

## Blaby District Council **Policy**

Environmental Health, Environmental Services & Community Services  
Enforcement and Compliance Policy

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Version*	Reviewed By (Job Title)	Review Completion Date	Brief Description of Changes (add 'no changes required' if applicable)

\*Version number remains the same if no significant changes are made upon review.

Document Definition / Approval & Review

### Defining the document type and how it is approved and reviewed

Blaby District Council policies ‘**outline a set of rules or principles that govern how the council (or services within the council) will operate**’.

Key published documents are approved for publication in line with the approval matrix illustrated in the Key Published Document Procedure.

Unless agreed by exception, key published documents must be reviewed at least **every 3 years** from the date of approval.

Significant updates/changes must also seek reapproval in line with the approval matrix.

Scope

### To what and to whom this policy applies

This details the way that enforcement action will be taken by the Environmental Health, Environmental Services, Community Safety and Housing teams. It applies to all persons and businesses that have interaction with those teams.

Terms & Definitions

Definition of any acronyms, jargon, or terms that might have multiple meanings.

Term	Definition



# **Environmental Health, Environmental Services & Community Services Enforcement and Compliance Policy**

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**2025-2028**

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# **1. Introduction**

## **1.1 Scope of Environmental Health, Environmental Services and Community Services**

The Environmental Health, Environmental Services and Community Services (EH/ES/CS) teams at Blaby District Council enforce over 100 pieces of legislation related to both businesses and individuals.

The main areas of enforcement are:

- Food Safety
- Health and Safety
- Taxi Licensing
- Premises and Personal Licensing
- Environmental Protection
- Pollution Control
- Mobile Homes Site Licensing
- Environmental Crime
- Private Sector Housing
- Animal Behaviour and Welfare
- Anti-Social Behaviour
- Public Health

The EH/ES/CS services are committed to ensuring that legislation is enforced fairly and consistently to ensure that one member of the community cannot enjoy an unfair competitive advantage over the rest of the community by illegal activities or biased enforcement procedures.

The effectiveness of legislation in protecting residents depends on the compliance of those being regulated. We recognise that in most cases individuals and businesses want to comply with the law and we will take care to offer assistance to them to meet their legal obligations without unnecessary expense. However, we will take firm action where appropriate, including prosecution, against those who disregard their obligations under the law or act irresponsibly and put our residents' health at risk.

## **1.2 How this Policy Supports the Council's Priorities**

By enforcing the legislation available to us the EH/ES/CS service supports the following strategic themes and organisational values.

The five strategic themes are:

1. Enabling our communities and supporting our vulnerable residents
2. Enhancing and maintaining our natural and built environment
3. Growing and supporting our economy
4. Keeping you safe and healthy
5. Ambitious and well managed Council, valuing our people.

The four organisational values that will serve as guiding principles in day-to-day operations are:

1. Put the customer as the heart of everything we do
2. Be innovative, adaptable and resourceful
3. Understand the needs of our communities and treat everyone fairly
4. Be open, honest and clearly communicate

The legislation that the EH/ES/CS Service enforce is there to protect communities and residents (especially those with vulnerabilities), to enhance the environment, to support businesses and protect health. The purpose of this policy is to ensure that this regulation is conducted fairly in an open and transparent manner and delivers benefits for both residents and businesses. The EH/ES/CS Service feeds into countywide initiatives and liaison groups to achieve consistency in regulation between local authorities as far as it is possible.

## **1.3 Joint Working**

The EH/ES/CS service will work with our internal and external partners to ensure individuals and businesses comply with legislation. This means that we can pool our resources and provide better value for money to our customers when carrying out our duties.

In particular the EH/ES/CS service works closely with other agencies dealing with the wider aspects of anti-social behaviour. This includes sharing our data with the Police where appropriate.

## **1.4 Policy Review**

This policy will be reviewed every three years to ensure it stays relevant to current guidance.

## **2. Competence of Enforcement Officers**

The Council recognises that only appropriate, competent, authorised personnel may undertake certain aspects of EH/ES/CS law enforcement. The Council's constitution provides for such authorisation of Officers through its published scheme of delegation.

The service will assess the competence of enforcement officers using nationally recognised standards of competence, such as those provided by the Better Regulation Delivery Office (BRDO).

Each Service Manager will confirm the extent of each officer's authorisation and keep a copy of this on file. Any limitations to the extent of authorisation will also be noted for each officer.

