

ANNEX 1

CHESHIRE EAST UNITARY COUNCIL

LOCAL ENVIRONMENTAL QUALITY STRATEGY

JANUARY 2009

1. INTRODUCTION

- 1.1 The public demand clean places to live. The Best Value User Satisfaction Survey 2006, drawing on data from Cheshire County Council and the 6 existing district councils at that time, shows that public concerns about clean streets figured as the third most important priority, with 44% of respondents putting this in their top 5 priorities for making the county a good place to live.
- 1.2 This concern, along with the interlinked issues of anti-social behaviour, sustainable management of waste resources and the challenge of climate change, is reflected in the Consolidated (Interim) Sustainable Community Strategy (SCS) for Cheshire East drawn up in August 2008. The SCS being the tool for promoting or improving the economic, social and environmental well-being of the area and contributing to the achievement of sustainable development in partnership with local delivery agencies and communities.
- 1.3 These prioritisations recognise our responsibility to tackle 'local environmental quality' issues such as litter, dog fouling, graffiti, fly-posting and fly-tipping across the diverse local environments of Cheshire East. A cleaner and safer environment will, therefore, help improve the quality of life for all those who live in, work in and visit the area.
- 1.4 The presence of dumped waste, litter, graffiti and abandoned vehicles, for example, contribute to people's fear of crime. Another of the Council's corporate priorities is about *delivering safer street and neighbourhoods*, so clearly local environmental quality issues have a role to play in creating environments in which people are safe and feel safe, both day and night.
- 1.5 The Council, as a litter authority, has a responsibility under the Environmental Protection Act 1990 to keep relevant land free from litter and detritus.
- 1.6 This local environmental quality strategy details how the Council will target acts of environmental crime and anti-social behaviour.
- 1.7 Several departments of the Council are responsible for tackling the results of environmental crime in their roles as landowners, service providers, community leaders and enforcing authorities. The key Council provision for environmental crime issues will be the Warden Service. This Service will work closely with the division responsible for collecting household waste (whether it is recyclable or non-recyclable), removing fly-tipping, sweeping the streets, emptying litter bins and maintaining Parks and open spaces – these are the key services that encounter the consequences of environmental crimes.
- 1.8 In line with the Council's responsibilities to maintain and enhance a clean and pleasant locality, this Strategy recognises the community's responsibility in this area. Enforcement plays a vital role in maintaining a clean and safe environment by educating, informing and advising individuals and businesses regarding regulations and duties. Enforcement ensures that those individuals and/or businesses that spoil local environments are made accountable for their actions through legislative processes.
- 1.9 The Clean Neighbourhoods and Environment Act (CNEA) 2005 saw the introduction of new powers for local authorities to help tackle local environmental quality problems. The Act introduced effective powers and tools to tackle poor environmental quality and anti-social behaviour, such as litter, dog control, graffiti, waste and abandoned vehicles. This Strategy sets out how we will use these new powers alongside existing powers to ensure an effective, consistent and clear approach to enforcement. The provisions of the CNEA cover offences committed on private as well as public land so enforcement work can and will extend beyond public land.

2. AIMS

2.1 Enforcement is necessary to protect and improve the physical quality of the places in which we live, work, invest and/or visit. Cheshire East Council fully supports the use of enforcement measures to improve local environmental quality and reduce antisocial behaviour. The intention of the Council is to carry out environmental enforcement to nationally agreed standards and this enforcement will be complemented by appropriately targeted educational campaigns and awareness raising with the ultimate aim to achieve compliance with legislation through the public changing their attitudes and behaviour towards environmental crime.

2.2 The Council believes in firm but fair regulation. Underlying this are the principles set out in the Enforcement Concordat which is a set of enforcement principles adopted by central and local government and published by central Government. The Concordat states that good enforcement practice should set clear standards, be carried out in an open, helpful manner, have a proportionate and consistent approach together with a clear complaints service.

2.3 Proportionality

The enforcement action taken by the Council will be proportionate to the risks posed and to the seriousness of the breach bearing in mind the cost of environmental crime to the Council and the public purse.

