

**Wyre Forest District Council**

**Environmental,  
Education and  
Enforcement Strategy**

**Cultural Leisure & Commercial Services**

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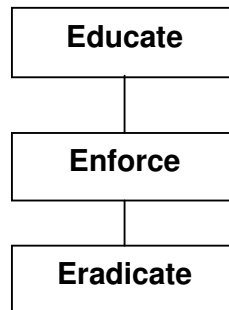
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## **1 Guiding Principals**

### **1.1 The Enforcement Hierarchy**

The strategy recognises the importance of the Enforcement hierarchy based on the following:



### **1.2 A Working Document – The Action Plan**

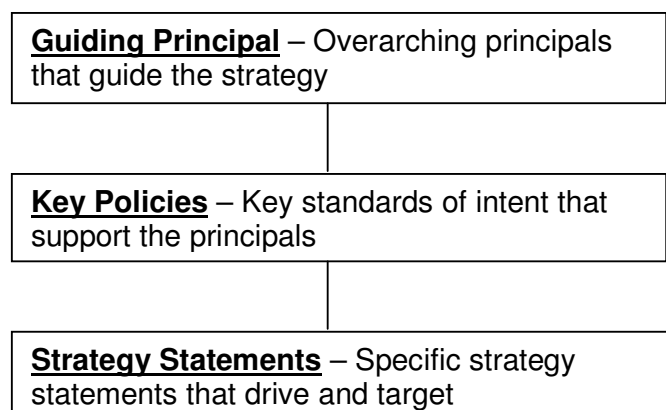
The strategy is intended as a working document which will guide future actions and evolve as necessary. A key element of the strategy will be an annual action plan developed by the parking services section.

### **1.3 Partnership**

The strategy will share a number of key objectives with other Council Policies and Plans. This is deliberate and will encourage interdepartmental working. The strategy contains a framework for delivery which includes both internal and external partners.

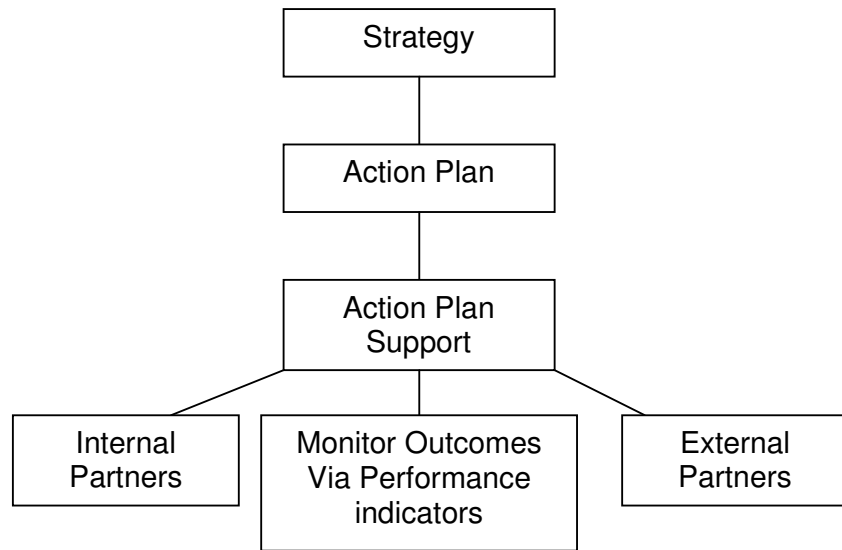
### **1.4 Strategy Framework**

The strategy is built up from three core themes:



## 1.5 Strategy Delivery

The strategy will be delivered as follows:



## 1.6 Core Values

The strategy will adhere to the Core Values of:

- Proportionality, in applying the law and in securing compliance,
- Consistency, of approach
- Transparency, about how the Council as a regulator operates and what those regulated may expect
- Targeting, to channel resources into high risk areas
- Helpfulness, as the Council believes that prevention is better than cure.
- Standards as contained within this strategy, to be drawn up in consultation with interested parties, setting out our services, the procedure will be well published, effective and readily accessible to all
- Public interest, it must be in the public interest to prosecute.

## **1.7 Culture of Enforcement**

Enforcement will be seen as a key tool combined with Educational activity to curb and deter Environmental Crime. Enforcement Perse will not be used as a mechanism to raise revenue.

## **1.8 Culture of Prosecutions**

As detailed within the strategy enforcement will be flexible and with the following measures employed:

- Take no action
- Take informal notices
- Use of statutory notices
- Formal cautions
- Issue fixed penalty notice
- Prosecute

Where these measures fail and accepting each case on its own merit the presumption will be to proceed with a prosecution.

## **2 Key Principals**

### **2.1 Policy Statement 1**

The Council will adopt and drive towards the targets and outcomes of the strategy.

### **2.2 Policy Statement 2**

The Parking Services Section of Cultural, Leisure and Commercial Services, for which enforcement is part of, shall annually draft an action plan as part of its business plan to outline target objectives for the financial year.

### **2.3 Policy Statement 3**

The action plan shall target Educational Enforcement objectives through the utilisation of a range of measures such as Eco-schools, Campaigns, school talks, enforcement 'hot spot' working and a Hi-profile media campaign as detailed within the strategy.

### **2.4 Policy Statement 4**

The policy for litter eradication shall be as outlined within DEFRA's guidelines on the Code of Practice for litter and refuse (COPLR).

### **2.5 Policy Statement 5**

Monitoring of the standards of litter shall be as outlined under BVP1 199 a/b.

### **2.6 Policy Statement 6**

Council Divisions shall work together to achieve the target and objectives contained within the strategy.

### **2.7 Policy Statement 7**

The Parking Services Section, of Cultural, Leisure and Commercial Services, for which enforcement shall promote effective cross sectional working, both internally with other Council Sections and externally with other key partners

### **2.8 Policy Statement 8**

All Council staff shall adhere fully to the core guiding principals of the strategy in the execution of their duties.

### **2.9 Policy Statement 9**

All Council staff shall aim to make a significant contribution towards a clean, safe, healthy, accessible and sustainable local environment, using educational, formal or informal procedures to achieve the most effective compliance within the relevant statutes.

### **2.10 Policy Statement 10**



All staff shall be suitably trained to enable them to carry out their duties and shall have received the necessary authorisations.

### **3 The Political and Cross Cutting Context**

#### **3.1 Introduction**

Both Central and Local Government – including Councillor’s MPs and Ministers – see the quality of the local environment as a central issue. Graffiti, Fly-posting, litter and Fly-tipping form part of a continuum with noise, bad behaviour, vandalism, disorder and levels of crime. Unless all parts of the continuum are tackled, Government’s joint endeavour to make every community “**cleaner, safer and greener**” cannot be achieved.

Many Authorities are improving their local environment in a variety of interesting ways. A number of these involve schemes to galvanise the local public through Community Pride initiative with a greater focus on neighbourhoods.

Much of the change has been driven centrally, following the liveability cross-cutting review undertaken by HM Treasury in 2002/2003. This resulted in the publication of a number of Government papers around the theme of living places, coupled with enhanced powers, given to both the Police and Local Authorities. Subsequent Legislation has supported this such as the Local Government Act 2000, the Anti-Social Behaviour Act 2003 and notably the Clean Neighbourhoods and Environment Act 2005.

To strengthen and further support this objective, is the Governments Respect Agenda and the Department for Communities and Local Government (DCLG) White Paper on Local Government entitled “Strong and Prosperous Communities”.

Environmental Crime therefore, is a significant strand of the various cross-cutting issues effecting Local Communities. Local Authorities in contrast, will need to employ wide ranging strategies, allied to strong enforcement measures in order to tackle this issue.

#### **3.2 The Importance of a Quality Local Environment**

Local Environmental Quality has several dimensions. These include:

- How places look and are perceived
- How safe and happy people feel about living in an area
- How attractive areas are to workers, visitors, existing and new business investors.

Achieving and sustaining a high local environmental quality is important for all land managers, whether you are a business, a transport operator, a Local Authority, a landlord or an individual householder.

### **3.3 High Local Environmental Quality Helps to:**

- Secure quality, long term commercial investors,
- Attract and retain workers with scarce skills,
- Meet landowners and tenants legal obligations and liabilities.
- Attract good, long-term tenants, minimising voids and repairs costs,
- Deter Anti-Social Behaviour and some criminal activities,
- Secure the approval of electors, for whom local environmental quality is a fundamental test of an administration's efficiency and effectiveness,
- Create environments that are more easily maintained and less subject to vandalism.

### **3.4 The Local Environmental Quality Survey of England 2005/2006**

England truly leads the way in terms of measurement of the public realm, with its annual Local Environmental Quality Survey of England (LEQSE). This is undertaken by Encams the National (Environmental Campaigns) Organisation, which monitors over 10,000 sites to give robust data and trends over time. It is a unique achievement, only partially replicated in Ireland and Australia.

The following is a summary from the 2005/06 survey:

- The fifth annual Local Environmental Quality Survey of England, produced from a representative sample of 54 Local Authorities across England, captured over 12,000 individual items of data.
- Year 5 produced an improvement in the headline indicator of Litter (All Areas) which has moved up to a 'satisfactory' for the first time.
- Another positive improvement was Litter at Bus Stops moving back into Satisfactory after lapsing in Year 4.
- Although the overall score for Detritus remained the same as in Years 3 & 4, there has been a significant decrease in standards right across the country in two particular land-use classes – Rural Roads and Other Highways.
- The deterioration in Detritus has had a negative impact on the BV 199a Benchmark, which fell from 19% to 24%.