## **3. Consistency of action**

The Council is committed to applying its powers in a way that is consistent with other local authorities. To achieve this, the Council may take part in benchmarking and consistency exercises where it is believed the resources needed to do this will be justified by the improvements which come about as a result.

## **4. Planning and Reporting**

Each Service Manager will review and plan the work of the service area on an ongoing basis and in line with the latest legislative requirements, current service demands and emerging threats/trends.

## **5. Charging for Enforcement Action**

Some legislation such as the Housing Act 2004 and Caravan Sites and Control of Development Act 1960 (as amended) gives Local Authorities the power to make a charge if enforcement action is necessary. The service will make use of these powers and will make a charge to ensure that, where the legislation allows, we recover the full costs of enforcement. Where possible fees will be set and reviewed as part of the fees and charges review process.

## **6. Equality**

The Council fully recognises and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with the relevant legislation and guidance. Action taken against an individual, business or organisation will be consistent with the Council's commitment to equality and diversity.

The EH/ES/CS Service recognises that some individuals need additional support or information in different formats to enable equal access to our service and where possible this will be accommodated. However, where the proprietor of a business does not speak or read English they will be encouraged to arrange their own translations. If this is not possible then the Council will aim to provide this service via Language Line, Leicestershire County Council translation services or an equivalent service.

Mental capacity issues are considered in each case to ensure that the individual we are taking enforcement action against understands the consequences of their actions and is able to make informed decisions. The Council will also consider any other barriers arising from protected characteristics individuals may have.

## **7. Indemnification of Officers**

The Council has adopted an indemnification policy with regard to authorised officers. This means the Council covers any potential liability of authorised officers whilst carrying out their duties.

## **8. Conduct of Investigations**

All investigations will be carried out in accordance with any associated guidance or codes of practice, in so far as they relate to Blaby District Council.

Overt surveillance will form part of some investigations. If for any reason the service needs to carry out any covert surveillance, we will follow the relevant guidance such as the Regulation of Investigatory Powers Act (RIPA) 2000.



## **9. Principles of Enforcement**

The Legislative and Regulatory Reform Act 2006 set out the approach regulators should take when carrying out their enforcement functions. The purpose of the legislation is to remove unnecessary burdens from businesses. These burdens are described as:

- a) A financial cost
- b) An administrative inconvenience
- c) An obstacle to efficiency, productivity, or profitability or
- d) A sanction, criminal or otherwise, which affects the carrying on of any lawful activity.

## **10. Regulators' Code**

The Regulators' Code is a statutory code, and the Council must adhere to it when making enforcement decisions. The Code provides a flexible, principles-based framework that supports and enables regulators to design their service and enforcement policies in a way that best suits the needs of businesses and other regulated bodies. The main principles are:

- a) Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
- b) Regulators should provide simple and straightforward ways to engage with those they regulate and acknowledge their views.
- c) Regulators should base their regulatory activities on risk.
- d) Regulators should share information about compliance and risk.
- e) Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
- f) Regulators should ensure that their approach to their regulatory activities is transparent.

## 11. General Enforcement

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests:

**Evidential Test** - is there enough evidence against the defendant?

**Public Interest Test** - is it in the public interest for the case to be brought to court?

Before a prosecution proceeds, the appropriate Officer must be satisfied that the case is in the public interest and is supported by sufficient relevant evidence which is:

- Admissible
- Substantial
- Reliable

The Code for Crown Prosecutors contains the following factors, and these (as well as other relevant factors) will be taken into account:

- a) The seriousness of the alleged offence.
- b) The previous history of the party concerned.
- c) The likelihood that a defence can be established.
- d) Whether important witnesses are willing and able to co-operate.
- e) Willingness of the party to prevent the problem recurring.
- f) Whether prosecution would be of public benefit.
- g) Whether a Simple Caution might be more appropriate.
- h) Any explanation offered by the party concerned
- i) The victim's view.