2.4 Consistency

The Council aims to carry out its duties in a fair, equitable and consistent manner. Consistency does not mean simple uniformity. The Council will, on occasions, need to exercise judgement and discretion according to the circumstances of individual cases.

2.5 Transparency

Transparency is important in maintaining public confidence in the Council's ability to regulate. It means helping those regulated and others to understand what is expected of them and what they should expect from the Council. It also means making it clear why the Service intends to or has taken enforcement action. The Council trains its staff and has procedures to ensure that where remedial action is required it is clearly explained (in writing in most cases), why the action is necessary, when it must be carried out and that a clear distinction is made between best practice and legal requirements. Where appropriate, opportunity is provided to discuss what is required to comply with the law before formal enforcement action is taken unless urgent action is required e.g. to protect the environment, to remove risks to health and safety or to prevent evidence being destroyed as soon as practicable after the event. Written explanation is given of any rights of appeals against formal enforcement action at the time the action is taken.

2.6 Targeting

Targeting means making sure that efforts are directed primarily towards those whose activities are likely to give rise to the most serious breaches of legislation. The Council has systems for prioritising regulatory effort. They include responding to complaints from the community about regulated activities, tasking in conjunction with external agencies and the gathering and acting on intelligence about prohibited activities.

2.7 To contribute to the Council's priorities this strategy will achieve the following objectives :-

- Raise awareness of litter control, dog control, good waste management and other local environmental quality issues;

- Educate and advise residents, businesses and visitors about their duties and responsibilities in these areas and inform them of what constitutes an offence;
- Undertake any enforcement action as necessary, in a reasonable, equitable and proportionate manner;
- In appropriate circumstances take enforcement action without education and advice when the severity of the situation dictates.

2.8 This approach will ensure that :-

- Enforcement is carried out in a fair and equitable way;
- We assist residents, businesses and others in meeting their legal obligations;
- We foster changing attitudes and focus on prevention rather than cure;
- Take firm action against those who break the law.

3. SCOPE OF THIS STRATEGY

- 3.1 All of the issues highlighted in this strategy are of great importance to residents – this is evidenced through the responses to various surveys and public consultations.
- 3.2 We seek, however, to prioritise work on certain issues in order to approach enforcement work in a structured way, targeting the principal issues affecting the Council's environment.
- 3.3 The strategy's priority areas are driven by both quantitative (local environmental quality survey results) and qualitative information such as public reports, intelligence gathering and officer visits.
- 3.4 The Council's areas for priority action to be set out in the Warden Service Delivery Plan 2009-10 are as follows :-
- Litter in urban and rural areas;
 - Irresponsible dog ownership;
 - Fly-tipping of waste on public and private land;
 - The responsible and legal management of household and commercial waste;
 - Abandoned and nuisance vehicles;
 - Graffiti and illegal advertising on building and structures.
- 3.5 A summary of the issues, legislation and remedies is contained in the following table.

Priority	The Legislation	The remedies
----------	-----------------	--------------

