we recommend speaking to them so that they are aware of any problems they might be causing. Where the perpetrator fails to remove the rubbish or where approaching them is not possible or appropriate, then residents should report it to the council. Information is provided on the council website on how to do that. The council are able to deal with complaints relating to putrescible waste likely to attract pests or waste accumulations having a significant detrimental effect on the community.

1.3 Wellingborough Norse will handle complaints concerning missed bin collections; concerns over misuse of the bins; issues with the presentation of bins at the kerbside; fly-tipping or litter. Further details on the action that Wellingborough Norse can take over these issues, is provided within Appendix B.

1.4 The Planning team can investigate complaints of untidy gardens or pieces of land. These complaints will be investigated in accordance with the planning enforcement policy. Further details on planning enforcement and the enforcement policy can be found on the councils website: http://www.wellingborough.gov.uk/info/200074/planning/840/planning_enforcement

1.5 Where the council receives a complaint over rubbish accumulations causing a potential statutory nuisance, the case officer will visit the site and make an assessment over the required action to remove the accumulation. Informal action and liaison with the landowner or person responsible for the rubbish will in most cases resolve the issue.

1.6 Where informal action is unsuccessful or is deemed not to be appropriate, the case officer will consider the service of a formal notice or Community Protection Notice (following the service of a Community Protection Warning Notice) to require the perpetrator to remove the rubbish and prevent future accumulations.

2.0 Aggressive Begging / Public Urination and Defecation / Street Drinking

2.1 The council has a Public Space Protection Order (PSPO) in place which prohibits the following activities within the restricted areas of the town centre:
   • Continued consumption of alcohol or being in possession of an open container of alcohol when asked to desist by an authorised officer
   • Public urination or defecation.
• General behaviour reasonably perceived to be intimidating and/or aggressive.
• Begging.

2.2 Details of streets included within the PSPO restricted area are provided on the council’s website. http://www.wellingborough.gov.uk/downloads/file/8270/wellingborough_town_centre_pspo_map

2.3 The PSPO makes it an offence to not comply with a request to cease drinking or surrender alcohol to an enforcement officer. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

2.4 The restrictions prohibit begging by making any verbal, non-verbal (excluding busking) or written request for money, donations or goods. This will include the placing of hats or containers out for the collection of money.

2.5 On receipt of a complaint, the case officer will visit the location in an attempt to identify an offence. Where an offence under the PSPO is identified, the case officer will in the first instance speak to the individual informing them of the PSPO restrictions and ask them to move on.

2.6 Where an offender is found to be homeless, enforcement officers will work closely with the housing team and provide support with accommodation needs where appropriate. Where individuals are found to have other needs such as mental health issues, officers will work with other agencies to provide required support.

2.7 A fixed penalty notice will be issued to a person who has committed an offence where it is considered that an informal warning is not appropriate. This will include an individual who has already been issued a written warning or has been repeatedly advised that they have breached the order. A fixed penalty notice will also be issued where the case officer believes that the nature of the breach warrants it.

2.8 Where other enforcement actions have had no effect, prosecution through the courts may be the most appropriate course of action. Prosecution will also be considered when the offender has failed to pay a fixed penalty notice fine. The council will consider requesting a Criminal Behaviour Order from the courts where appropriate.

3.0 Antisocial dogs

3.1 Dangerous dog legislation is primarily enforced by the Police, this includes dogs dangerously out of control and specified banned breeds; however, where residents do have cause for complaint because antisocial behaviour is being allowed by the dog owner or keeper, such as a dog consistently roaming loose, the council can take action.

3.2 Where a complaint is received about a dog, action can only be taken where the owner or keeper of the offending dog is known. The case officer will speak to both parties within a maximum of 5 working days to gain a balanced perspective on the incident.

3.3 Where a dangerous dog issue is identified, the matter will be referred to the Police for a joint approach. The Police will lead on dangerous dogs issues.
3.4 Where a case officer has evidence of persistent and on-going anti-social behaviour, service of a community protection notice will be considered (following a warning letter), which outlines what the owner is required to do or stop doing and in what timescale.

3.5 Breach of a community protection notice is enforced using the appropriate provisions under the legislation.

4.0 Bonfires

4.1 There are specific requirements regarding the burning of commercial waste and these are in the main enforced by the Environment Agency. It is not however illegal to have a garden bonfire, but individuals are expected to take simple steps to avoid annoying their neighbours.