## 12. Enforcement Options

Blaby District Council uses the following enforcement options:

- a) Informal Action
- b) Written Warnings
- c) Statutory Notices
- d) Simple Cautions
- e) Prosecution
- f) Work in default
- g) Fixed Penalty Notices
- h) Seizure of equipment
- i) Forfeiture Proceedings
- j) Licence Reviews
- k) Refusal, Suspension and Revocation of Licence
- l) Civil Penalties
- m) Rent repayment Orders
- n) Criminal Behaviour Orders
- o) Closure Orders

## 12.1 Enforcement Approach

The approach to enforcement action will take into account a number of factors including risks to health, previous compliance history, confidence in management/individual and seriousness of the contravention. Where appropriate, the Council offers support and guidance to businesses and individuals to help them comply with legal requirements as a precursor to enforcement action. Stronger action is likely to be taken where risk is high and/or confidence is low but the individual circumstances surrounding a situation will also be taken into consideration. Where there is an imminent risk to health then there will be a presumption in favour of enforcement unless an equivalent alternative can be identified.

Additionally, we will take into account, guidance and advice from Government Departments, Advisory Bodies, Local Authority Associations and Professional and or Technical Bodies.

Investigation and decision-making will not be unduly prolonged or delayed. It will be in accordance with principles laid out in the:

- Human Rights Act 1998
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000

We will keep witnesses, complainants or other parties informed as to the progress of the case.

Once the decision to prosecute has been made, we will refer the matter to Legal Services.

## **12.2 Publicity**

In October 2014, the Government updated its guidance Publicising Sentencing Outcomes. This document states that;

- Verdicts and sentences in criminal cases are given out in open court and are a matter of public record.
- There should be a presumption in favour of the police, local authorities and other relevant criminal justice agencies publicising outcomes of criminal cases and basic personal information about convicted offenders so as to:
  - reassure the public;
  - increase trust and confidence in the Criminal Justice System (CJS);
  - improve the effectiveness of the CJS;
  - discourage offending and/or re-offending.

The service will therefore aim to publicise the outcomes of cases taken.

## **12.3 Proceeds of Crime**

The Council either through its own Officers or in co-operation with the Police may make an application under the Proceeds of Crime Act 2002 to restrain or confiscate the assets of the offender. The purpose of any such actions would be to recover any financial benefit that the offender has obtained from his/her criminal conduct.

## **12.4 Work in Default**

The local authority has the discretion on whether or not to carry out work if a Statutory Notice has not been complied with. Non-compliance with a Notice will not automatically result in the instigation of works in default. If it becomes necessary to carry out default work consideration should always be given to whether a prosecution is appropriate in addition to or as well as carrying out the work.

The decision is not taken lightly and is based on the circumstances of each case. The circumstances, which are likely to warrant works in default may be characterised by one or more of the following criteria:

- a) The conditions are such that the occupant's or the public's health, safety or wellbeing is put at risk
- b) The person responsible either cannot be found or has not responded to requests to contact us.
- c) A failure by the offender to correct an identified serious potential risk to safety after having been given a reasonable opportunity to do so.

Work in default will be subject to the approval of a manager with authority to spend up to the estimated costs of the work. It is the Council's duty to spend public money in a responsible way and make attempts to recover any costs. Depending on the legislation a local land charge will be applied and/or an invoice raised for the full costs including officer time and other expenses.

## **12.5 Fixed Penalty Notices**

Some legislation allows local authorities to offer a Fixed Penalty Notice (FPN) to an offender as a way of discharging their liability for the offence. In circumstances where a person or business fails to accept or pay an FPN, then in order to maintain the integrity of these legislative regimes, Environmental Health, Environmental Services and Community Services will consider an escalation of enforcement action.

## **12.6 Forfeiture Proceedings**

This procedure may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them being used to cause a further problem. In appropriate circumstances, an application for forfeiture to the Magistrates Courts will be made.

## **12.7 Seizure of goods/equipment**

Certain legislation enables authorised Officers to seize goods, equipment or documents for example unsafe food, sound equipment that is being used to cause a statutory noise nuisance, or any goods that may be required as evidence for possible future court proceedings. An appropriate receipt will be issued when goods are seized.

## **12.8 Licence Reviews**

A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review, which is essentially a request by a third party to the licensing authority to review a particular licence.

## **12.9 Refusal, Suspension and Revocation of Licences and Permits**

Where there is a requirement for a business to be licensed by the local authority, the licence may be granted unless representations or objections are received against the application.

Some legislation requires any appeals or representations to be heard at the Licensing Committee or its subcommittee. The Committee can decide to grant, grant with conditions, or refuse the licence application.

Where the Licensing Committee does not form part of the licensing process an applicant can use the complaints procedure to have the decision looked at again.

Licences and permits may be suspended or revoked with immediate effect if such a decision is deemed necessary in the interests of public safety and/or animal welfare.