<p>Litter</p> <p>Data from inspections of areas carried out for a nationwide performance indicator suggest that the Cheshire East is a clean place to live. However, litter is still dropped and this defaces both our urban and rural areas.</p>	<p>The Environmental Protection Act 1990 (section 87) states that if anything is dropped, thrown, left or deposited by a person as to cause defacement by litter, in any public place including anything thrown from the street into a private garden or watercourse, they shall be guilty of an offence.</p> <p>Litter is wide enough in its definition to include synthetic materials often associated with smoking, eating and drinking, including cigarette butts and chewing gum.</p>	<p>In order to keep the area a clean place, residents and visitors should use litter bins for their litter. If there is not a litter bin near by individuals should keep hold of their litter until they find a bin, or take it home.</p> <p>Dropping litter is an offence. We will take a dual approach to reducing littering by :-</p> <ul style="list-style-type: none"> • undertaking general litter education and awareness raising across the Council's area on the consequences of unlawful littering; • using enforcement to tackle those guilty of littering. <p>The Council will use its powers where necessary to tackle the distribution of free literature and to hasten the clearance of litter and waste from private property.</p>
<p>Waste</p> <p>1.) Irresponsible management of waste (whether it is by businesses or householders) can result in a number of problems – not only visual but potentially environmental too. The highest profile concern is fly-tipping (the dumping of waste which can include sacks of household refuse). This can result from businesses or householders not fulfilling their obligations when hiring a contractor (for example) to remove their rubbish.</p> <p>2.) Failing to comply with specified collection directions on the presentation of household waste.</p>	<p>Everyone (whether they are a business or a householder) has a duty to ensure that only registered carriers of waste remove the rubbish they have been hired to collect. Businesses or householders must be sure that their waste is transferred to a company authorised to take it and transport, recycle or dispose of it safely. This transfer of waste must be officially recorded on a controlled waste transfer note. A copy of the note from their authorised waste company must be kept and stored for 2 years.</p> <p>Information regarding registered waste carriers can be obtained from the Environment Agency.</p> <p>The traditional simple weekly collection of whatever waste a resident cares to put out has just about disappeared. Rising volumes of waste, increasing disposal costs, statutory recycling targets and increasing concern over environmental issues means that the waste services provided to residents are increasingly complex. Residents are now required to think about what they do with their waste.</p>	<p>Fly-tipping waste is an offence and anyone traced and not in possession of the required documentation can receive a fixed penalty notice for the offence or be prosecuted, facing a fine of up to £50,000 or a term in prison.</p> <p>If you transport waste as part of your business (including charity and voluntary organisations) or otherwise for profit, you must register with the Environment Agency as a waste carrier, unless you are carrying your own waste and it is not construction or demolition waste. Failure to produce a waste carrier's license or a controlled waste transfer note can result in a FPN or prosecution and the seizure of the unregistered vehicle.</p> <p>In appropriate circumstances we will take enforcement action without education and advice when the severity of the situation dictates.</p> <p>If waste is presented incorrectly or it is put out for collection at the wrong time householders and businesses can be served with a notice to confirm the Council's collection arrangements. Failure to comply with such a notice can lead to the issuing of a FPN or following a successful prosecution a fine of up to £1,000.</p>

<p>Dog Control</p> <p>Dog ownership is popular and the walking of dogs is an important part of the daily lives of many people. Dog fouling is one of the biggest local environmental quality complaints in the area and it is easily preventable if dog owners are responsible.</p>	<p>The CNEA allows the Council to introduce or amend Dog Control Orders to cover the following offences :-</p> <ul style="list-style-type: none"> • Failing to remove dog faeces; • Restricting the number of dogs walked by 1 person at any one time; • Permitting a dog to enter land from which dogs are excluded ; • Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer. <p>In respect of the Order for excluding dogs, a list of sites to be covered within the old Macclesfield Borough Council area is attached to the Order as an appendix. These sites are currently either owned or managed by the Borough Council and are mainly children's playing areas which are clearly marked out by perimeter rails. There is a future programme to enclose other sites with perimeter rails and these will be included in the Order at a later stage. Other sites include cemeteries and land where previous dog exclusion byelaws applied. It is recommended that a similar process be carried out in relation to suitable areas of the Congleton and Crewe and Nantwich Councils.</p>	<p>Cheshire East Council supports responsible dog ownership. General education and awareness raising has taken place across the Council's area on the consequences of not picking up after your dog. It is illegal to let your dog foul on publicly accessible land and not clear up after it. The existing Councils have used their enforcement powers under the Dogs (Fouling of Land) legislation to bring this message home in the past and will continue to do so.</p> <p>In many popular dog-walking areas dog waste bins are located and owners should use these or litter bins where available. Failing that, owners should dispose of the dog faeces at home.</p>
<p>Defacement</p> <p>Whether it is fly-posting or graffiti, defacement can make areas look uncared for and run-down. Graffiti is a problem that seems to be increasing nationally and needs to be tackled.</p> <p>Graffiti is criminal damage, costly to remove and defined as any informal or illegal marks, drawings or paintings</p>	<p>Both committing defacement and allowing 'old' defacement to remain can be dealt with through the use of defacement removal notices (as a last resort).</p> <p>Those found writing graffiti or fly-posting in the area can be issued with a FPN or be prosecuted resulting in a fine of up to £5,000. Many methods can be employed to identify 'graffiti offenders' (including working closely with schools for example) and these will be used to catch offenders.</p>	<p>Enforcement action and the message this sends is an important part of preventing defacement. However, the removal of defacement is another important deterrent as this can discourage future actions if the perpetrators know the defacement will be removed quickly.</p> <p>A policy on how the Council tackles defacement on buildings other than those in its ownership will be drafted. The Council is not necessarily responsible for removing graffiti and fly posting from private property and a notice may be served on property owners to remove defacement. The Council's Street Cleansing Service (correct title to be added here) will remove racist and offensive graffiti within 48 hours of it being reported.</p>