- Leaf fall, which mulches into detritus if not removed, has deteriorated in several land-uses and most regions.
- Year 5 saw a deterioration in standards in Weed Growth Management in residential areas, main roads and open spaces. Although this indicator remains satisfactory, if dead weeds are not removed, they will also mulch into detritus.
- Fly Posting, Fly Tipping and Graffiti, the key environmental crime indicators remained good overall.
- Smokers materials remained the most frequently recurring items of litter being present at 79% of all sites surveyed.
- Following the changes to the Licensing Laws in November 2005, there are as yet no indications of an increase in alcoholic drinks related litter on the streets.
- In the Year 4 Report (Page 12), in the wake of terrorist outrages in London and the absence of metal litter bins at railway and underground stations, we posed the question whether safe means of disposing of travellers litter at transport interchanges would be found – in fact they have – the overall standard for litter on Public Transport infrastructure improved by one Standard Quality Interval. It was also one of the only two land-use classes where the standard for Detritus improved.
- For the second consecutive year, West Midlands was the cleanest region in England.

### **3.5 The Important Content of Litter Abatement**

Prior to 2001, ENCAMS used its national litter abatement agency role as a platform for its additional work in sustainable development. Since then ENCAMS has adopted a deliberate strategy of linking the deposition of litter as the start of a chain of events that eventually leads to graffiti, fly tipping, fly posting and petty vandalism. It believes it is instrumental and that the littered environment indicates to residents that “the Authorities” do not care about them. This breeds contempt and rebelliousness and inevitably leads to a breakdown in communications between residents and Councils.

ENCAMS and Central Government have made a notable shift on the context of litter in the past three years. It has moved from an environmental or sustainable development issue into the realm of Anti-Social behaviour. Litter is fast becoming seen as a first step in a chain of events that leads to other environmental crime, and not just considered in the context of “big” environmental themes. This is a welcomed development and a big advance towards making litter socially unacceptable in the UK, but it has not yet been embraced by other national litter abatement organisations.

## **4 Environmental Issues**

### **4.1 Youth Litter 2004**

'Keep Britain Tidy' research shows that youths (13-16 year olds) are frequent litterers and happy to admit to littering. Youth-related litter such as drinks cans and fast food litter is on the increase yet campaigning to this target audience has proved difficult in the past, with marketing messages often being met with resistance and scepticism.

### **4.2 Adult Litter**

'Keep Britain Tidy' research reveals that 18-24 year olds are one of the most frequent offenders with regards to litter, but also one of the most difficult groups to reach in terms of changing their behaviour.

### **4.3 Food Litter**

Since 2001, incidents of food litter have increased from 4% to a staggering 22% in 2005.

### **4.4 Cigarette Litter**

In 2005, a survey by Keep Britain Tidy revealed that smoking-related litter was found in 79% of sites across England and it had increased by a staggering 20% over the last four years. In 2007 the Government plans to introduce a partial ban on smoking in public places, which could lead to an even bigger increase in the problem.

### **4.5 Drugs Litter**

A 'Keep Britain Tidy' survey revealed a 7% rise in the amount of syringes found on school grounds. The survey showed that close on 150,000 syringes were collected by Councils during 2004 – with sharp rises recorded at playing fields, churchyards and public toilets. The research also showed that there is lack of knowledge of how to deal with needles which can cause a potential threat, particularly to young people.

### **4.6 Car Litter**

91% of litter found on England's streets is down to pedestrians and people throwing rubbish out of vehicles. This is adding to the 450 million pounds being spent cleaning up our street every year. Keep Britain Tidy research shows that people throw litter from their cars because they feel they will not be seen and they won't be caught.

### **4.7 Dog Fouling**

Dog Fouling is consistently one of the highest sources of complaints by the public to MPs, Local Councillors and Local Authorities. Estimates put the UK dog population between 6.5 and 7.5 million producing 1,000 tonnes of faeces every day.

#### **4.8 Abandoned Vehicles**

The cost to the country to remove abandoned vehicles is a staggering £24 million. In 2003 over ½ million people complained to their Council about the problem of abandoned vehicles – with some Councils spending as much as £80,000 a year. Abandoned and nuisance vehicles not only look unsightly but pose a real danger from fires, explosion, injury and crime. Often the result of or leading to crime, abandoned vehicles can add to the decline of an area making residents feel unsafe and vulnerable.

#### **4.9 Fly-Tipping**

Fly-tipping looks unsightly and can damage inward investment into an area. Uncontrolled waste disposal can present a hazard to the public e.g. drums of toxic waste, asbestos sheeting, syringes and used drugs. It is estimated that there are approximately 50,000 incidences of fly-tipping each year at a cost of between £100 - £150 million to clean up.

#### **4.10 Fly Posting**

Fly Posting costs the country thousands of pounds a year to clean up. It not only looks unsightly, but it can lead to the serious decline of an area. Fly Posting can play a major role in making an area look 'run down', leading to heavy littering, vandalism and more serious forms of crime.

#### **4.11 Graffiti**

It is estimated that graffiti costs the UK over a billion pounds per year to clean up. It can lead to the decline of an area and a lack of respect for the place in which people live, work and play.

#### **4.12 Drugs and Drug Related Litter**

In 2002/03, the average amount of money that each Local Authority spent on drugs-related litter was £10,752.

85% of Local Authorities have a problem with drugs-related litter.

Each Local Authority receives an average of 261 complaints about drugs-related litter per year.

#### **4.13 Chewing Gum**

In the UK in 2003, people spent £231,000,000 on buying packets of gum.

Chewing Gum litter was found in 95% of sites surveyed as part of an annual survey undertaken by ENCAMS (LEQSE2 report).

96% of Local Authorities have a problem with chewing gum and of these, 41% rate it as being a 'major problem' (ENCAMS).

## **5 EDUCATE**

### **5.1 Introduction**

It is recognised that environmental crime cannot be resolved by enforcement measures alone. The use of these measures is an important deterrent and tool for changing unacceptable behaviour. Recent revised legislation such as the Clean Neighbourhoods Act has provided improved powers and greater clarity to target environmental abuse.

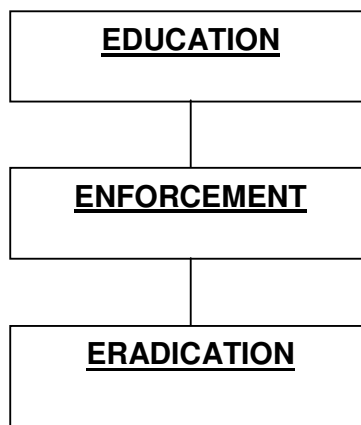
Recent figures suggest that over 17,000 fines have been issued by Councils in the months following the introduction of the Clean Neighbourhoods Act. Compare this to the figure of 422 penalties handed-out in the whole of 1999.

Amongst those who really use the legislation are Manchester and Nottingham City Councils. The latter has distributed over 1000 fines to those who have damaged Local Environments. Manchester meanwhile, has hit the headlines for the severity of two of the fines it issued – namely an £800 penalty to a woman who persistently allowed her dog to foul and a £1,200 sanction to a litterer who refused to pay his fixed penalty notice.

However, for enforcement to be a true deterrent, all fines have to be issued properly. That means based on full evidence and involves any Authority proceeding with a prosecution, being prepared to take the offender through the courts for non-payment.

That said Enforcement is not the be-all-and-end-all, either. Education campaigns must lead and connect with the public and everyone should set a better example, especially to the younger generation.

**The strategy places Education at the top of the enforcement hierarchy:**



It is further understood that to connect successfully with all the wider public groups in terms of education, a range of varying measures should be employed.

The National Environmental campaign organisations – “ENCAMS” which is supported by DEFRA is recognised as having an important role in this strategy.

## **5.2 Education and the role of ENCAMS**

ENCAMS is the organisation which runs the 'Keep Britain Tidy' campaign and manages a number of Local Environmental quality programmes such as the Blue Flag for beaches and Eco-Schools. It produces the annual Local Environmental Quality Survey of England for Government, which measures the state of our street. ENCAMS is best known for its campaigns and public information on litter, including car litter, gum deposition, drugs related litter, fast food litter and youth litter. However, they have also successfully campaigned on a number of other Anti-Social Behaviour issues, such as Fly Posting, Fly Tipping, Dog Fouling and Neighbour Noise.

## **5.3 Educational Strategy**

The following activities will be employed as part of an educational strategy.

### **5.3.1 Eco-Schools Programme**

<b><u>Target Group:</u></b>	School Pupils
<b><u>Message:</u></b>	Citizenship Education
<b><u>Activity:</u></b>	The Eco-Schools programme provides a framework within which the school becomes involved in making decisions to make a difference to their environment. It provides an opportunity for pupils to be involved in the citizenship and develop the skills, <u>knowledge and attitudes necessary to become good citizens.</u>

### **5.3.2 High Profile campaigns**

<b><u>Target Group:</u></b>	Specific
<b><u>Message:</u></b>	Various to campaign
<b><u>Activity:</u></b>	Specific campaigns would be run to target issues, such as general littering and the costs associated with Cleansing/Local area Pride-initiatives/clean ups/ Dog Fouling messages and Health Risks/Risks of Enforcement for people who abuse the environment.

### **5.3.3 High Profile Enforcement Initiatives**

<b><u>Target Group:</u></b>	Specific to initiative
<b><u>Message:</u></b>	Various to initiative
<b><u>Activity:</u></b>	Initiatives would be held to highlight fines that can be issued to people who abuse the environment. This would involve high profile events with a number of officers at a pre-selected site to target: Littering/Dog Fouling issues.



### 5.3.4 School Presentations/Competitions

<b>Target Group:</b>	School pupils
<b>Message:</b>	Littering/Sustainability Issues
<b>Activity:</b>	Short presentation to highlight problems of littering. To include chewing gum. Links to Eco-Schools Programme. Also to cover sustainability issues such as recycling and the environment. Extend to some schools to include competitions as a vehicle for raising awareness of the above.

### 5.3.5 Road Shows

<b>Target Group:</b>	Wide Ranging
<b>Message:</b>	Environmental abuse
<b>Activity:</b>	Place high profile mobile site within specific venues – town centres etc, to raise awareness of environmental crimes, such as Littering/Dog Fouling/Graffiti/Fly Posting/Fly-Tipping. Engage public to understand the issues and accept shared views that this activity is unacceptable.