## **12.10 Civil Penalties**

Civil penalties provide an alternative and potentially more useful sanction to local authorities. It enables consideration to be given in regard to the approach taken to deal with some landlords, could reduce lengthy legal processes and provides a very clear framework for the level of penalty in relation to the level of offence and harm. These are available for specified housing offences and are the subject of a separate Civil Penalties policy.

## **12.11 Rent Repayment Orders**

There is provision within the Housing Act 2004 to make rent repayment orders for the following:

- Offence in relation to licensing of Houses in Multiple Occupation (section 72)
- Failure to comply with an Improvement Notice (section 30)
- Failure to comply with a Prohibition Order (section 32)
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016
- Using violence to secure entry to a property (under section 6 of the Criminal Law Act 1977)
- Illegal eviction or harassment of the occupiers of a property (under section 1 of the Protection from Eviction Act 1977)

These orders are made by the First Tier Tribunal and can require a landlord to repay a specified amount of rent back to the Council or the tenant, which can be up to 12 months' rent.

Orders can be granted to either the tenant or the local housing authority, depending on who paid the rent. The repayment or rent via an order is distributed to the person or body that paid the rent in the first instance, or where it was shared in an equitable manner.

A rent repayment order can be made against a landlord who has received a civil penalty, but only at a time when there is no longer any prospect of the landlord appealing against the penalty. The Government has made clear the local authorities must always consider a rent repayment order after a civil penalty has been successfully imposed.

There is also an expectation that local authorities will help, support, and advise tenants who wish to pursue rent repayment orders.

## **13. Prevent Duty**

In all enforcement decisions Blaby District Council will give due regard to any legislation that has been introduced to reduce the threat of terrorism from individuals/groups; and to enhance the protection of publicly accessible locations across Blaby District from terrorist attacks and to ensure organisational preparedness.



## **14. Martyn's Law – Terrorism (Protection of Premises) Bill**

The proposed bill would impose requirements in relation to certain premises and events to increase their preparedness for, and protection from, a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place at their premises. Should this bill be passed, Blaby District Council will work collaboratively with the regulatory body that is responsible for enforcing this legislation if it is not within the remit of lower tier Local Authorities.

## **APPENDIX A – Environmental Crime**

### **A. Introduction**

This Appendix to the Environmental Health, Environmental Services and Community Services Enforcement and Compliance Policy 2025 - 2028 relates to matters or issues that can have a significant and/or detrimental impact on the environment, both physically and visually, as well as the possibility for harm to be caused to the public.

These issues are primarily as a result of unlawful offences being committed by irresponsible persons and businesses, and as a consequence, spoils the enjoyment of Blaby as a location for residents, businesses, and visitors.

This Appendix identifies these offences, explains how the Council will appropriately investigate and take enforcement action.

### **B. Fly-tipping**

There is no precise definition of fly-tipping other than the offences set out in section 33 of The Environmental Protection Act 1990, i.e. the illegal disposal of controlled waste. Common types of fly-tipped waste include:

- Household waste
- Large domestic items, such as fridges and mattresses
- Garden waste
- Commercial waste such as builders' rubble, tyres, and clinical waste
- Asbestos

Fly-tipping is illegal, unsightly, and unsafe with some fly-tipped waste containing dangerous items including syringes, asbestos, and toxic waste. It can also attract flies, rats, and other disease-carrying pests.

It is an offence to fly-tip any material, carrying an unlimited fine or a prison sentence of up to five years for the most serious offences. A Fixed Penalty Notice (FPN) may be offered as an alternative sanction for first-time offenders.

When fly-tipping from a vehicle, the Council can prosecute the registered keeper even when only the vehicle and not the driver is identifiable. The law also allows the Council to seize vehicles used to commit offences.

The Council will investigate all fly-tipping incidents where there is evidence that could identify an offender. This includes cases on private land with the landowner's permission.

The Council are only responsible for removal of fly-tipped waste found on public land. Fly-tipping on private land is the responsibility of the landowner to remove but the

Council may agree to do this at a cost to the landowner. Therefore fly-tipping on private land may take longer to be removed.

## **C. Waste Duty of Care – Residents and Businesses**

### **Residents**

The duty of care legislation makes provision for the safe management of waste to protect human health and the environment. This duty of care applies to anyone who imports, produces, carries, keeps, treats, disposes of, or are a dealer or broker that has control of controlled waste.