<p>that have been deliberately made by a person or persons on any physical element in the outdoor environment.</p> <p>Fly posting is a form of unauthorised advertising and defined as any printed material and associated remains informally or illegally fixed to any structure. It includes any size of material from small stickers up to large posters.</p>	<p>For fly-posting the organisers of the events being illegal advertised can be found liable for the offence. The Council will use relevant powers to prosecute any person (which includes businesses) found to be responsible for fly posting or anyone benefiting from unauthorised advertisements.</p>	
<p>Abandoned Vehicles</p> <p>It is an offence to abandon a vehicle, or part of a vehicle, on a highway or on any land in the open air.</p>	<p>There is no legal definition of 'abandoned'. Officers use their judgment based on a number of factors when making decisions of whether a vehicle is abandoned. The Council has arrangements in place for the removal of vehicles it considered to be abandoned. Charges will apply for the storage and release of vehicles if they are claimed.</p> <p>Broken down or obstructive vehicles cannot be removed by the Council.</p>	<p>The Council only has powers to remove abandoned vehicles and individual councils have been using them for a significant time.</p> <p>In general, if a vehicle is deemed to be abandoned the vehicle will be removed and a removal notice will be sent to the owner. Consideration should also be given to issuing a FPN to the registered keeper/owner of the vehicle.</p> <p>Further work is currently being undertaken with DVLA in respect of untaxed vehicles which may see the Council taking responsibility for them.</p>
<p>Nuisance Vehicles</p> <p>The way people 'manage' cars on the highway can cause inconvenience to neighbours and environmental problems.</p> <p>The CNEA creates two new offences in relation to nuisance vehicles – businesses selling two or more vehicles on a road or roads, within 500 metres of each other and similarly repairing vehicles on a road.</p>	<p>A person found guilty of selling vehicles on the highway can face a fine of up to £2,500.</p> <p>Those businesses and individuals attempting to use the road as a workshop in contravention of the CNEA may be liable to a fine of up to £2,500.</p>	<p>Enforcement action and the message this sends is an important part of preventing this type of nuisance.</p> <p>FPNs can be issued for both of these offences.</p>

4. OUR ENFORCEMENT APPROACH

- 4.1 The word 'enforcement' covers all actions that the Council undertakes to secure compliance with the aforementioned pieces of legislation and will include education, advisory visits and assisting with compliance as well as formal action such as the issuing of Fixed Penalty Notices and prosecution.
- 4.2 The majority of residents, visitors and businesses recognise that the types of 'enviro-crimes' covered by this strategy are not socially acceptable. However, there will be those who continue to have little respect for their surroundings and this is where appropriately targeted enforcement action is necessary.
- 4.3 Whilst prevention, through a process of education and advice, are important tools of the Service, it is underpinned by enforcement. Court actions in the form of prosecutions may be taken against offenders who refuse to pay the FPNs provided there is sufficient evidence of the offence.
- 4.4 Prosecution is the ultimate sanction in all cases and the guidelines of the Enforcement Concordat should be strictly adhered to. It is expected that the vast majority of businesses and residents will comply with the law when treated respectfully but firmly.
- 4.5 A vital tenet of the whole enforcement strategy is that the Council should be in a position to rigorously progress prosecution cases, as and when appropriate and necessary, in order to show the local communities that the issue of environmental crime is taken seriously. Appropriate legal action may be taken where a fixed penalty has not been paid in the prescribed period and there is sufficient evidence of the offence.
- 4.6 Awareness raising and education initiatives have a major role to play in changing people's attitudes to their local environments and the Service is committed to providing regular educational inputs within local schools, colleges and Junior Neighbourhood Warden schemes as well as to local interest groups.
- 4.7 The Council recognises the importance of ensuring that all enforcement decisions are consistent, proportionate, clearly explained and relate to common standards to ensure the public is adequately protected.
- 4.8 The following basic enforcement options may be used by the Council depending on the seriousness of the offence :-
 - **Fixed Penalty Notice (FPN)** - Authorised Officers can offer FPNs for certain environmental crime offences (listed in Appendix 1). FPNs are used as an alternative to prosecution and the alleged offender being taken to court. Further information relating to FPNs can be found below.
 - **Written Warning** – Where a FPN is challenged and the mitigating circumstances mean a prosecution is not in the public interest, the Service has the option to serve the recipient of the FPN with a written warning. The warning will note that no formal action will be taken, but if necessary it will stay on file for 12 months and can be used as a factor in any future assessment where a similar offence occurs.

