

# Chichester District Council

THE COUNCIL

22 January 2019

## Discharge of Litter Enforcement Function

### 1. Contacts

#### Report Author

Alison Stevens – Divisional Manager Environmental Protection  
Telephone: 01243 534550 E-Mail: [astevens@chichester.gov.uk](mailto:astevens@chichester.gov.uk)

#### Cabinet Member

John Connor - Cabinet Member for Environment Services  
Telephone: 01243 604243 E-mail: [jconnor@chichester.gov.uk](mailto:jconnor@chichester.gov.uk)

### 2. Recommendation

- 2.1. **That the Council notes the intention of the Chief Executive to use the power conferred by Article 10.02 in Part 2 of the Constitution of Chichester District Council to discharge the enforcement functions detailed in para 5.2 of the agenda report to East Hampshire District Council under powers granted to local authorities under section 101 of the Local Government Act 1972.**

### 3. Background

- 3.1. Littering and fly tipping consume considerable resources of Chichester District Council (CDC) both in terms of officer time and budget. The Council originally approved a Litter and Fly Tip Strategy in September 2017 and in December 2018 the Cabinet approved an updated Action Plan (appended hereto).
- 3.2. The Action Plan focuses on publicity campaigns to promote awareness and community involvement, having the right infrastructure and improved enforcement to make littering and fly tipping socially unacceptable.
- 3.3 CDC participated in a year-long litter enforcement trial with East Hampshire District Council (EHDC). Owing to the success of the trial, the Cabinet approved (as part of the revised Action Plan referred to in para 3.1 above) entering into an agreement with EHDC for litter enforcement within the district for a further three years.

### 4. Outcomes to be Achieved

- 4.1 Reduced littering by discharging certain litter enforcement functions to EHDC under agreement to enable EHDC officers, on behalf of CDC, to patrol areas of Chichester District where there are known littering and dog fouling problems, issuing fixed penalty notices for £100 where they witness offences.

## 5. Proposal

- 5.1 Article 10.02 in Part 2 of CDC's Constitution requires the Council to note the decision of the Chief Executive to discharge certain litter enforcement functions to EHDC under an agency agreement under powers granted to local authorities under section 101 of the Local Government Act 1972.
- 5.2 The enforcement functions which are to be discharged are: the offence of leaving litter (section 87 of the Environmental Protection Act 1990), to issue fixed penalty notices for leaving litter (section 88 of the Environmental Protection Act 1990) and breach of a public space protection order (sections 67 and 68 of the Anti-social Behaviour, Crime and Policing Act 2014).

## 6. Alternatives Considered

- 6.1 The Chief Executive's delegation is not exercised, which would mean litter enforcement as agreed at the meeting of the Cabinet in December 2018 could not be implemented.

## 7. Resource and Legal Implications

- 7.1 None

## 8. Consultation

- 8.1 None

## 9. Community Impact and Corporate Risk

- 9.1 There is a risk that proceeding with enforcement action against individuals which the public considers is unfair or unreasonable could cause reputational harm. However, evidence shows the public view littering as completely avoidable.
- 9.2 Any corporate risk from poor publicity arising from enforcement can be minimised by ensuring the legal agreement includes detailed procedures and the contract is properly monitored.

## 10. Other Implications

Are there any implications for the following?		
	Yes	No
<b>Crime and Disorder</b> If supported, the enforcement work will directly address the offences of littering, dog fouling and dog exclusion	X	
<b>Climate Change and Biodiversity</b>		X
<b>Human Rights and Equality Impact</b>		X
<b>Safeguarding and Early Help</b>		X
<b>General Data Protection Regulations (GDPR)</b> Personal data is not	X	

passed between EHDC as the service provider and CDC. All data is referenced with the fixed penalty notice reference number and individuals cannot be identified by Chichester District Council		
<b>Health and Wellbeing</b>		X
<b>Other</b> (please specify) None		X

## 11. Appendices

11.1 Litter and Fly Tip Action Plan 2018

## 12. Background Papers

12.1 Litter and Fly Tip Action Plan: Cabinet agenda report dated 4 December 2018

[Available to view on Chichester District Council's website as agenda item 12 for the Cabinet's meeting on Tuesday 4 December 2018 via the following link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=1050&Ver=4> ]

12.2 Crime and Disorder Impact Assessment - Litter Enforcement January 2019

[This is published in an agenda supplement for this meeting but it was also published on Chichester District Council's website in the second agenda supplement for the Cabinet's meeting on Tuesday 4 December 2018 via the following link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=1050&Ver=4> ]