

Blaby District Council **Policy**

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

<b>Original Publish Date</b>	04/09/2021	<b>Review Frequency</b>	Every 3 Years	<b>Current Version Publish Date</b>	[00/00/00]
<b>Approved By*</b>	Choose an item.	<b>Approval Date*</b>	[00/00/00]	<b>Version Number</b>	[002]
<b>Author Job Title</b>	Community Services Manager	<b>Service Area</b>	Community Services	<b>Document Register Reference</b>	A936

\*Approved by and 'approval date' are in relation to the most recent version.

<b>Review History</b>			
Version*	Reviewed By (Job Title)	Review Completion Date	Brief Description of Changes (add 'no changes required' if applicable)
001	Community Services Manager	01 May 2026	Changes required due to Renters' Rights Act, associated legislation and regulators code

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



## Policy Sections

### Section 1 Introduction – The purpose and reason for the policy.

The Environmental Health / Environmental Services / Community Services (EH/ES/CS) services are committed to ensuring that legislation is enforced fairly and consistently so that no member of the community can enjoy an unfair competitive advantage through illegal activities or biased enforcement procedures.

The effectiveness of legislation in protecting residents depends on compliance by those being regulated. We recognise that in most cases individuals and businesses want to comply with the law. We will take care to offer aid and guidance to help them meet their legal obligations without unnecessary expense. However, we will take firm action where appropriate, including prosecution and/or civil sanctions, against those who disregard their obligations under the law or act irresponsibly and put residents' health, safety, housing security or wellbeing at risk. This includes robust action where breaches or offences arise in the private rented sector under the Renters' Rights Act 2025 and legislation amended by that Act.

### 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 at 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 enforces is there to protect communities and residents (especially those with vulnerabilities), to enhance the environment, to support legitimate business activity and protect health.

In relation to Private Sector Housing, this includes duties and powers under the Housing Act 2004, and the tenancy reform enforcement framework introduced by the Renters' Rights Act 2025 (including provisions implemented through amendments to the Housing Act 1988 and related "landlord legislation", and measures linked to rent repayment orders under the Housing and Planning Act 2016).

The purpose of this policy is to ensure that regulatory activity is conducted fairly, openly and transparently, and delivers benefits for both residents and businesses. The EH/ES/CS Service contributes to countywide initiatives and liaison groups to achieve consistency in regulation between local authorities as far as possible.

### 1.3 Joint Working

The EH/ES/CS service will work with internal and external partners to ensure individuals and businesses comply with legislation. This enables us to pool resources and provide better value for money to our customers.

In particular, the EH/ES/CS service works closely with other agencies dealing with the wider aspects of anti-social behaviour, including sharing data with the Police where appropriate and lawful.

For private rented sector matters, we will also work with relevant housing enforcement partners and agencies as appropriate to support intelligence-led and risk-based enforcement and to reduce harm to tenants.

## **1.4 Policy Review**

This policy will be reviewed every three years to ensure it stays relevant to current statutory guidance and legislative requirements, including changes arising from the Renters' Rights Act 2025 and legislation amended by that Act.

## **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 officer competence using nationally recognised standards (including those associated with the Better Regulation Delivery Office (BRDO) or successor bodies). Each Service Manager will confirm the extent of each officer's authorisation and keep a copy on file. Any limitations to authorisation will be recorded.

Where officers exercise functions under the Renters' Rights Act 2025, authorisations and training will reflect the specific procedural requirements for that regime (including evidence gathering, service of notices, civil penalty decision-making, and appeal processes).

## **3. Consistency of Action**

The Council is committed to applying its powers consistently, including consistency with other local authorities where possible. To achieve this, the Council may take part in benchmarking and consistency exercises where resources needed are justified by the improvements achieved.

## **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.

Where statutory guidance requires publication or maintenance of local policies (for example, civil penalty policies), the Council will maintain these and keep them under review, including those relevant to Renters' Rights Act 2025 enforcement.

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

Some legislation (including the Housing Act 2004 and the Caravan Sites and Control of Development Act 1960 (as amended)) gives local authorities the power to charge fees where enforcement action is necessary. The service will use these powers, where applicable, to recover the full costs of enforcement. Where possible, fees will be set and reviewed as part of the Council's fees and charges review process.