- **Serving a Statutory Notice** - Some offences require the serving of a formal notice on businesses and individuals requiring them to carry out specific legal requirements. Offences of this type include (but are not limited to) street litter control, unauthorised advertising, willful obstruction of the highway and abandoned vehicles.

The notice will explain what is wrong, what is required to put things right and what the consequences are if the notice is not complied with.

- **Prosecutions** - Court actions in the form of prosecutions will be taken against offenders who refuse to pay the FPNs where there is sufficient evidence of the offence. Fair and effective prosecution is essential and the decision to prosecute an individual is a serious step.

4.9 **The use of Fixed Penalty Notices (FPNs)**

A number of offences listed in this Strategy can be dealt with through the use of FPNs. FPNs may be issued when an authorised officer believes that an offence has been committed. The FPN gives the alleged offender an opportunity to avoid prosecution by payment of the penalty. The standard of evidence required for the issue of a FPN is exactly the same as for a prosecution at court. It is essential, therefore, that FPNs are only issued where an authorised officer believes there is adequate evidence to support a prosecution if a notice is not paid, and that unpaid notices are followed up.

- 4.10 The Council sees the issues covered by FPNs under the various Acts covering 'enviro-crime' as important to individuals' quality of life and wants to send out a strong message, through their usage, to those who deface the Council's environment.
- 4.11 The FPN must be paid within 14 days of it being served. If the FPN is not paid the case will be considered for prosecution in the Magistrates' Court.
- 4.12 The use of FPNs is one of the powers we shall use to meet the strategy's aim in an effective and efficient manner. The Council will retain any funds accrued from the serving of FPNs. These funds will be used to help offset the costs of the enforcement function, by helping fund, for example, educational initiatives and publicity.
- 4.14 Any FPN **must by law** state the following :-
- the full amount of the fixed penalty;
 - that no proceedings for the offence will be taken if it is paid within 14 days;
 - the name and address to whom payment may be made by post (without ruling out other methods of payment).
- 4.15 A FPN is an auditable document. As such, the FPNs will need to be managed by the Service's software system which enables all notices to be tracked and monitored. A FPN which is defective may be cancelled by the Service Manager.
- 4.16 **Issuing Fixed Penalty Notices to Juveniles**
In law, a FPN can be issued to anyone over the age of 10. However, this Council has taken the decision that they should not be served on persons under the age of 16. There is no upper limit.

4.17 Dog Control Orders

The Cheshire East Council will use the existing dog fouling enforcement powers, granted to the old District Councils under the Dogs (Fouling of Land) Act 1996 and the dog control orders made by Macclesfield Borough Council.

When issuing FPNs for Dog Control Order offences the Council's paperwork must specify the actual Order that created the offence. Failure to do so might result in challenge in court.

4.18 Investigations

All investigations will be carried out in accordance with the Police and Criminal Evidence Act 1984 Code of Practice and with strict adherence to the Regulation of Investigatory Powers Act 2000 as and when required.