4.2 Where residents experience problems with their neighbour’s bonfires, we recommend speaking to them so that they are aware of any problems they might be causing. Where those having bonfires fail to consider the needs of their neighbours or where approaching them is not possible or appropriate, or if the bonfire smoke persists, then residents should report it to the council. Information is provided on the council website on how to do that.

4.3 On receipt of a complaint the initial approach of the authority will normally be to write to the source address pointing out that a bonfire complaint has been received together with advice on avoiding the problem in future. In the majority of cases responsible persons will modify their behaviour without further intervention. At the same time the complainant will also receive a letter advising what has been done and they will be provided with a set of log sheets to record any continuing bonfire smoke problems over a two week period.

4.4 Residents are required to fill in and return log sheets, recording how the bonfire smoke is affecting them, and the times and duration. This record is needed to demonstrate to a court that the problem is not just a one off event, but is an ongoing problem. The complainant may be required to give evidence in court. The record also enables the case officer to decide whether further investigation is required. If the log sheets show a pattern the case officer will visit the complainant’s home on up to three occasions and if they witness the bonfire and consider it to be statutory nuisance or having a detrimental effect on the community, then they will serve an abatement notice or community protection notice (following a warning letter). The person responsible can then be prosecuted for further bonfires and the complainant may be required to give evidence in court of such non-compliance.

4.5 If the council is unable to establish there is a statutory smoke nuisance, then the complainant will be given advice on how to take their own action.

5.0 Dog fouling

5.1 The council has in place a borough wide Public Space Protection Order (PSPO) which makes it an offence for a person in control of the dog at the time to fail to pick up dog faeces after the dog has fouled in a public area.
5.2 On receipt of a complaint the case officer will send a warning letter to any offender whose address has been forwarded to the council by a witness of an offence. Visits will be made to the relevant location to check compliance.

5.3 There is a challenge around witnessing these offences and other non-premises based antisocial behaviour, making enforcement action difficult. Council officers will on occasion patrol areas known to be at risk of dog fouling offences and will take appropriate enforcement action on any issues witnessed.

5.4 A fixed penalty notice will be issued to a person who has been found to have committed an offence where it is considered that an informal warning is not appropriate. Prosecution will be considered where an offender has failed the pay a fixed penalty notice fine. Prosecution will also be considered for repeat offenders.

6.0 Light Nuisance

6.1 Over recent years the need for extra security has led to more lighting of domestic and business premises. If badly positioned, designed or adjusted, this can have an adverse effect on other nearby premises.

6.2 Where residents are concerned about an on-going issue with light nuisance from their neighbours, our advice is that where possible they should approach those with the implicated light in the first instance. Often they will be unaware that they are causing disturbance and will resolve the light nuisance issue.

6.3 For light to be a statutory nuisance under the Environmental Protection Act 1990, it must be considered to be unreasonable. To assess this, the case officer will assess the duration and frequency that the light is on and the effect the light has upon other parties.

6.4 Most complaints received by the council are in relation to domestic security lighting. Advice is available on the council’s website on measures that can be taken to ensure that domestic security lighting does not cause complaint.

6.5 The council can also investigate complaints relating to commercial security lighting, although in commercial premises and most sports facilities, the business may be able to use the defence of ‘best practicable means’, to show that they have taken all reasonable precautions to prevent causing a nuisance.

6.6 On receipt of a complaint the initial approach of the authority will normally be to write to the source address pointing out that a light nuisance complaint has been received, together with advice on avoiding the problem. In some cases the case officer will visit the source address at this point, to identify the light source and provide advice to prevent causing a nuisance to neighbouring properties. In the majority of cases responsible persons will modify the lighting without further intervention. The complainant will receive a letter advising what has been done and they will be provided with a set of log sheets to record any light nuisance issues over a two week period.

6.7 Complainants are required to fill in log sheets to provide the evidence the council requires to take formal action. The logs will allow the complainant to record how the light
is affecting them, and the times and duration of the light. This record is needed to demonstrate to a court that the problem is not just a one off event, but is an ongoing problem. The complainant will potentially be required to give evidence in court. The record also enables the case officer to decide whether further investigation is required.

6.8 The case officer will consider service of an abatement notice where the light meets the test of being a statutory nuisance or a community protection notice (following a community protection warning notice), where the light is considered to be having a detrimental effect on the community.

7.0 Noise Nuisance

7.1 Noise can be a major source of anti-social behaviour to residents and can include barking dogs, loud music, etc. It is not an offence to create noise, however if the council finds something to be a statutory noise nuisance or to be having a detrimental effect on the community, they will serve an abatement notice or community protection notice on the person(s) responsible; it would then be an offence not to control the noise.