### 5.3.6 P.R – Visual Awareness

<b>Target Group:</b>	Wide Ranging
<b>Message:</b>	Various
<b>Activity:</b>	Maintain constant public profile via paid free press publicity. Utilise Local/National/Council Media/Websites/Radio/etc. Use innovative ideas to maintain public awareness such as vehicle/staff livery. Link to national existing campaigns, work in partnership with other key organisations. Work in line with detailed plan.

### 5.3.7 Business Waste

<b>Target Group:</b>	Business Operations
<b>Message:</b>	Duty of care for business waste - seek to educate prior to any Enforcement.
<b>Activity:</b>	Raise profile of individual responsibility for waste. Highlight potential legal position and fines that can be imposed. Liaise with other agencies such as VOSA/Environment Agency/Police to target waste carriers license and waste transfer notes. Also target high street operators whose activities impact negatively onto the street scene – fast food takeaways etc. Practice code for food on the go. Issue warning letters requesting co-operation. Extend to land owners where issues exist. Tackle business waste and use of correct containers/authorised contractors.

### **5.3.8 Domestic Waste**

<b><u>Target Group:</u></b>	Domestic Waste
<b><u>Message:</u></b>	Duty of care – seek to educate prior to any enforcement.
<b><u>Activity:</u></b>	Raise profile of duty of care as extended to the public. Highlight public's duty in relation to their own waste. Engagement of authorised contractors and correct use of the Councils waste collection system. Also correct and responsible disposal of abandoned vehicles.

### **5.4 Publicity Campaigns**

The strategy recognises the importance of engaging the public in high profile publicity campaigns. To ensure maximum benefit, a methodical approach will be taken towards this area of work.

### **5.5 Promotion of Publicity Campaigns**

ENCAMS promotes a step-by-step methodology for campaigns that takes account of the following:

#### **5.5.1 Is the campaign needed?**

It is important to check that a campaign is really needed. Sometimes a change could be achieved by other means. Further the issue in question may not warrant campaign expenditure. Check against local BVPI 199 or similar feedback from consultation.

#### **5.5.2 The Objective of the Campaign**

Define precisely the campaign and constantly refer to it.

#### **5.5.3 Establish current infrastructure and practice**

Before embarking on the campaign, it is critical to understand current infrastructure and practice. For instance, what are the activities of the problem, what legislation could be used to prosecute?

#### **5.5.4 Enlist support from partners and stakeholders**

Local Environmental Quality and Anti-Social Behaviour, cuts across a number of Central Government departments, agencies and other charities. This can be both national and local. Often these partners will not only act as advocates but align some of their own work or campaign to lend greater depth.

#### **5.5.5 Establish public behaviours and attitudes**

ENCAMS can help through behavioural research, segmenting the public into behavioural and attitudinal groups by Anti-Social Behaviour activity. Lifestyle, geographic, social-economic and demographic is collected to inform marketing decisions.

### **5.5.6 Creative campaign development**

Campaigns should be designed to gain maximum attention and impact, but which should not use sensitive or offensive material.

### **5.5.7 Achieving Depth**

Greater depth can be achieved by gaining the support of private businesses. The local business community could see dual-gain in supporting local issues such as civic pride or litter clear ups.

### **5.5.8 Achieving and Evaluation**

It is recommended to undertake a pre-campaign study and post campaign analysis to evaluate the success of a given initiative.

## **6 ENFORCE**

### **6.1 Introduction**

This section sets out what businesses, individuals and the community as a whole, can expect from the Council's Enforcement Officers. It commits us to good enforcement policies and procedures.

The primary function of our enforcement work is to protect the public and the environment. At the same time equitable and consistent enforcement helps to maintain a level playing field for local businesses, as well as our service users.

We recognise that the effectiveness of legislation depends on the compliance of those regulated and that most businesses and individuals want to comply with the law. We will therefore help and advise wherever possible, whilst taking firm action against those who flout the law or act irresponsible.

Wyre Forest District Council has formally adopted the Government's Concordat on Good Enforcement. We thereby commit ourselves to the following policies and procedures.

### **6.2 Background**

Wyre Forest District Council acts as a regulator and enforcement body for a diverse range of Acts of Parliament, Regulations and Orders, which in turn place legal duties and powers upon the Council.

The Council supports the principles of enforcement and endorses national guidance, Codes of Practice and circulars relating to enforcement. This policy also sets out the standards the Council applies, acting in its role as regulator and enforcement body across a range of legal duties and powers.

It is the intention of this policy to cover the broad common issues of enforcement and regulation with component policies on specific areas of enforcement, giving greater detail to the relevant statutory provisions.

The content of this policy will be revised as necessary to meet changing circumstances.

All relevant officers of the Council are committed to the aims and objectives of this strategy.

The Council has adopted the Enforcement Concordat, issued by the Cabinet Office and that this strategy shall conform with the principles and national guidance relating to enforcement.

The Council recognises that there is a shared enforcement role with Council Divisions, the Police, external agencies and through the Magistrate's Courts.

This policy is available to the general public on request.

The policy is monitored for compliance and reported through the Executive Committees by means of the Divisions Services Business Plan.

### **6.3 Objectives**

The Council is seeking to ensure that in undertaking its regulatory and enforcement role, it will be fair, open and consistent in its approach. To that end it will follow the guidance and standards set out in this policy and any supplementary service policies.

In particular the Council will:

- i) Consult with businesses and other parties about the standards it has, in relation to this role
- ii) Make available, information on the standards and policies
- iii) Work with individuals and businesses, where appropriate, to advise on and assist with compliance
- iv) Ensure that staff have appropriate training and apply this policy and its standards, consistently and professionally
- v) Monitor compliance with the policy and standards to ensure consistency and review it as necessary in consultation with affected parties

### **6.4 General Principles**

In undertaking its regulatory and enforcement role, the Council will have regard to the following principles.

**Equity** - decisions relating to enforcement action will be taken in an impartial manner and will not be affected by race, creed, colour, gender, political views or sexual orientation.

**Assistance** – where appropriate, advice will be given to assist with compliance, before formal action is investigated, except in those instances where breach of legislation is sufficiently serious to warrant immediate formal action.

**Proportionality** – the enforcement action the Council takes, will be in proportion to the seriousness, before legal proceedings are commenced.

**Fairness** – in appropriate cases, adequate opportunity will be given to rectify the non-compliance, before legal proceedings are commenced.

**Tolerance** – enforcement action will be taken when other avenues to ensure compliance have been used.

**Public Interest** – the Council sees prosecution as the final means to achieve compliance. It will prosecute where it is in the public interest to do so and the seriousness of the offence warrants it.

**Consistency** – the Council aims to ensure consistency of enforcement through appropriate training and supervision of enforcement officers to ensure compliance with this policy and supplementary service policies.

## **6.5 Standards**

The Council will always endeavour to meet the highest standards of service in undertaking its regulatory and enforcement functions.

The following service standards will be applied:

- i) Enforcement and regulation enquiries or complaints will receive a response or acknowledgement within 20 working days
- ii) Officers will announce themselves on arrival at premises and show their identification, unless they are already known to the person
- iii) Officers will be objective and ensure that decisions are not influenced by the gender, ethnic origin, religious or political beliefs of any alleged offender
- iv) Officers will enter into discussion and offer advice in a clear and simple way to protect people against exposing themselves to the possibility of formal action through a lack of understanding or information
- v) Advice on rights of appeal against formal action will be clearly set out in writing at the time the action is taken
- vi) In any situation where a shared enforcement role exists, this will be taken into account including where appropriate, notification and discussion with other enforcement bodies, to ensure the most suitable action is taken
- vii) Any complaints against the actions of an officer of the Council will be dealt with under the Council's Complaints Procedure

## **6.6 Enforcement Actions**

Formal action will normally only be initiated, where one or more of the following apply:

- i) it is prescribed by law
- ii) informal approaches have failed
- iii) the matter is of such a serious nature, that informal action is inappropriate

Enforcement action may take the form of:

- i) informal written warnings
- ii) service of statutory notices
- iii) formal cautions
- iv) prosecutions

Informal written warnings – legal requirements will be clearly distinguished from recommendations

Statutory Notices – formal notices may be served on individuals, businesses and other organisations, requiring them to meet specific legal requirements. Where a formal notice is served, the method of appealing against the notice and the timescale for doing so, will be provided in writing at the same time. The notice will explain what is wrong, what is required to put things right and the likely consequences if notice is not complied with, within the required time.

Formal Cautions – there will be instances where a formal caution would be an appropriate alternative to a prosecution. The Council's aim in issuing a formal caution, follows the guidance set out in Home Office Circular 18/1994, which is:

- to deal quickly and simply with the less serious offenders
- to divert them from unnecessary appearance in the Criminal Courts; and
- to reduce the chances of their re-offending

In order to safeguard the offender's interests, the Council will ensure that the following criteria are met before a caution is given:

- there must be evidence of the offender's guilt, sufficient to give a realistic prospect of conviction
- the offender must admit the offence; and
- the offender (or, in the case of a juvenile, his parents or guardian) must understand the significance of a caution and give informed consent to being cautioned

Prosecution – where the circumstances warrant and the alternative actions mentioned previously in this Policy are considered inappropriate, then prosecution may result. Any decision to prosecute will take into account the criteria set down in the Code for Crown Prosecutors and Attorney General's Guidelines.

The following factors will be taken into account when reaching a decision as to whether or not to prosecute:

- there is significant risk to health or safety of persons, or to amenity or the environment
- the offender involves the threat of violence against any person, or obstruction of an officer of the Council
- false information either written, or in verbal form is deliberately provided to the Council or to an investigating officer
- fraudulent or reckless practice or the threat of significant economic disadvantage to consumers or businesses is involved
- the offender has relevant previous convictions, or formal cautions
- the offender has repeatedly ignored advice

- there is widespread disregard of the law and appropriate notice has been given to the public or the business community that legal proceedings will be considered for future breaches
- the offender has failed to comply with a statutory notice within the compliance period
- the offender, by action or inaction, risks causing suffering to animals or has increased the risk of the spreading of animal diseases; or
- some other significant public purpose would be served

**Mitigating** factors could include the examples below, but these should always be balanced against the seriousness of the offence and the likelihood of it being repeated.