5. IMPLEMENTATION OF THE STRATEGY

5.1 Resources

The Service has been created from existing resources across the three Boroughs. This Service will investigate the environmental crimes covered by this strategy and take the necessary actions. The Service also incorporates the Council's Dog Warden duties. These Wardens and others within the Directorate will be authorised under the relevant legislation.

- 5.2 Along with enforcement, the Service will continue to deliver its current remit on National Indicators, anti-social behaviour, community cohesion and waste management, these being accommodated within the new structure by existing staff continuing to deliver their respective responsibilities.

- 5.3 Training will be provided to ensure all authorised personnel have the skills and knowledge required to undertake their enforcement duties and to ensure a consistent approach.

5.4 Awareness Raising and Education

Awareness and education are fundamental to the success of any enforcement strategy. The community must know and understand what standards are expected of them so that they can operate to these levels. We aim to carry out this element of enforcement by providing consistent advice and guidance about relevant duties and responsibilities through face-to-face operations, leaflets, the Service's webpage, local press, educational talks, specific campaigning and work alongside our partners and stakeholders.

- 5.5 Over and above the targeted awareness raising and education work, specific focused campaigns will be developed to highlight certain local environmental quality problems to a certain group or within a certain area. Through the strategy we will, where resources allow, support any appropriate regional and national campaigns.

5.6 Partnership Working

The Council will work closely with the Police, Fire and Rescue Service, town and parish councils, educational establishments, the Environment Agency, resident's organisations, local housing service providers, business groups, utility companies, community groups, other Council departments and other public bodies. Through partnership working the aims of the strategy can be met in a shared and efficient manner.

- 5.7 The partners involved in this strategy will help raise awareness, through consistent information and advice, to assist in the education of the community regarding their responsibility to help maintain and enhance a clean and pleasant area.

6. REPORTING, MONITORING AND REVIEWING THIS STRATEGY

- 6.1 The Service will utilize the IT system to record ongoing workload. This system has the capability of providing a full historical record for all entries, which allows persons, properties, and businesses with which we have occasion to deal with to be accurately recorded, with all correspondence being attached to the relevant files. This will allow the Service to accurately monitor each case and in turn will provide the audit trail for all enquiries.
- 6.2 The system would also afford an easy monitoring facility to provide statistics as and when required to show the work of the Service.
- 6.3 The implementation of this strategy will be periodically reported to the Council. The Council can then publicise the actions it has taken to tackle environmental crime in the area.
- 6.5 The strategy will be reviewed annually from its date of adoption.

7. Human Rights

- 7.1 In carrying out its duties, the Council will respect the rights and freedoms guaranteed to individuals under the Human Rights Act 1998.
- 7.2 Consideration has been given to the compatibility of this strategy and its related procedure, with the Human Rights Act 1998. Particularly with references to the legal basis of its precepts; the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of action.

	QUESTION:	RESPONSE/EVIDENCE:	REFERENCE:
1.	Is there within this Strategy (or any attendant powers, authorities or directions within it) potential to interfere or infringe an individual's convention rights?	No – Where information is gained about individuals who are not connected with the enquiry going about their lawful business such information will be ignored.	Section 5
2.	Is there within this Strategy, any potential for it to be discriminatory in relation to the application or provision of such rights?	No	Section 5
3.	Does the Strategy provide a statement or clear guidance on establishing :- The legal basis for any infringement of rights authorised by it?	Yes	Section1
4.	Does the Strategy provide a statement or clear guidance on establishing :- A legitimate aim(s) in respect of its potential to interference of rights?	Yes	Section 3
5.	Does the Strategy provide a statement or clear guidance on establishing :- Whether the actions are justified and proportionate/ least intrusive and damaging in seeking to achieve the legitimate aim(s)?	Yes	Section 5

8 Race Relations Amendment Act 2001

8.1 In 2001, the Race Relations Act was amended to give public authorities a new statutory duty to promote race equality. The aim is to help public authorities to provide fair and accessible services, and to improve equal opportunities in employment.