Section 34 (2A) of the Environmental Protection Act 1990 makes it a legal obligation or duty of care, for the occupiers of a domestic property to take all reasonable measures available to ensure that they only transfer household waste to an authorised person. This reduces the chance of waste ending up in the hands of those who might commit fly-tipping. Household waste is generally considered to be any waste produced within a domestic property which includes normal domestic refuse such as food waste, as well as larger items such as furniture and household appliances.

If waste is being passed to any other person or business that is not the Council, householders are advised to ask to view their Waste Carriers Licence (issued by the Environment Agency) and obtain a receipt confirming what they have taken, where they have disposed the rubbish, and details of any payment made. If the waste carrier cannot, or does not, provide these details, householders should not use them to ensure they do not breach their duty of care. Details of registered waste carriers can be found on the Environment Agency website.

It is a criminal offence if all reasonable measures are not taken to ensure that the duty of care is met. An individual could face prosecution and, on conviction, a fine and criminal record. A FPN may be offered as an alternative sanction for first-time offenders.

### **Waste receptacle notice**

The Council considers it good practice to inform households about how to present waste for collection, identifiably with regards to domestic waste, recyclable materials, food waste, and green waste.

The Council may, under Section 46 of the Environmental Protection Act 1990, serve a Notice on residents instructing on how to dispose, store, and present waste for collection. Failure to comply with such a Notice can result in a FPN being issued or alternative enforcement action.

### **Businesses**

Under section 34 (1) of the Environmental Protection Act 1990, businesses have a legal duty of care to manage waste correctly including ensuring that it is only passed

to an authorised waste carrier. Businesses must retain two years' worth of evidence of their waste management arrangements and often do so in the form of Waste Transfer Notes or a Duty of Care Certificate. If a business is required to provide evidence to the Council of their waste arrangements, or of their own authority to carry waste, and fail to do so, this can result in a FPN being issued, or prosecution. Details of registered waste carriers can be found on the Environment Agency website.

Where businesses fail to adhere to their duty of care requirements, or if their actions cause or are likely to cause a nuisance or are likely to have a detrimental effect on the local amenity, the Council may serve a Notice under Section 47 of the Environmental Protection Act 1990. This Notice will instruct the business on how to contain and secure their waste, and an evidential requirement that waste is only transferred to an authorised person or organisation. Failure to comply with a Notice can result in a FPN being issued. If the FPN is not paid the Council may take further enforcement action and prosecute the business.

#### **D. Littering**

Littering is the act of dropping or discarding small amounts of waste in public places, or by discarding it from vehicles. It can be anything from a cigarette stub to a small bag of rubbish. Put together, these small items can make an area look untidy and cause harm to wildlife and the environment.

Any identified person caught littering may be issued with an FPN. If the FPN is not paid the Council may take further enforcement action and prosecute the person responsible.

## **E. Graffiti**

Graffiti relates to any drawings, tags, pictures, messages, or scribbles that are painted, written, on walls, street furniture and other surfaces.

Graffiti can be deemed as non-offensive or offensive. For graffiti to be deemed offensive it would usually contain some or all of the following elements:

- Offensive language
- Language of a political, racial, religious insulting or inciting nature
- A hate statement
- A graphically explicit image

Graffiti is usually classed as a problem, as it has the potential to:

- Indicate a neglected neighbourhood and is associated with crime and anti-social behaviour
- Discourage people from visiting an area
- Be costly to remove
- Be associated with other crimes - areas with graffiti can attract other crimes in the area and heighten the fear of crime

Graffiti is vandalism and therefore an offence of criminal damage which is enforced by the police. In addition, both the Police and Council can deal with graffiti under anti-social behaviour legislation. Those who cause graffiti can be issued with a Community Protection Warning, Community Protection Notice, or issued with a Fixed Penalty Notice. If the offence is serious or repeated, the offender can be prosecuted and fined. The offender can also face the possibility of a Criminal Behaviour Order, which if breached can result in a prison sentence.

The Council will arrange for the removal of the graffiti from its own assets in a timescale determined by the content, with the highest priority likely to be given to graffiti which is racist or hate speech, or offensive language.

Graffiti on private land is the responsibility of the owner to remove if they wish to do so. However, if there is offensive graffiti on private land the Council can use anti-social behaviour powers to require the owner to remove or cover up the items that are offensive. Private owners can contact the Council for advice and possible assistance on the removal or covering up of offensive graffiti.