7.2 For noise to be a statutory nuisance under the Environmental Protection Act 1990 it must be unreasonable. To assess this the case officer will consider the nature of the noise; locality; the duration of the noise; when it occurs; and the how often it occurs. Case law has indicated that statutory nuisance cannot take account of individual sensitivity. Similarly unless there is an unreasonable element, normal everyday noise will not constitute a statutory nuisance as it is not reasonable to expect neighbours to behave especially quietly because the sound insulation between their properties is poor.

7.3 Where residents are concerned about on-going noise from their neighbours, our advice is that where possible they should approach those making a noise in the first instance. Often they will be unaware that they are causing disturbance and will resolve the noise problem. Where that is not possible or appropriate, or if the noise persists, then residents should report it to the council. Information is provided on the council website on how to do that.

7.4 On receipt of a noise complaint the initial approach of the authority will normally be to write to the source address pointing out that a noise complaint has been received and in the majority of cases responsible persons will modify their behaviour without further intervention. At the same time the complainant will receive a letter advising what has been done and they will be provided with a set of log sheets to record any continuing disturbance over a two week period or reasonable amount of time as determined by the case officer.

7.5 Complainants are required to fill in log sheets to provide the evidence the council requires to take formal action. The logs will allow the complainant to record how the noise is affecting them, and the times and duration of the noise. This record is needed to demonstrate to a court that the problem is not just a one off event, but is an ongoing problem. The complainant will potentially be required to give evidence in court. The record also enables the case officer to decide whether further investigation is required. In some cases a noise recorder can be installed in the complainant's home for a short period to provide further evidence, and enable analysis of the noise problem.
7.6 If the log sheets and/or recordings show a pattern, the case officer will visit the complainant’s home on up to three occasions and attempt to witness the noise. The case officer will serve an abatement notice where the noise meets the test of being a statutory nuisance or a community protection notice, where the noise is considered to be having a detrimental effect on the community. A community protection warning notice must be issued before a community protection notice can be served.

7.7 The council operates an out of hours service so that, where appropriate, officers can visit outside normal working hours to witness the noise.

7.8 If the person responsible for the noise fails to adhere to the abatement notice or community protection notice, then they can be prosecuted. Conviction for nuisance also gives grounds for possession by landlords.

7.9 If the council is unable to establish there is a statutory noise nuisance then the complainant will be given advice on how to take their own action.

8.0 Odours

8.1 Types of odour complaints the council can deal with include the following:
   - fumes from boilers, etc.
   - smoke from bonfires or chimneys
   - accumulations of waste (e.g. dog faeces, food items, etc.)
   - odour arising from the manner in which animals are kept
   - filthy premises and
   - odour from industrial, trade or business premises.

8.2 It is worth noting that the council is unable to take action for all forms of odour. If you live close to land used for activities which produce an unpleasant odour such as sewage works; farmland on which slurry is spread; or refuse tip etc, you may be able to smell those activities from time to time and it is unlikely that the issue will be considered to be a statutory nuisance. In these cases the council will work with the business operator to ensure that they do what is considered reasonably practicable to minimise those smells.

8.3 Where residents experience an odour nuisance from a neighbouring property, we recommend speaking to them so that they are aware of any problems they might be causing. Where the occupier fails to take action to remove the odour, or where approaching them is not possible or appropriate, then residents should report the matter to the council. Information is provided on the council website on how to do that.

8.4 On receipt of a complaint the initial approach of the authority will normally be to write to the source address pointing out that an odour complaint has been received together with advice on avoiding the problem. In some cases the case officer will visit the source address at this point, to make an assessment over the source of the odour and identify action required to remove the nuisance. In the majority of cases responsible persons will modify their behaviour to remove the source of the odour without further intervention. At the same time the complainant will also receive a letter advising what has been done and they will be provided with a set of log sheets to record any odour nuisance issues over a two week period.
8.5 Complainants are required to fill in log sheets to provide the evidence the council requires to take formal action. The logs will allow the complainant to record how the odour is affecting them, and the times and duration of the odour. This record is needed to demonstrate to a court that the problem is not just a one off event, but is an ongoing problem. The complainant will potentially be required to give evidence in court. The record also enables the case officer to decide whether further investigation is required.