## **6. Equality**

The Council recognises and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with 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. Where a proprietor does not speak or read English they will be encouraged to arrange their own translations. If this is not possible, the Council will aim to provide translation 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 subject to enforcement action understands the consequences of their actions and can 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 regarding 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 associated guidance or codes of practice, as far as they relate to the Council.

Overt surveillance may form part of investigations. If covert surveillance is required, the service will follow relevant guidance and legislation including the Regulation of Investigatory Powers Act 2000 (RIPA).

Investigations will also be conducted per relevant requirements of the:

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

## **9. Principles of Enforcement**

The Legislative and Regulatory Reform Act 2006 sets out the approach regulators should take when carrying out enforcement functions. The purpose of that legislation is to remove unnecessary burdens from businesses. These burdens include a) a financial cost

b) an administrative inconvenience

c) an obstacle to efficiency, productivity or profitability, or

d) a sanction, criminal or otherwise, affecting the carrying on of any lawful activity

The Council will take these principles into account where applicable, while ensuring that enforcement is still effective in preventing harm and securing compliance.

## **10. Regulators' Code and the Renters' Rights Act 2025**

The Regulators' Code is a statutory code, and the Council must have regard to it when making enforcement decisions to which it applies. The Code provides a flexible, principles-based framework that supports and enables regulators to design services and enforcement policies that suit 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.

## **Renters' Rights Act 2025**

The Council recognises that the enforcement framework for the new tenancy system under the Renters' Rights Act 2025 is a distinct statutory regime and sits outside the Regulators' Code. Where the Council is exercising functions under that regime (including the imposition of civil penalties for breaches or offences, and action connected with rent repayment orders), the Council will follow the statutory tests, procedures and statutory guidance applicable to the Renters' Rights Act 2025 framework.

Notwithstanding this, the Council will continue to act lawfully, fairly, proportionately and transparently.

## **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 goes ahead, 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 has the following factors (and these, as well as other relevant factors, will be considered):

- 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

Where offences are available under the Renters' Rights Act 2025 and/or under legislation amended by it (including the Housing Act 1988 and Protection from Eviction Act 1977), the Council may consider prosecution where the evidential and public interest tests are met, having regard to statutory guidance.

## 12. Enforcement Options

Blaby District Council uses the following enforcement options (as applicable to the relevant legislative regime):

- Informal Action (where applicable)
- Written Warnings
- Statutory Notices
- Simple Cautions
- Prosecution
- Work in Default
- Fixed Penalty Notices
- Seizure of equipment
- Forfeiture Proceedings
- Licence Reviews
- Refusal, Suspension and Revocation of Licence
- Civil Penalties
- Rent Repayment Orders
- Criminal Behaviour Orders, Closure Orders, Community Protection Warnings and Notices, Civil Injunctions

In relation to the private rented sector and the Renters' Rights Act 2025, the Council will also use the Act's dedicated enforcement framework, which distinguishes between:

- Breaches: non-compliance where the Council may impose a civil penalty (financial penalty) of up to £7,000 and there is no prosecution route for that breach; and
- Offences: more serious non-compliance where the Council may prosecute and/or impose a civil penalty of up to £40,000 where the legislation provides.

The Council will have regard to its own Civil Penalty policy and statutory guidance when setting penalty levels and deciding the most appropriate sanction.

### 12.1 Enforcement Approach

The approach to enforcement action will consider several factors including risk to health and safety, 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 individual circumstances will be taken into consideration.

Where there is an imminent risk to health, safety or serious harm, there will be a presumption in favour of enforcement unless an equivalent alternative can be found. We will also consider guidance and advice

from government departments, advisory bodies, local authority associations and professional/technical bodies.

Investigations and decision-making will not be unduly prolonged or delayed. We will keep witnesses, complainants and other parties informed of case progress. Once a 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 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 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 call for 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 does not accept or pay an FPN, then to keep 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 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 potential future court proceedings. A 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 considered necessary in the interests of public safety and/or animal welfare.

## **12.10 Civil Penalties**

Civil penalties provide an alternative sanction to prosecution. They enable consideration of a proportionate and effective approach, can reduce lengthy legal processes, and provide a transparent framework for deciding penalties in relation to harm and culpability.