## F. Fly-Posting

There is no formal definition of fly-posting. However, it is generally taken to be the display of advertising material on buildings and street furniture without the consent of the owner, contrary to the provisions of the Town and Country Planning (Control of Advertisement) Regulations 2007 and the Highways Act 1980.

In practical terms, fly-posting can be divided into three broad types, each with particular characteristics and problems of control:

- Advertises primarily for local events, often photocopies put up in large numbers on a regular basis. These may advertise bands playing in pubs, car-boot sales, lost pets, and fairgrounds. They may be attached to lampposts, railings, bins, and street furniture or pasted on buildings.
- Posters advertising products of large organisations and put up by professional poster companies. These are usually larger (8/16 sheet), higher quality, colour posters, such as for record releases or national events. These are often pasted on vacant buildings and signal control/telecoms boxes
- Posters displayed by pressure groups or political bodies. These are generally ad hoc and sporadic with no clear pattern to their location.

There are other types of unauthorised advertisements (such as hoardings, A boards and business cards displayed in telephone boxes) which fall outside the normal definition of flyposting. The control of these is outside the scope of the Regulations.

The primary legislation used to control fly-posting are the Town and Country Planning Act 1990, the Town and Country Planning (Control of Advertisement) Regulations 2007, and the Highways Act 1980. Where an offence is proven the offender can be liable on conviction to a fine up to £2,500 and, in the case of a continuing offence, £250 for each day during which the offence continues after conviction.

This provision applies to all types of unauthorised advertisement and not exclusively to fly-posting. Under section 224(4) of the above Act, a person shall be deemed to display an advertisement if they are:

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

However, in both cases, a person shall not be guilty of an offence if they can prove that the advertisement was displayed without their knowledge or consent.

The Council are responsible for the removal of illegally posted advertisements on both Council and privately owned property in the district. Under section 225 of the Act, it allows the Council to remove or obliterate any item displayed in contravention of the Advertisements Regulations, and this can be done:

Without notice where it does not identify the person who displayed it and he cannot be identified after reasonable inquiry, and;

After providing two days' notice where this information is given on the poster.

### **Exemptions to Fly-Posting**

Election posters fall outside the regime of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) if they relate to an upcoming election. The advertisements / posters must be taken down 14 days after the close of the poll. This exemption DOES NOT include posters displayed by pressure groups / political bodies that are not for an upcoming election.

Advertisements / posters shall be allowed for events held by organisations that are voluntary, charitable or a community groups (which can include Parish and Town Councils), but only where there is limited impact and duration, the event will result in community benefit and is not commercial in nature. The advertisements / posters must be removed within 14 days of the event.

### **G. Abandoned, untaxed and Nuisance Vehicles**

#### **Abandoned vehicles**

An abandoned vehicle is usually reported to the Council because of some or all of the following:

- It has not moved or been attended to for a long time
- Is untaxed
- Has no valid MOT
- It has visible damage to suggest a crash or signs the vehicle has been stolen
- It is run-down or unroadworthy, including being rusted, broken windows, flat tyres
- Is burned out
- It has missing or suspicious number plates
- Contains a lot of rubbish inside it

The Council can remove abandoned vehicles from both public and private land which may require serving a 15-day notice on the vehicle and/or the registered keeper of the vehicle if known. Registered keepers can reclaim vehicles following collection but are liable for the collection and storage costs.

Abandoning a vehicle on any land in the open air, or any other land forming part of a highway, is a criminal offence under Section 2 of the Refuse Disposal (Amenity) Act 1978. Abandoned vehicles can also be dealt with as an offence under Section 10 of

the Clean Neighbourhoods and Environment Act 2005. The Council can choose to issue a FPN or prosecute for this offence if deemed appropriate.

### **Untaxed Vehicles**

Blaby District Council have devolved powers from the Driver and Vehicle Licensing Authority (DVLA) to remove vehicles from the highway that are more than 2 months out of tax.

### **Nuisance vehicles**

Section 3 of the Clean Neighbourhoods and Environment Act 2005 makes it an offence to expose vehicles for sale on a road and a person is guilty of an offence if at any time they leave two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale. Section 4 of the Clean Neighbourhoods and Environmental Act 2005 makes it an offence for a person to carry out repairs to a vehicle on a road unless they have been in an accident within the last 72 hours or have broken down and repairs are necessary.