- The problem was revealed by an approach for advice from the person or business
- Co-operative attitude to prevent recurrence
- Previous good history or absence of complaints
- Reluctance of witnesses to testify
- There has been undue delay in bringing the matter to court (unless the delay was the fault of the offender)
- A prosecution is likely to have significant detrimental effect on the victim's physical or mental health
- The offender is elderly or a minor, or was, at the time of the offence, suffering from significant mental or physical ill health; or
- The views of the Council's legal advisor, or a relevant expert witness(es)



## **7 The Enforcement Concordat**

### **7.1 The Principals of Good Enforcement: Policy and Procedures**

This document sets out what business and other being regulated can expect from enforcement officers. It commits us to good enforcement policies and procedures. It may be supplemented by additional statements of enforcement policy.

The primary function of Central and Local Government work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.

The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated. We recognise that most businesses want to comply with the law. We will, therefore, take care to help business and others meet their legal obligations. Without unnecessary expense, while taking firm action, including prosecution where appropriate, against who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice and safety.

We have therefore adopted the Central and Local Government Concordat on Good Enforcement. Included in the term 'enforcement' are advisory visits and assisting with compliance as well as licensing and formal enforcement action. By adopting the Concordat we commit ourselves to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

### **7.2 Principals of Good Enforcement: Policy**

#### **7.2.1 Standards**

In consultation with businesses and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards, setting out the level of service and performance the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.

#### **7.2.2 Openness**

We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting businesses, voluntary organisations, charities, consumers and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

### **7.2.3 Helpfulness**

We believe that prevention is better than cure and that our role therefore involves actively working with businesses, especially small and medium size businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage businesses to seek advice/information from us. Applications for approval of establishments, licenses, registrations, etc, will be dealt with effectively and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

### **7.2.4 Complaints about Services**

We will provide well publicised, effective and timely information relating to complaints received. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

### **7.2.5 Proportionality**

We will minimise the costs of compliance for businesses, by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

### **7.2.6 Consistency**

We will carry out our duties in a fair, equitable and consistent manner. Whilst inspectors are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other Authorities and enforcement bodies through schemes, such as those operated by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS) AND THE Local Authority National Type Approval Confederation (LANTAC).

### **7.2.7 Principals of Good Enforcement: Procedures**

Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what time-scale, and making sure that requirements are clearly distinguished from best practice advice.

Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of Health and Safety or environmental protection or to prevent evidence being destroyed).

Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.

Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

## 8 Protocol

Enforcement Issue	Target Offenders	Offence	Operational Guidance
Flyposting (1) Unidentifiable Source	Posters/Signs such as “Earn extra income” or similar “Happy Birthday” or other such celebration type material. This material will have no identifiable source of origination and will just carry the prime message. <b>AREAS:</b> Street furniture/Bus Shelters/Highway Signs/Traffic Lights/Parks-Car Parks/Council Property/Verges – Islands.	Highways Act 1980 – Section 132.  Town + County Planning Act 1990 Section 225	<ul style="list-style-type: none"> <li>• Nominated staff will remove with suitable clippers and return back to office. Where the individual or organisation comes forward then refer to Flyposting (2) for guidance.</li> </ul>
<b>Flyposting (2)</b> <b>Identifiable Source</b>	Posters/Signs that promote or advertise a business or product, such as a sale. Furniture operators promoting 3-piece suites/carpet/or bed sales within the District. Garden/conservatories/furniture sales/new store openings etc. All these will have an identifiable source that the poster/sign originated from. <b>AREAS:</b> • Street furniture/traffic lights/bus shelters/highway signs/parks – car parks/Council property/verges – islands.	Highways Act 1980 – Section 132  Town + County Planning Act 1990 Section 225	Nominated staff will remove offending posters/signs and issue a cautionary letter to the business operator/individual concerned.  Contravention of Town + Country Planning Act requires 2 days notice. Highways Act contravention requires none.

Enforcement Issue	Target Offenders	Offence	Operational Guidance
<b>Flyposting (3) Specific Dated Events</b>	Posters/signs that promote an event on a specific date or over a sequence of dates. Venues promoting entertainment such as nightclubs etc/and general local events within the District. <b>AREAS:</b> Bus shelters/street furniture/BT Junction boxes/Traffic lights – Highway signs/verges – islands/Council property.	Town and Country Planning Act – Section 225	<ul style="list-style-type: none"> <li>• Whilst these will have an identifiable source, nominated officers will make use of “Cancelled Tape”, applied to the poster/sign to discourage what is recognised as more persistent offenders from conducting future type campaigns. The “Cancelled Tape” should be placed diagonally, end to end across the poster/sign.</li> </ul>
<b>Advertising ‘A’ Boards on the Highway</b>	Advertising ‘A’ Boards placed upon the Highway which then cause nuisance and interruption to use of the Highway or potential hazard. Prime offenders are in the main, small businesses/shops. <b>AREAS:</b> All offending businesses/shops/public houses/nightclubs etc within Wyre Forest.	The Highways Act 1980 – Section 148	<ul style="list-style-type: none"> <li>• Nominated staff will visit offending establishments to outline concerns and request removal or alternative practice. A cautionary letter (Advertised Boards) to be issued. Future indiscretions will lead to removal of ‘A’ Boards without reference and possible legal action.</li> </ul>

<b>Enforcement Issue</b>	<b>Target Offenders</b>	<b>Offence</b>	<b>Operational Guidance</b>
<b>Property For Sale Boards</b>	Property for sale boards to include sign posting/directional signs are becoming an increasing issue. Estate Agent boards/property development signs indiscriminately placed causing a nuisance/hazard/obstruction. <b>AREAS:</b> Street furniture/grass islands – verges/highway signs – traffic lights/trees.	The Highways Act 1980 – Section 132  Town + County Planning Act 1990 Section 225	Nominated staff remove boards and will visit offending establishments to outline concerns and request possible alternative location. A cautionary letter (Anti-Litter Campaign-Flyposting) to be issued.
<b>Trade Cars For Sale on The Highway</b>	To target trade vehicle operators only who place vehicles for sale on the Highway. These represent a hazard to other motorists and can be placed indiscriminately. <b>AREAS:</b> All Trade operators acting outside guidance within Wyre Forest.	Clean Neighbourhood and Environment Act 2005 Section 3	<ul style="list-style-type: none"> <li>• Nominated staff to identify vehicle.</li> <li>• Issue caution letter</li> <li>• Consider FPN</li> </ul>

Enforcement Issue	Target Offenders	Offence	Operational Guidance
<p><b>Dog Fouling on Land</b></p>	<p>People who allow their dogs to foul on land and do not clear up afterwards</p> <ul style="list-style-type: none"> <li>• All areas within Wyre Forest boundary</li> <li>• Land in the open air to which the Public have access, with or without payment</li> </ul> <p><b>AREAS:</b> Covered land which is open to the air on at least one side e.g. Markets.</p>	<p>The Dogs Fouling of Land Act 1996 – Section 3</p> <p>An offence is committed if any person in charge of a dog does not clean up immediately after the dog has fouled on designated land.</p>	<ul style="list-style-type: none"> <li>• Nominated staff to observe offence and make full record to log books. Offenders to be approached and where necessary a caution and Fixed Penalty Notice (£50.00) issued. Both white/pink copies to be handed over. Pink copy for payment. Offenders have 14 days to pay or further legal action taken. Penalty for conviction £1,000 maximum fine.</li> </ul>
<p><b>Littering (1) Adults Leaving Litter in Person</b></p>	<p>Adults who drop or otherwise deposit litter.</p> <p><b>AREAS:</b></p> <ul style="list-style-type: none"> <li>• Any public open space with public access permitted without paying</li> <li>• any covered place open to the air on at least one side for public use.</li> <li>• land belonging to Wyre Forest District Council</li> <li>• designated statutory undertakings e.g. railways</li> <li>• designated/educational institution e.g. Kidderminster College.</li> </ul>	<p>Environmental Protection Act 1990 – Section 87</p> <p>Offence of leaving litter.</p>	<p>Nominated staff to observe offence and make full record to log books. Offenders to be approached and where necessary a caution and Fixed Penalty Notice (£75.00) issued. Both white/pink copies to be handed over. Pink copy for payment. Offenders have 14 days to pay or further legal action taken.</p> <ul style="list-style-type: none"> <li>• Penalty for conviction £2,500 maximum fine.</li> </ul>

Enforcement Issue	Target Offenders	Offence	Operational Guidance
<p><b>Littering (2) Children Leaving Litter in Person</b></p>	<p>Children who drop or otherwise deposit litter.  <b>AREAS:</b> • Any public open space with public access permitted without paying  • Any covered place open to the air on at least one side for public use  • Land belonging to Wyre Forest District Council  • designated statutory undertakings e.g. railways  • designated/educational institution e.g. Kidderminster College.</p>	<p>Environmental Protection Act 1990 – Section 87  Offence of leaving litter</p>	<p>nominated staff to observe offence and make full record to log books. Offenders to be approached and name and address details to be recorded. Offenders to be advised that a caution letter will be sent to parents/guardian from Wyre Forest District Council, but no further action, legal or otherwise will be taken.  • standard letter (Offence of Leaving Litter by (name)(location)(date)</p>