8.2 The legislation helps ensure public authorities become more accountable to the people they serve and allows everyone the opportunity to give their views about the services that affect them. That means it helps provide the kind of public functions and services all of us need, want and deserve as well as helping to further equality of opportunity and better race relations.

8.3 The general duty applies to all public authorities listed in Schedule 1A of the Act. It requires them :-

- To eliminate unlawful racial discrimination;
- To promote equality of opportunity between persons of different racial groups;
- To promote good relations between persons of different racial groups.

Does the strategy have a positive or negative impact upon the duty to eliminate discrimination?

NO

Could the strategy have a positive or negative impact upon the duty to eliminate discrimination?

NO

Does the strategy have a positive or negative impact upon the duty to promote equality of opportunity?

NO

Could the strategy have a positive or negative impact upon the duty to promote equality of opportunity?

NO

Does the strategy have a positive or negative impact upon the duty to promote good race relations?

NO

Could the strategy have a positive or negative impact upon the duty to promote good race relations?

NO

9 Crime and Disorder Implications

- 9.1.1 Section 17 Crime and Disorder Act places a duty on responsible authorities to exercise their various functions, with due regard to the likely effect of the exercise of those functions and the need to do all that it reasonably can to prevent, crime and disorder in it's area.
- 9.2 Currently the three districts have corporate strategies that address community safety issues. It is anticipated that such a strategy will be developed for Cheshire East. In the meantime the CDRP strategic assessment and consultation on the priorities identified in the assessment, CDRP tasking and co-ordination process and local community action meeting processes will provide an ongoing process for auditing needs and demands for crime and disorder reduction within the local community.

APPENDIX 1**FIXED PENALTY NOTICE OFFENCES AND AMOUNTS**

DESCRIPTION OF THE OFFENCE	LEGISLATION	FPN AMOUNT
Dog Fouling	Section 3 Dog Fouling of Land Act 1996	£50
Nuisance parking	Section 6(1) CNEA 2005	£100
Abandoning a vehicle	Section 2A(1) Refuse Disposal Amenity Act 1978	£200
Littering	Section 88(1) Environmental Protection Act 1990	£75 *
Breach of a Street Litter Control or Litter Clearing Notice	Section 94A(2) Environmental Protection Act 1990	£100 *
Unauthorised distribution of literature on designated land	Section 3A paragraph 7(2) Environmental Protection Act 1990	£75 *
Defacement – graffiti and fly-posting	Section 43 Anti-social Behaviour Act 2003	£75 *
Failure to produce a controlled waste transfer note	Section 5B(2) Control of Pollution (Amendment) Act 1989	£300
Failure to present a Waste Carrier's Licence	Section 34(2) Environmental Protection Act 1990	£300
Offence in relation to waste receptacles	Section 47ZA(2) Environmental Protection Act 1990	£100 *
Breach of Dog Control conditions	Section 59(2) CNEA 2005	£75 *

* Indicates a minimum default amount specified by statute but where the Council would have power to charge a different amount if it wished.

APPENDIX 2**SUPPORTING DOCUMENTS**

Enforcement Concordat

*Guidance on the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and related legislation covering:

- Dog Control Orders
- Abandoned Shopping Trolley and Luggage Trolleys
- Noise
- Litter and Refuse
- Statutory Nuisance from Insects and Artificial Light
- Fixed Penalty Notices Issuing Fixed Penalty Notices to Juveniles
- Defacement Removal Notices
- Nuisance Parking Offences and Abandoned Vehicles
- Code of Practice on Litter and Refuse
- Waste

Preventing Cigarette Litter in England – Guidelines for Local Authorities

Guidance on the Management of Shopping Trolleys

Getting to grips with the Clean Neighbourhoods and Environment Act 2005 – a parish council guide to environmental enforcement

Tackling drug related litter - Guidance and good practice

Reducing litter caused by 'food on the go' - A Voluntary Code of Practice for local partnerships

Circular 03/07 Town and Country Planning Act – Control of Advertisement Regulations

Human Rights Act 1998

Race Relations Amendment Act 2000

Crime and Disorder Act 1998

Anti-Social Behaviour Act 2003

Police and Criminal Evidence Act 1984

Regulation of Investigatory Powers Act 2000