8.6 Where informal action is unsuccessful or is deemed not to be appropriate, the case officer will consider the service of a formal notice or Community Protection Notice (following the service of a Community Protection Warning Notice) to require them to remove the rubbish and prevent future accumulations.
Appendix B – Wellingborough Norse Operating Procedures

1.0 Fly-tipping

1.1 Fly-tipping occurs when waste is deposited on land without the landowners consent and is an offence under Section 33 of the Environmental Protection Act 1990 (for controlled waste) and Section 2 of the Refuse Disposal (Amenity) Act 1978 (for other types of waste).

1.2 Wellingborough Norse will consider whether there is a need to review security measures on council owned land where fly tipping is a particular issue.

1.3 Minor fly-tipping (such as a single bag of household waste) is considered to be aggravated littering and may be tackled under the litter powers described below. Wellingborough Norse officers have powers to stop, search and seize vehicles suspected of being used to fly-tip waste.

1.4 Fixed penalty notices can be served for small-scale fly-tipping offences, pursuant to the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.

1.5 Anyone who fly-tips whilst transferring waste to another person may also be in breach of their ‘duty of care’ under Section 34 of the Environmental Protection Act 1990.

1.6 Transporting controlled waste without a waste carrier registration license is an offence which is enforced by the Environment Agency.

1.7 On receipt of complaint Wellingborough Norse will investigate where there is physical evidence, or a witness is prepared to provide a statement.

2.0 Graffiti

2.1 Graffiti is defacement by way of writing, drawings, scratching or spraying on a wall or other surface. Defacement can be regarded as criminal damage under the Criminal Damage Act 1971. In the Magistrates Court the maximum sentence is a fine of £5,000. For serious criminal damage the maximum penalty in the Crown Court is 10 years’ imprisonment.

2.2 Graffiti which is considered to be offensive and could potentially be considered to be a hate crime will be referred to the Police.

2.4 Wellingborough Norse officers can issue fixed penalty notices of £50 for minor acts of graffiti under the Anti-Social Behaviour Act 2003. Illegal acts of graffiti are usually however carried out discreetly, therefore opportunities to apprehend offenders to issue a fixed penalty are very rare.
3.0 **Littering**

3.1 The offence of littering occurs when a person discards or throws down an unwanted item such as food wrappings, drinks containers and cigarette ends. It can also include items that are spilt during business or waste management operations.

3.2 Under Section 88 of Environmental Protection Act 1990 Wellingborough Norse can issue a fixed penalty notice for littering. Offenders have 14 days to pay or face prosecution in court. Failure to pay the fixed penalty notice can result in prosecution.

3.3 The Anti-Social Behaviour, Crime and Policing Act 2014 also gives Wellingborough Norse powers to control litter in areas where it is a problem. A community protection notice can be used (following service of a community protection warning notice) to require businesses (such as fast food outlets) to ensure that litter associated with their business does not cause nuisance to the local community. A community protection notice can also be used to require land owners to keep their land free from litter.

3.4 Wellingborough Norse enforcement officers can only issue fixed penalties for littering if they witness an offence themselves. The only exception to this is if a reliable witness reports littering by the driver of a vehicle, in which case a letter is sent to the registered keeper requesting details of the driver at the time of the alleged offence. A fixed penalty is then sent to the driver.

4.0 **Vehicle abandonment**

4.1 Vehicle abandonment occurs when someone deliberately leaves a vehicle in any place that is open to the air and has no intention to remove or return to it. The deliberate abandonment of any vehicle is an offence.

4.2 The Clean Neighbourhoods and Environment Act 2005 allows Wellingborough Norse to issue a Fixed Penalty Notice in respect of an offence of abandoning a vehicle.

4.3 On receipt of a complaint the complainant will be asked to report the vehicle to ELVIS (End of Life Vehicle Recovery Scheme), a countywide partnership which administers the abandoned vehicle removal service. Where appropriate, ELVIS will instruct Wellingborough Norse to inspect the vehicle to see if it meets specific criteria before arranging removal. Proving abandonment is problematic, as abandoned vehicles can rarely be linked to a current keeper.

5.0 **Waste enforcement**

5.1 Where it is considered that householders are persistently contaminating their recycling bins or leaving their bins out permanently on the street causing a nuisance or obstruction, action can be taken against them under Section 46 of the Environmental Protection Act 1990. A notice can be served on occupiers of premises requiring them to manage, store and present their waste for collection as specified. Failure to comply with the notice can result in fixed penalty or prosecution.
Before a notice is issued, efforts would normally be made to contact the householder(s) in person or in writing to offer advice. After the notice is served, frequent monitoring is required to gather evidence, should the householder fail to comply with the conditions.

There is a 21-day period in which the person can appeal to the magistrates’ court against the terms of the notice.