Enforcement Issue	Target Offenders	Offence	Operational Guidance
<p><b>Littering (3) Depositing Litter from a Motor Vehicle</b></p>	<p>Drivers of motor vehicles who allow litter to be deposited from the vehicle, whether or not, they gave permission for this to be done.</p> <p><b>AREAS:</b></p> <ul style="list-style-type: none"> <li>• Any public open space with public access permitted without paying.</li> <li>• Any covered place open to the air on at least one side for public use</li> <li>• Land belonging to Wyre Forest District Council</li> <li>• designated statutory undertakings e.g. railways</li> <li>• designated/educational institution e.g. Kidderminster College.</li> </ul>	<p>Environmental Protection Act 1990 – Section 87</p> <p>Offence of depositing litter from a motor vehicle.</p>	<p>nominated staff to observe offence and make full record to log books. Vehicle details to be passed to Environmental Services Manager</p> <ul style="list-style-type: none"> <li>• Caution letter with Fixed Penalty Notice £75.00 to be forwarded to offender. Both white and pink copies despatched. Pink copies for payment. Offenders have 14 days to pay or further legal action taken.</li> </ul>

<b>Enforcement Issue</b>	<b>Target Offenders</b>	<b>Offence</b>	<b>Operational Guidance</b>
<b>Failure to produce Authority (Waste Transfer notes)</b>	As part of inter-Agency Enforcement initiative with VOSA/Environment Agency/Police Waste carriers and check correct paperwork for work waste carried.	Section 5/5B – Control Pollution (Amendment Act 1989)	<ul style="list-style-type: none"> <li>• Send standard letter</li> <li>• Liaise with other agencies to progress legal proceedings.</li> <li>• Issue FPN £300</li> </ul>
<b>Failure to comply with a Street Litter Control Notice</b>	Targeted at businesses whose activities are creating recurrent defacement by litter refuse to the street.	Section 92C/94A Environmental Protection Act 1990.	<ul style="list-style-type: none"> <li>• Where possible speak to owners</li> <li>• Take photographic evidence</li> <li>• Service Street Litter Control Notice</li> <li>• Consider FPN</li> </ul>
<b>Failure to comply with a Litter Clearing Notice</b>	<ul style="list-style-type: none"> <li>• Served on the owner/occupier of the land.</li> <li>• Served - following concerns that the land is defaced by litter or refuse so as to be detrimental to the amenity of the Authority.</li> </ul>	Section 92C/94A Environmental Protection Act 1990.	<ul style="list-style-type: none"> <li>• Where possible speak to owner</li> <li>• Take photographic evidence</li> <li>• Serve Litter Clearing Notice</li> <li>• Consider FPN</li> </ul>

Enforcement Issue	Target Offenders	Offence	Operational Guidance
<b>Litter Abatement Notice</b>	<ul style="list-style-type: none"> <li>• Served on Crown Authority/designated statutory undertaken/governing body of a designated educational institution.</li> <li>• Requires litter to be removed/prohibits responsible body from permitting land to become defaced by litter.</li> </ul>	Section 89(1) Environmental Protection Act 1990.	<ul style="list-style-type: none"> <li>• Where possible speak to owner</li> <li>• Take photographic evidence</li> <li>• Serve Litter Abatement Notice</li> <li>• Consider Legal Action</li> </ul>
<b>Litter Abatement Notice</b>	<ul style="list-style-type: none"> <li>• Served on Crown Authority/designated statutory undertaken/governing body of a designated educational institution.</li> <li>• Requires litter to be removed/prohibits responsible body from permitting land to become defaced by litter.</li> </ul>	Section 89(1) Environmental Protection Act 1990.	<ul style="list-style-type: none"> <li>• Where possible speak to owner</li> <li>• Take photographic evidence</li> <li>• Serve Litter Abatement Notice</li> <li>• Consider Legal Action</li> </ul>

Enforcement Issue	Target Offenders	Offence	Operational Guidance
<b>Failure to comply with a Waste Receptacles Notice</b> <ul style="list-style-type: none"> <li>• Bins/boxes left out</li> <li>• Unauthorised side waste</li> <li>• Incorrect position for collection of bins/boxes</li> </ul>	Households who fail to follow described collection procedures, in particular failing to comply, following written request for co-operation.	Environmental Protection Act 1990 Clean Neighbourhoods and Environmental Act 2005	<ul style="list-style-type: none"> <li>• Send standard letter for first occasion and request co-operation.</li> <li>• Consider issue of Fixed Penalty Notice.</li> </ul>
<b>Unauthorised distribution of printed material</b>	<ul style="list-style-type: none"> <li>• Persons distributing free printed matter such as free newspapers/leaflets/hand outs etc which can go on to cause litter hazard.</li> <li>• Permitted zones are identified and permission should be sought.</li> </ul>	Environmental Protection Act 1990	<ul style="list-style-type: none"> <li>• Consider warning letter</li> <li>• Consider FPN</li> </ul>
<b>Failure to finish documentation (waste carriers licence)</b>	<ul style="list-style-type: none"> <li>• As part of inter agency enforcement initiative with VOSA/Environment Agency/Police target waste carriers and check up to date registration with Environment Agency via Waste Carriers Licence.</li> </ul>	Section 34(5) and regulations made under it Section 34(b)/34 A – Environmental Protection Act 1990	<ul style="list-style-type: none"> <li>• Send standard letter</li> <li>• Liaise with other agencies to progress legal proceedings Issue FPN £300 - £5,000 or on indictment unlimited fine</li> </ul>

<b>Enforcement Issue</b>	<b>Target Offenders</b>	<b>Offence</b>	<b>Operational Guidance</b>
<b>Abandoning a vehicle</b>	<ul style="list-style-type: none"> <li>• People who abandon a vehicle that they no longer require, instead of using responsible operators to decommission vehicle.</li> </ul>	<p>Section 2A(1) Refuse disposal (Amenity) Act 1978</p> <p>Clean Neighbourhoods and Environment Act 2005 Section 10</p>	<ul style="list-style-type: none"> <li>• Registered last keeper is liable</li> <li>• Consider Letter</li> <li>• Consider FPN</li> </ul>
<b>Notice to prevent Rats and Mice</b>	<ul style="list-style-type: none"> <li>• Householder/Businesses whose activities could create infestation by rats and mice.</li> </ul>	<p>Prevention of damage by Pest Acts 1949 Section 4</p>	<ul style="list-style-type: none"> <li>• Liaise with senior officer.</li> </ul>
<b>Flytipping</b>	<ul style="list-style-type: none"> <li>• Offenders who unlawfully tip unwanted household/business waste.</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental Protection Act 1990 Section 33/34/59</li> <li>• The Control of Pollution (amendment) Act 1989.</li> </ul>	<ul style="list-style-type: none"> <li>• Generally consists of at least a single sack of rubbish to be classed as flytipping. In practice usually more.</li> <li>• Check protocol with Environment Agency.</li> <li>• If identified call for "PACE" interview</li> <li>• In all cases log details onto fly capture investigation sheet.</li> <li>• Consider legal action</li> </ul>

<b>Enforcement Issue</b>	<b>Target Offenders</b>	<b>Offence</b>	<b>Operational Guidance</b>
<b>Duty of care – Business/Domestic Waste</b>	<ul style="list-style-type: none"> <li>• Waste Transfer notes – authority to transfer waste (Businesses)</li> <li>• Duty of care to transfer waste only to authorised persons (Business/Domestic)</li> <li>• Waste Carriers licence (Businesses)</li> <li>• Waste receptacles Notice (Business/Domestic)</li> </ul>	<ul style="list-style-type: none"> <li>• Control pollution (Amended Act 1989)</li> <li>• Environmental Protection Act 1990 Section 33</li> <li>• Duty of care Section 34 EPA 1990</li> <li>• Illegal disposal Section 33 EPA 1990</li> <li>• Control of Pollution (Amendment) Act 1989</li> </ul>	<ul style="list-style-type: none"> <li>• Consider FPN £300/Legal proceedings</li> <li>• Consider warning letter/legal action</li> <li>• Consider FPN £300/Legal proceedings</li> <li>• Consider FPN £100/Legal proceedings</li> </ul>
<b>Multi-Agency Vehicle Enforcement Stops</b>	<ul style="list-style-type: none"> <li>• WFDC – Benefits Fraud/Potential Flytippers</li> <li>• VOSA – Vehicle Prohibitions</li> <li>• Environment Agency – Waste carriers licence/Transfer notes</li> <li>• Police – Criminal Activity</li> </ul>	<ul style="list-style-type: none"> <li>• On site inspection/investigation to identify potential offences/illegal activity.</li> </ul>	<ul style="list-style-type: none"> <li>• Joint operation organised by WFDC and supported by other agencies.</li> </ul>
<b>Abandoned shopping and luggage trolleys</b>	Retailers known to be providing a trolley service within the district. These can become abandoned, become a light on the quality of the Local environment, cause harm to wildlife or create a flood hazard in water courses.	Schedule 4 of the Environment Protection Act 1990.	Adoptive schedule under Section 99. Provisions allow for costs recovered from trolley owners.

## **9 ERADICATE**

### **9.1 Introduction**

Disposing of litter inappropriately is unacceptable. Not only is it anti-social and unpleasant, littering is also illegal and those who throw down, drop, or deposit and leave litter in any place, can be fined or face a court prosecution.

Areas continually degraded by litter or private land that frequently accumulates litter and refuse, can give rise to a sense of civic shame and fear of crime, and set the scene for other environmental crimes and anti-social behaviour such as fly-tipping and graffiti. Not only are there laws governing an individual's behaviour, but action can also be taken against businesses where their activities contribute to littering, and against occupiers or private landowners who frequently allow their premises to be defaced.

One important Government document is the Code of Practice on Litter and Refuse. This strategy recognises the importance the guide places on statutory bodies who have a legal duty to keep certain types of land clear of litter and refuse, and sets out the standards to which the land must be cleansed.

## **9.2 Code of practice on litter and refuse**

Section 89(1) of the Environmental Protection Act 1990 places a duty on certain bodies to ensure that their land (or land for which they are responsible) is, so far as is practicable, kept clear of litter and refuse.