## **H. Public Spaces Protection Order (PSPO)**

Public Spaces Protection Orders (PSPO), were implemented following the introduction of the Anti-social Behaviour, Crime and Policing Act 2014, and in accordance with Section 59 of the Act, the Council introduced its PSPO to control offences in relation to dogs, inclusive of:

- Dog fouling
- Dogs on lead by order
- Dogs on lead
- Dog exclusion

### **Dog fouling**

Under the PSPO it is an offence if anyone in charge of a dog, whether it belongs to them or not, fails to remove the dog's faeces should it foul in any public area. This includes parks, footpaths, and also private land to which the public are permitted to have access. Anyone who fails to clear up after their dog can be issued with an FPN. If the case goes to court the owner or person in charge of the animal can be fined up to £1,000.

The law states that being unaware a dog has fouled or not having a suitable bag is not a reasonable excuse. The Council can investigate reports of a known individual who fails to clean up after their dog.



## **Dogs on lead by direction**

This order concerns the requirement to comply with a direction given by an officer of the Council to a person in control of a dog to keep the dog on a lead, in order to prevent the dog from causing, or being likely to cause, annoyance or disturbance to another person, bird, or other animals.

## **Dogs on lead**

This order identifies specific locations where dogs must be kept on a lead at all times, and generally includes cemeteries, graveyards, churchyards, or burial grounds.

## **Dog exclusion**

This order identifies specific locations where dogs are excluded and prohibited from entering, namely children's play areas.

## **General**

Any person in control of a dog who fails to comply with the PSPO can be issued with an FPN. If the case goes to court the owner or person in charge of the animal can be fined up to £1,000.

Further information about the Council's PSPO, including the orders, can be found on the Council's website.

## **I. Stray dogs**

A dog is classified as a stray if it is unsupervised in any public place or private place where it is not permitted to be, whether or not it is wearing an identification tag.

The Council collect stray dogs from a variety of public places or from members of the public on request. This is completed through our partnership with a contractor who collect, kennel, and return stray dogs. The owner of the dog is then charged accordingly for the costs associated.

If an owner continues to allow or fails to prevent their dog from straying, which causes, or is likely to cause, nuisance to the public or passing traffic, enforcement action can be taken to require owners to prevent the escape of their dogs. Issuing Community Protection Warning or Notices under the Antisocial Behaviour Crime and Policing Act 2014 can occur, and if the recipient of a Community Protection Notice fails to comply with its requirements, the Council may take action to ensure that the failure is remedied.

## **J. Untidy Land and Buildings**

Untidy and poorly maintained gardens or land and neglected buildings can have a negative impact on neighbourhoods and the street scene.

The Council have legal powers available to control the tidiness / appearance of land and buildings, but this would usually be a last resort after attempting to reach a resolution with the landowner first.

If a resolution still cannot be achieved, the Council may take action and serve a Notice (known as a Section 215 notice) on the owner or occupier when the poor condition and appearance of the building or land have a detrimental effect on the surrounding area or neighbourhood.

The s.215 Notice requires proper maintenance of the property or land in question, and it specifies what steps need to be taken, by whom and by when. Failure to comply with such a notice is a criminal offence and the Council may choose to carry out works in default, charging the costs to the landowner.

Community Protection Warning or Notices under the Antisocial Behaviour Crime and Policing Act 2014 can also be issued to deal with these matters.

## **K. Campaigns and Education**

The Council will regularly engage in campaigns and promotional activities to make residents, visitors, and businesses aware of the requirements placed upon them to prevent environmental matters as referenced in the previous section.

Environmental issues such as fly-tipping, waste control, littering, graffiti, and dog fouling for example are often the highest profile campaigns the Council promote, using education as a preventative measure, and therefore avoiding the negative impacts, such as cost, and convictions associated to clearance and enforcement action.

The Council will work with the Leicestershire Waste Partnership, a collective of other Leicestershire Council environmental protection departments, who regularly work together to promote common themes and issues. Examples may include joint fly-tipping, duty of care or littering from vehicle campaigns. The Council will look to involve local voluntary groups when undertaking campaigns regarding littering.

The Council may engage with educational providers when promoting campaigns regarding littering and graffiti and dog fouling. The Council hopes that by engaging with young people, and highlighting environmental issues to them early on, and warning them of the potential consequences should they commit such offences, promotes a culture where young people act responsibly, caring for their local community.