Civil penalties are available for specified housing offences and, following the Renters' Rights Act 2025 are also available for specified breaches and offences under:

- the Housing Act 1988 (as amended)
- the Protection from Eviction Act 1977 (as amended)
- the Renters' Rights Act 2025

Civil penalties will be issued following statutory requirements and the Council's civil penalties policy (and any statutory guidance issued by the Secretary of State which the Council must have regard to).

## **12.11 Rent Repayment Orders**

Rent Repayment Orders (RROs) are made by the First-tier Tribunal and can require a landlord to repay up to 24 months' rent where the Tribunal is satisfied beyond reasonable doubt that a relevant offence has been committed and other statutory conditions are met.

An RRO may be applied for by a tenant or by a local authority (in some circumstances where rent has been paid via benefits). The Renters' Rights Act 2025 strengthens and expands the rent repayment order framework and is intended to support both council-led and tenant-led enforcement. The Council will consider the use of rent repayment orders where appropriate and, where required by statutory guidance or best practice, will support and advise tenants who wish to pursue a rent repayment order.

Rent repayment orders may be sought in relation to offences including (where applicable):

- offences relating to HMO licensing and selective licensing under the Housing Act 2004
- unlawful eviction and harassment under the Protection from Eviction Act 1977
- violence for securing entry under the Criminal Law Act 1977
- breach of a banning order under the Housing and Planning Act 2016
- specified offences connected with the new tenancy system under the Housing Act 1988 (as amended by the Renters' Rights Act 2025), including offences relating to misuse of possession grounds where the legislation provides.

Where a civil penalty has been imposed and legislation/guidance requires consideration of an RRO, the Council will do so per statutory guidance and the circumstances of the case.

### **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; The Prevent duty is a UK statutory obligation requiring specified public authorities—such as local councils—to safeguard individuals from being drawn into terrorism. It functions as a core part of wider safeguarding responsibilities and is aimed at tackling ideological causes, supporting early intervention, and rehabilitating those involved in extremism.

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

Blaby District Council will give due regard to The Terrorism (Protection of Premises) Act 2025, also known as Martyn's Law, which will improve protective security and organisational preparedness across the UK by requiring that those responsible for certain premises and events consider how they would respond to a terrorist attack. In addition to this, at certain larger premises and events, proper steps to reduce vulnerability to terrorist attacks must also be considered. Through compliance with the Act, qualifying premises and events should be better prepared and protected, ready to respond in case of a terrorist attack.

### **15 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 because 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 finds 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 keep 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 do not do so, this can result in a FPN being issued, or prosecution.

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

- Offensive language
- Language of a threatening, abusive, insulting or inciting nature
- A hate statement (including ableist, transphobic, homophobic, and racist language)
- A graphically explicit or offensive/abusive image or symbol

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

- Indicate a neglected neighbourhood and is associated with crime and antisocial 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 antisocial 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 antisocial 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. Flyposting

There is no formal definition of flyposting. 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 characteristics and problems of control:

- Adverts 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 flyposting 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 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 21 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)

PSPOs 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 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 always kept on a lead, 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 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.

## **16 Community Safety Incremental Approach**

In Leicestershire, the "Incremental Approach" is a joint community safety strategy used primarily by Leicestershire Police and local councils to tackle Anti-Social Behaviour (ASB) and environmental offenses like fly-tipping. It is a staged, escalation-based intervention designed to correct behaviour without immediately jumping to severe legal punishments. The framework is structured across several increasing levels of severity.

Level 1 (Early Intervention): Focuses on engagement and education. Officers hold informal conversations, issue verbal warnings, and send warning letters to individuals identified as causing a nuisance.

Level 2 (Formal Warnings & Acceptable Behaviour Contracts - ABCs): If the behaviour continues, perpetrators and their parents/guardians (in the case of youths) are required to sign voluntary agreements outlining specific conditions they must follow.

Level 3 (Enforcement & Legal Action): Escalates to formal legal tools, including Community Protection Warnings (CPWs), Criminal Behaviour Orders (CBOs), civil injunctions, Closure Orders, or court prosecution if previous stages are breached.

## **Section 2 – Equalities Impact Assessment**

[Overwrite text here]

## **Section 3 – Carbon Neutral / Net Zero Benefits**

[Overwrite text here]