Section 89(2) places a further duty on the Secretary of State in respect of motorways and a few other similar public highways, and on Local Authorities in respect of all other public maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean. This is in addition to the section 89(1) requirement and therefore means removal of detritus as well as litter and refuse. The removal of detritus is deemed to be practicable from metalled surfaces only. It is recommended, but not a duty, that detritus is also removed from other hard surfaces.

## **9.3 Who do these duties affect?**

These duty bodies are:

- Principal Litter Authorities,
- Appropriate Crown Authorities
- Designated statutory undertakers,
- Governing Bodies of designated educational institutions
- Local Authorities as regards to any relevant highway for which they are responsible and
- The Secretary of State as regards to trunk roads that are special roads and any other relevant highway or road for which he is responsible

## **9.4 What comprises litter and refuse?**

The 1990 Act does not provide a comprehensive definition of litter or refuse, although the courts have considered the definition to be wide. The following summarises common definitions.

Litter is most commonly assumed to include materials, often associated with smoking, eating and drinking, that are improperly discarded and left by members of the public, or are split during business operations as well as management operations. As a guideline a single plastic sack of rubbish should usually be considered fly-tipping rather than litter.

Under section 98(5A) of the Environmental Protection Act 1990, certain discarded smoking-related materials (cigarette ends, etc.) and discarded chewing gum and the remains of other products designed for chewing, are specifically stated to be items of litter. However, whilst both are litter when they are dropped (i.e. the dropper could be prosecuted under section 87 of the Environmental Protection Act 1990 for leaving litter), the standards in the Code of Practice on Litter and Refuse do not apply to trodden-in chewing gum.



Duty bodies are not required to employ special cleansing methods to remove compacted gum or gum staining over and above normal cleansing regimes.

Refuse should be regarded as having its ordinary meaning of waste or rubbish, including household and commercial waste, and can include fly-tipped waste. Dog faeces are to be treated as if they were refuse when on certain descriptions of public land. (Dog Fouling is a separate offence from littering.)

Detritus, which comprises small, broken down particles of synthetic and natural materials, arrive at the site through the same displacement effects associated with mechanical, human, animal and natural action, most of which also determine the distribution of litter. Detritus includes dust, mud, soil, grit, gravel, stones, rotted leaf and vegetable residues, and fragments of twigs, glass, plastic and other finely divided materials. Leaf and blossom falls are to be regarded as detritus once they have substantially lost their structure and have become mushy or fragmented. A significant and avoidable source of detritus is uncollected grass cuttings and weed growth from seeds germinating in moist detritus.

Large accumulations of detritus, built up over months and years, can contribute to the uncared for impression an area exudes. Detritus on metalled highways must be removed as a requirement of the Section 89 duty to keep highways clean and it is also recommended that detritus should be removed alongside litter and refuse by duty bodies from all other hard surfaces as well.

Fly-tipping. The illegal disposal of controlled waste is commonly known as fly-tipping. There is no specific definition of fly-tipping other than in the offences set out in section 33 of the Environmental Protection Act 1990, including the deposit of controlled waste, without a waste management licence, or its disposal in a manner likely to cause pollution of the environment or harm to human health.

DEFRA has set up the Flycapture database to gather information on the scale of fly-tipping dealt with by Local Authorities and the Environment Agency. Flycapture has developed a working definition of fly-tipping that sets out wide definition ranging from a single bin-bag up to thousands of tonnes of construction and demolition waste. As well as large incidents of fly-tipping Flycapture also records any items illegally dumped outside the standard waste collection times set by the Local Authority.

Local Authorities deal primarily with small, localised incidents of fly-tipping while the Environment Agency focuses its efforts on dealing with larger, more serious incidents. The Environment Agency and the Local Government Association have agreed a voluntary fly-tipping protocol to clarify this division of responsibilities.

In line with this, the Council has developed a local protocol with the Environment Agency for environmental issues within Wyre Forest.

## **9.5 Grades of Cleanliness**

The graded standards shown below are as defined in the original Code of Practice on Litter and Refuse issued under section 89(7) of the Environmental Protection Act 1990. These four grades also correspond to the scales used by Local Authorities for recording levels of street cleanliness for best value indicator BV199.

For litter and refuse:

Grade A: No litter or refuse

Grade B: Predominantly free of litter and refuse apart from some small items.

Grade C: Widespread distribution of litter and/or refuse with minor accumulations

Grade D: Heavily affected by litter and/or refuse with significant accumulations.

For detritus (to be removed on metalled highways and recommended to be removed on all hard surfaces):

Grade A: No detritus

Grade B: Predominantly free of detritus except for some light scattering

Grade C: Widespread distribution of detritus with minor accumulations

Grade D: Heavily affected by detritus with significant accumulations

These standards may be applied to any site for litter and refuse, and in the case of detritus, to metalled highways and (recommended) all hard surfaces, using the following principals. nb. Although the nature and characteristics of land may vary, the principals on which the litter, refuse and detritus are graded remain the same.

- Grade A means that no litter, refuse (or detritus where applicable), is present in the area.
- The presence of even one small item of litter, refuse (or small scattering of detritus where applicable) downgrades the environment to a B.
- The presence of litter and/or refuse (and/or detritus where applicable) that is significant enough to form a few minor accumulations (grade C) or significant accumulations (grade D) is regarded as unacceptable.

It is recognised that a grade A cannot be maintained at all times, and the presence of a few small items of litter and refuse, not yet accumulating, are regarded by the public as acceptable for short periods of time. It is expected that managers of land should, through monitoring and the appropriate use of resources, keep their land clear of litter and refuse so that it does not fall below a grade B and is cleansed to an A on a regular basis. Metalled highways must be free from detritus after cleansing (to be grade A).

The inclusion of the recommendation that all hard surfaces be cleansed to be free from detritus in this code, seeks to ensure that thorough cleansing is carried out on a regular basis. Without this an area still appears dirty.

It may not be practicable to remove all litter items from some softer or non-metalled surfaces, such as grass or sand, and in these cases a grade B would be acceptable.

Where vegetated and metalled surfaces abut without clear kerb edging, for example a grass verge leading onto a rural road, managers should make a judgement as to the definitive edge of the metalled surface. The extent of detritus is then comprised of the amount of encroachment onto the metalled surface from this definitive edge. It should be regarded as good practice to cut back any vegetation that encroaches upon a metalled surface, and detritus can be managed with an effective sweeping regime. Although a grade A may not be achievable in every circumstance, it is expected that an acceptable grade (grade B) be achieved on the exposed metalled surface of a road or highway. Mud and skim from flooding are separate issues.

## **9.6 Zones**

The speed and intensity of the accumulation of litter and refuse in an area depends on a large number of factors. These can include the levels of pedestrian and vehicular traffic, natural physical features and location, the weather, the time of year, the nature of the surface of the terrain, the structural and physical items that affect the ability to clean, and the nature and condition of the surrounding areas.

However, there are two most common features that will have an impact on the levels and frequency of attention that needs to be paid to an area to keep levels of litter and refuse to acceptable standards. These are:

- The intensity of activity in the area, from people and vehicles, and
- Health and Safety limitations.

As such, the revised Code has re-classified the different types of land managed by duty bodies into four main zones, based on these two variables.

- High intensity of use (busy public areas)
- Medium intensity of use ('everyday' areas, including most housing areas occupied by people most of the time)
- Low intensity of use (lightly trafficked areas that do not impact upon most people's lives most of the time)
- Areas with special circumstances (situations where issues of Health and Safety and reasonableness and practicality are dominant considerations when undertaking environmental maintenance work).

A road would be designated as a high intensity zone whilst running through a primary or secondary retail and commercial centre, a medium intensity zone in the suburbs and a low intensity zone once in the countryside.

## 10 Response times:

<b>High intensity of use</b>	<b>Medium Intensity of use</b>	<b>Low intensity of use</b>	<b>Special circumstances</b>
Half a day This means 6pm if reported before 1pm or by 1pm the next day if reported between 1pm and 6pm on the previous day	1 day This means by 6pm the following evening	14 days	28 days or as soon reasonably practicable

## Type of zone

	<b>High intensity of use</b>	<b>Medium intensity of use</b>	<b>Low intensity of use</b>	<b>Special Circumstances</b>
<b><u>Nature of the area</u></b>	Areas which, through intense pedestrian and/or vehicular movements, are prone to fluctuations in litter and refuse and require both high levels of monitoring and frequent cleansing	Areas affected by moderate levels of pedestrian and vehicular activity and therefore less prone to fluctuations in litter and refuse, usually situated outside centres of retail or commercial activity, but used regularly by members of the public.	Areas subject to low frequent levels of pedestrian and vehicular activity and therefore less prone to fluctuations in litter and refuse, often located in more rural areas	Types of land where issues of Health and Safety and reasonableness and practicality are dominant considerations when undertaking environmental maintenance work (includes legislative restrictions for all land types).
<b><u>Maximum response time to restore to grade A standard if it falls below grade B</u></b>	Half a day This means by 6pm if reported before 1pm or by 1pm the next duty day if reported between 1pm and 6pm on the previous day	1 day This means by 6pm the following evening	14 days	28 days or as soon as is reasonably practicable

**Type of land (duty applies to relevant land/highways within these categories)**

	<b>High intensity of use</b>	<b>Medium intensity of use</b>	<b>Low intensity of use</b>	<b>Special circumstances</b>
<b>Retail, office and commercial</b>	Primary and secondary retail, office & commercial areas	Primary and secondary retail, office & commercial areas.		
<b>Housing Land</b>		Areas of housing (except those isolated within primary or secondary retail, office & commercial areas which fall within high intensity areas)		
<b>Industrial areas</b>		Industry/warehousing/retail parks		
<b>Roads</b>	Main roads other highways running through the above areas	Main roads and other highways running through the above areas	Rural roads and other areas Motorway and trunk road roundabouts and lay-bys, approach and slip roads connecting to these roads	Carriageway, verges and central reservations of motorways and trunk roads
<b>Transport interchanges</b>	Publicly accessible areas in and around transport interchanges in busy public areas (most likely to be major airports, ports, harbours, bus, train, and tram passenger stations in cities and town centres, and car parks)	Publicly accessible areas in and around transport interchanges in busy public areas (most likely to be suburban and important town harbours, bus, train, and tram interchanges, car parks and haulage operation)	Public areas in and around transport interchanges located in these areas Also, operational rail land between platforms and within 100m of platform ends.	Operational rail land within urban areas, not covered by other zones.
<b>Educational land</b>		Land of designated educational institutions (most commonly schools, colleges and universities), during term-time, other than weekends or half-term holiday	Land of designated educational institutions (most commonly schools, colleges and universities), when being used for a purpose authorised by governing body or managers during holidays.	

	<b>High intensity of use</b>	<b>Medium intensity of use</b>	<b>Low intensity of use</b>	<b>Special circumstances</b>
<b>Public open spaces</b>	Parks and open spaces located in busy public areas, or with strategic national importance, or parts of other open spaces subject to high intensity of use	Parks and open spaces located in areas as described above, or parts of other open spaces subject to medium intensity of use	Parks and open spaces located in areas as described above, or parts of other open spaces subject to low intensity of use	
<b>Waterside land</b>	Waterside land in areas with high intensity of use	Waterside land in areas with medium intensity of use	All other waterside land	
<b>Beaches</b>				Amenity Beaches should be generally clear of all litter and refuse between 1 May and 30 September inclusive. Individual Local Authorities should decide the level of cleanliness that they are able to provide to any non-amenity beaches, and where practicable, beaches must be inspected from time to time and cleaned as necessary
<b>Other areas</b>	Other busy public areas		All other areas	

## **11 Standards for Graffiti and Fly-posting**

### **11.1 Fly-posting (BV199c)**

Any printed material and associated remains informally or illegally fixed to any structure. It excludes formally managed and approved advertising hoardings and valid, legally placed signs and notices. It includes any size of material from small stickers up to large posters – often advertising popular music recordings, concerts and other events.

nb: This excludes business cards and handbills placed under vehicle windscreen wipers and floor handles, illegal displays on movable objects such as advertising.

'A boards' and billboards on movable bases on farmland, 'barrage balloons' etc.

- Grade A      The local environment is completely free from fly-posting.
- Grade B      Some fly-posting is present, but it is minor in nature and it is likely that many people would not notice its presence.
- Grade C      Fly-posting is present in the local environment to the extent that it is likely to be clearly visible to people using the area, and visible at a distance from at least one end of a 50m transect.
- Grade D      Fly-posting is extensive throughout much of the local environment and is clearly visible and obtrusive to people passing through the street scene, and visible from any point on a 50m transect.

### **11.2 Graffiti (BV199b)**

Any informal or illegal marks, drawings or paintings that have been deliberately made by a person or persons on any physical element, comprising the outdoor environment, with a view to communicating some message or symbol etc. to others.

- Grade A      The local environment is completely free of graffiti.
- Grade B      Some graffiti is present, but it is minor in extent, and many people passing through the local environment would not notice it.
- Grade C      Graffiti is present to the extent that it would be clearly visible to people passing through the local environment, and visible at a distance from at least one end of the 50m transect.
- Grade D      Graffiti is extensive over a large part of a 50m transect and is likely to be clearly visible and obstructive to people passing through the local environment, and visible from any point on the transect.

### **11.3 Litterbins**

Local Authorities have powers to provide litterbins in any street or public area as defined in the litter Act 1983.

There is no statutory requirement for Local Authorities to provide litter bins, however it has long been accepted that the provision is of value in reducing litter, and is used as part of a wider strategy across the district to improve the environment.

A variety of litter bin designs will be utilised across the District from post mounted types to larger floor mounted designs. The style employed will be designated following consideration of the area where the bin is to be installed, amount of littering, ease of bin service, location of other bin units and general Health and Safety considerations. Each bin will however, conform to latest British Standards as regards safety and will be waterproof, UV resisted and fire resistant.

All bins will be serviced to ensure that they are not overflowing of waste and that the area in which they are sited remains within the accepted levels as detailed under this strategy in line with the Code of Practice on litter and refuse.

Any reported litter bins in need of service will be actioned within 24hrs of being reported. Litter bins will be installed in areas of need, following monitoring of the condition of the area in relation to litter accumulations and locations. It is accepted that litter bins are a visual reminder to the public to contain their waste and that this further increases public perception of the service and environmental improvement.

Litter bins will be sited after consideration of the following:

- The specified location, as detailed under of this strategy in line with the Code of Practice on litter and refuse. Normally, the intensity of activity in the area from people and vehicles and Health and Safety limitations.
- Possible issues as identified under the monitoring process in line with BV199 surveys.
- Liaison with other sections/contractor/ external agents to ensure Section 89 Environmental Protection Act and Code of Practice on litter and refuse are complied with.
- Existing provision within specified area
- Amount of littering, if not identified under the BV199 surveys
- Short monitoring of the specified area, prior to installation of 2-4 weeks to identify need.
- Specific style of bin employed to meet needs of the area. Consideration of positioning, anchorage, potential vandalism.
- Where possible bins will be sourced to match in and compliment the existing street furniture provision. Common colours will be used in line with existing Town Centre colour schemes.



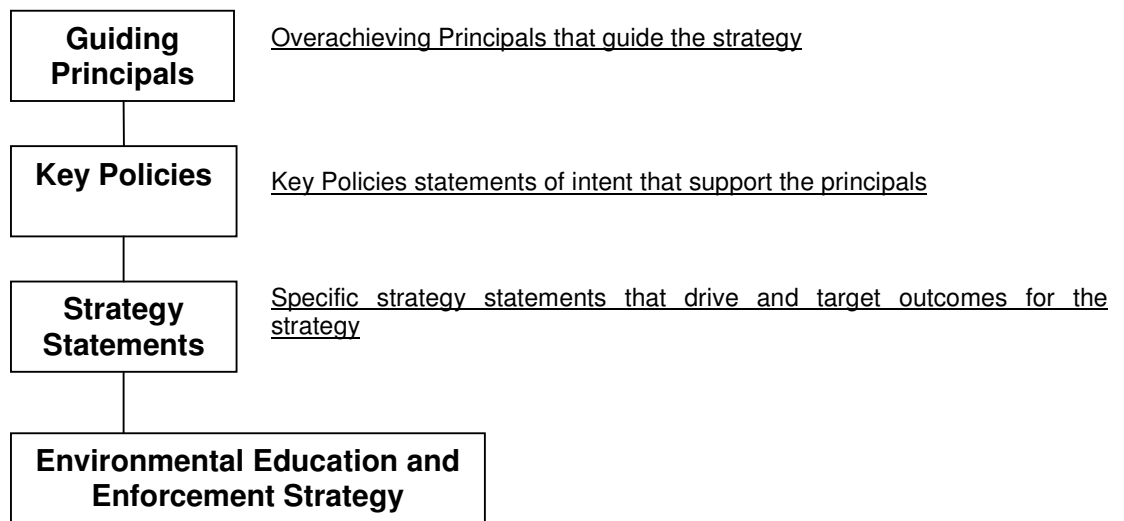
- Litter bins will be utilised as part of a wider strategy as detailed within this strategy.
- The maintenance and replacement of litter bins will be in line with existing resources. All mobile cleansing staff have a responsibility to monitor and report overfilled or damaged bins.
- Specific bins for dogs litter (designated red bins) although considered a “specialist bin” will be managed within these designated guidelines. The practice of encouraging the public to use normal litter bins for dog litter, provided a suitable bag is used will continue.

## **12 Delivery**

### **12.1 Introduction**

The outcome and delivery methods of any strategy form a critical part of its existence. This strategy is intended as a working document, which should guide future actions and evolve as necessary. A key element of the strategy will be an annual action plan, developed as part of the parking services business plan, which will drive and produce the desired outcome contained within this strategy.

The strategy could therefore be expressed as follows:



## **13 Performance Monitoring**

### **13.1 Introduction**

The following statutory and local performance indicators will be utilised in order to monitor performance outcomes of the strategy:

### **13.2 Performance Indicators 1: BVPI 199a**

The proportion of relevant land and highways as defined under EPA 1990 part IV section 86 (expressed as a percentage) assessed as having combined deposits of litter and detritus (e.g. sand, silt and other debris) across four categories of cleanliness (clean, light, significant, heavy)

### **13.3 Performance Indicators 2: BVPI 199b**

The proportion of relevant land and highways (expressed as a percentage) from which unacceptable levels of graffiti are visible

### **13.4 Performance Indicators 3: BVPI 199c**

The proportion of relevant land and highways (expressed as a percentage) from which unacceptable levels of Fly-Posting are visible.

### **13.5 Performance Indicators 4: BVPI 199d**

The year-on-year reduction in total number of incidents and increase in total number of enforcement actions taken to deal with fly-posting.

### **13.6 Performance Indicators 5: BVPI 218a**

Percentage of new reports of abandoned vehicles investigated within 24 hours of notification.

### **13.7 Performance Indicators 6: BVPI 218b**

Percentage of abandoned vehicles removed within 24 hours from the point at which the Authority is legally entitled to remove the vehicle.

### **13.8 Performance Indicators 7: Local Performance Indicator**

In line with annual returns to DEFRA to identify the number and breakdown of Fixed Penalty Notices issued for environmental offences.

### **13.9 Performance Indicators 8: LPI – CLP34**

Cleanliness standards restored to acceptable levels within time limits:

- a) Zone 1 – 90%
- b) Zone 2 – 70%
- c) Zone 3 – 70%
- d) Zone 4 – 90%
- e) Zone 5 – 90%
- f) Zone 6 – 90%

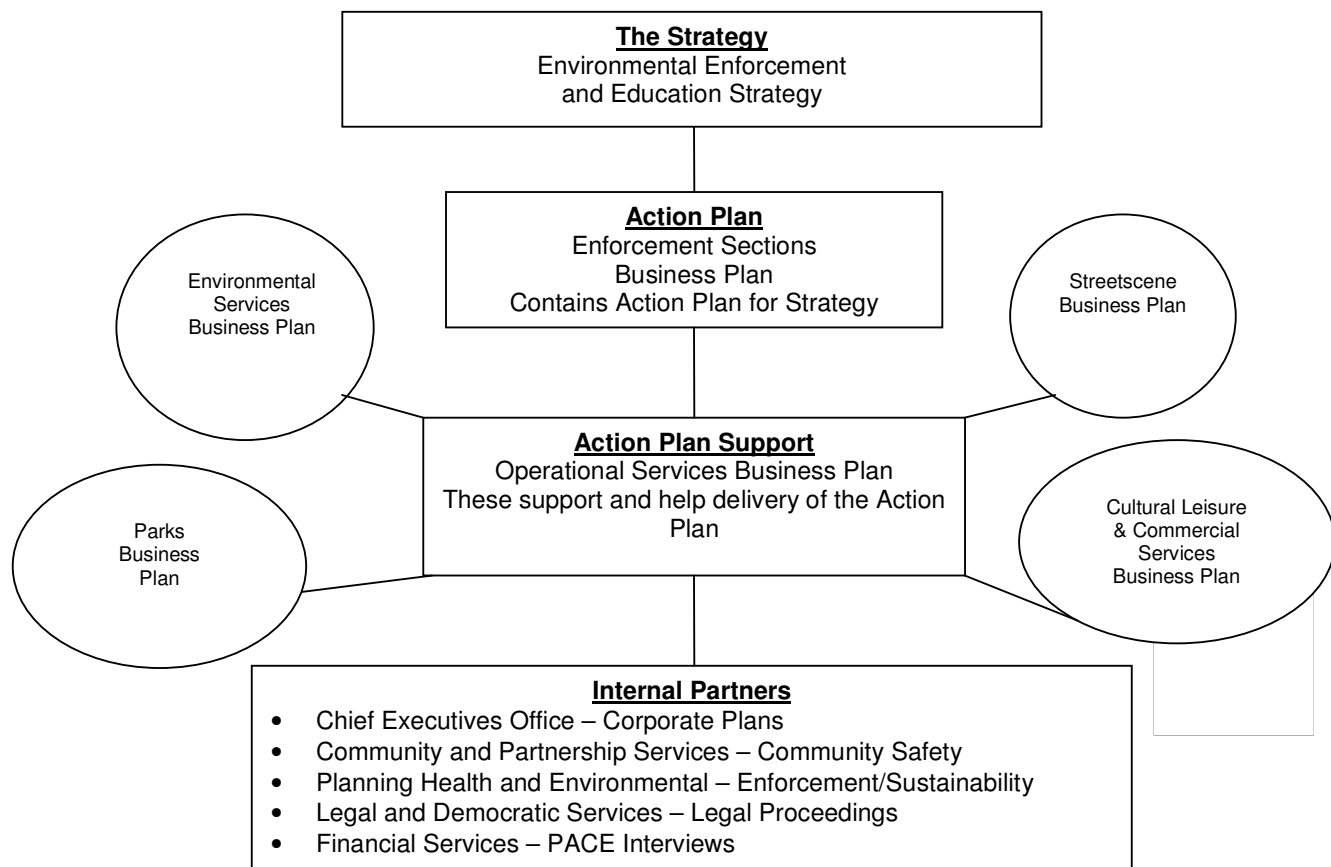
### **13.10 Performance Indicators 9: LPI – CLC8**

Abandoned vehicles removed/destroyed/claimed monthly, quarterly, yearly.

#### **14 A framework for outcomes**

The desired outcome for the strategy are on an important facet of its make-up. In this way the strategy itself is made up of two individual key components, the **Strategy document** and the **Action Plan**.

The Action Plan itself is further supported and delivered by a number of supporting partners. Thus the process for the **Strategy document** and the **Action Plan** could be expressed as follows:



- External Partners**
- West Mercia Constabulary – Police Community Support Officers
  - Vehicle Operator and Services Agency – Enforcement Assistance
  - Environmental Agency – Enforcement Assistance
  - Wyre Forest Community Housing – Partnership with Community Wardens
  - Bewdley Town Centre Management form – Shared Objectives
  - Kidderminster Town Centre Partnership – Shared Objectives
  - Oldington and Foley Park Neighbourhood Management Pathfinder - Partner
  - Horsefair/Broadwaters Community Neighbourhood Partnership - Partner
  - Friends of Brinton Park – Shared Objectives
  - Friends of Broadwaters - Shared Objectives
  - Stourport-On-Severn Town Centre Forum - Shared Objectives
  - Wyre Forest matters Strategic Board – Key Objectives
  - Wyre Forest matters better Environment Working Group - Key Objectives
  - Wyre Forest Highways Partnership Forum – Liaison
  - Wyre Forest Tourism and Leisure network - Shared Objectives
  - Wyre Forest Community Safety Partnership – Key Objectives
  - Worcestershire Partnership Community Strategy Task Group – Liaison
  - Worcestershire Partnership Board – Shared Objectives
  - Worcestershire Partnership safer and stronger committee board - Liaison
  - Worcestershire Environmental Education liaison group – Liaison
  - Worcestershire Sustainability Officers Group – Liaison
  - Trading Standards – Enforcement Assistance

## 15 Document Relationship

Document	Contact	Relationship (Strategy links to corporate)
Best value performance plan 2006	Mr P Jones	Priorities under <b><u>Service, Efficiency and Prosperity</u></b>
Community Strategy (Helping to transfer your life)	Mr P Jones	Strategy includes objectives from the Wyre Forest Matters Group. A partnership of local public agencies, community and voluntary groups and local businesses.
Corporate Plan (Building a better Future)	Mr P Jones	Strategy links to the Council's strategic direction for the period 2003-2008.
Wyre Forest Community Safety Strategy	Miss A Braithwaite	Strategy - links to the Crime and Disorder Reduction Partnership.
Property and Operational Services business plan	Mrs P Hill	Strategy links with corporate/divisional objectives under plan.
Wyre Forest District Council Sustainability Strategy	Miss L Jones	Strategy links to quality of the environment and social wellbeing objectives. Key links with action plan.
Planning Health and Environment Business Plan	Mr M Parker	Strategy links to some shared objectives in terms of Enforcement under the Town and County Planning Act and the Clean Neighbourhoods and Environment Act.
Operational Services Business Plans	Mr S Brant	<u>Environmental Services: Strategy links to Enforcement</u> <ul style="list-style-type: none"> <li>• Domestic/Business Waste</li> <li>• Pest Control</li> <li>• Use of Officers</li> </ul>
	Mr G Edwards	<u>Streetscene: Strategy links to Enforcement</u> <ul style="list-style-type: none"> <li>• General Streetscene</li> <li>• Use of Officers</li> </ul>
	Mr J Whitehouse	<u>Parks: Strategy link to Enforcement</u> <ul style="list-style-type: none"> <li>• Nature Reserves</li> <li>• Parks Patrol</li> <li>• Use of Officers</li> </ul>

<b>Document</b>	<b>Contact</b>	<b>Relationship (Strategy links to corporate)</b>
Strategy & Performance Unit Business Plan	Mr P Jones	Strategy links with corporate/divisional objectives under plan in terms of community safety.
Wyre Forest District Council Economic Development and Tourism Plan 2005-2007	Mr S Singleton	Strategy links to the aims and objectives of the plan.
Wyre Forest District Council Improvement Plan	Mr P Jones	Strategy links to specific objectives under:  Performance Management <ul style="list-style-type: none"> <li>• Environment and Economic Regeneration</li> <li>• Cinema and Evening Economy</li> </ul>
Worcestershire Local Area Agreements	Mr S Adams	Strategy links to six main themes, in particular: <ul style="list-style-type: none"> <li>• Communities that are safe and feel safe</li> <li>• A better environment for today and tomorrow</li> <li>• Stronger Communities</li> </ul>
Enforcement Section Business Plan	Vacant	Parking Services will provide the lead officer role for Enforcement/Education. The section business plan will be the prime document for the delivery of this strategy.
Wyre Forest District Council/Environment Agency Joint Protocol for Environmental Management	Mr S Brant	Strategy links to this Clean Green Safe document with the Enforcement protocols with Planning Health and Environment and the Environment Agency.

## 16 Links

Cabinet Office – [www.cabinetoffice.gov.uk](http://www.cabinetoffice.gov.uk)

Central and Local Government Information Partnership – [www.clip.gov.uk](http://www.clip.gov.uk)

Department for Cultural Media and Sport – [www.culture.gov.uk](http://www.culture.gov.uk)

Home Office – [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Department for Environment Food and Rural Affairs/Home – [www.defra.gov.uk](http://www.defra.gov.uk)

ENCAMS – [www.encams.org](http://www.encams.org)

Environmental Agency – [www.environmental-agency.gov.uk](http://www.environmental-agency.gov.uk)

The Chartered Institution of Works Management – [www.ciwim.co.uk](http://www.ciwim.co.uk)

West Midlands Local Government Association – [www.wmlga.gov.uk](http://www.wmlga.gov.uk)

UK Environmental Law Association – [www.ukela.org](http://www.ukela.org)

Office of Public Sector Information – [www.opsi.gov.uk](http://www.opsi.gov.uk)

Department for Communities and Local Government – [www.communities.gov.uk](http://www.communities.gov.uk)

Wyre Forest District Council – [www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk)

Worcestershire County Council – [www.Worcestershire.whub.org.uk](http://www.Worcestershire.whub.org.uk)

Vehicle and Operator Services Agency – [www.VOSA.gov.uk](http://www.VOSA.gov.uk)

West Mercia Constabulary – [www.westmercia.police.uk](http://www.westmercia.police.uk)

Wyre Forest Community Housing Group – [www.communityhg.com](http://www.communityhg.com)

Cleaner Safer Greener Communities – [www.cleanersaferegreener.gov.uk](http://www.cleanersaferegreener.gov.uk)