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## **Environmental Enforcement Policy**

**SER-POL-37**

**Version 1.0**

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**Date approved: 10 January 2017**

**Approved by: People and Places Committee**

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## **1. Introduction**

- 1.1 Southway Housing Trust (the Trust) is committed to working in partnership to make South Manchester a place that people are proud of – a safe place where people choose to live, work and play. Preventing and resolving Environmental Anti-Social Behaviour is a key action in achieving this objective.
- 1.2 The Trust's tenants and communities should not have to endure the effects of Environmental Anti-Social Behaviour, and it therefore will not be tolerated by the Trust.
- 1.3 The Trust will take enforcement action that will be prompt, firm and proportionate having regard to the nature and seriousness of the Environmental Anti-Social Behaviour being committed, the person or persons engaging in the said conduct and the impact of the behaviour on the complainant(s) and the local community.
- 1.4 A strong partnership approach between statutory agencies working together is central to resolving and preventing Environmental Anti-Social Behaviour.
- 1.5 This policy sets out how the Trust deals with Environmental Anti-Social Behaviour. It provides information for residents about how the Trust will respond when they report Environmental incidents. It should be read in conjunction with the Anti-Social Behaviour Policy.

## **2. Scope and Application of this Policy**

- 2.1 This policy covers the following areas:
  - (1) How we will deal with car parking problems on land owned by the Trust and by other landowners, including parking on grass verges and green spaces owned by the Trust;
  - (2) How we will manage green space land owned by the Trust, specifically if someone is using it in a way that may constitute Environmental Anti-Social Behaviour, e.g. dog fouling;
  - (3) How we will support tenants to maintain their gardens and enforce tenancy conditions to prevent untidy gardens;
  - (4) How we will deal with reports of fly tipping, littering and graffiti on land owned by the Trust.

**Tenants, members of their households, and visitors**

- 2.2 Tenants are responsible for their behaviour and the behaviour of their household members and visitors.
- 2.3 The Trust will take appropriate action to tackle Environmental Anti-Social Behaviour committed by our tenants.
- 2.4 Where we believe that the circumstances of a particular case warrant it, the Trust may take action directly against a tenant's household member(s) or visitor(s). Such action may be in addition to, or in place of, taking action against the tenant.
- 2.5 The appropriate action will vary on a case by case basis, but the general principles of this policy will be applied consistently.

**Minors**

- 2.6 The Trust will consider taking appropriate action against a tenant's household members or visitors who are between the ages of 10 and 17, dependent upon the circumstances of the case.
- 2.7 The general principles of this policy will be applied consistently when deciding the most appropriate action to be taken.

**Directly or indirectly affecting the delivery of our landlord services or housing management function**

- 2.8 Where, in our sole discretion, any Environmental Anti-Social Behaviour being committed does *not* directly or indirectly affect the delivery of our landlord services, we will ensure there are sufficient processes in place to effectively work in partnership with relevant agencies, including Greater Manchester Police and Manchester City Council, to tackle the Environmental Anti-Social Behaviour.

**3. Parking**

- 3.1 Parking is a problematic issue for some residents in South Manchester. The Trust has made a significant financial investment in providing parking amenities for residents, but despite this some residents still encounter parking problems.
- 3.2 As a landlord, there is limited action the Trust can take to resolve the majority of car parking issues; for example, parking on footpaths/verges,

parking blocking driveways, and double parking. Our partners, however, do have the ability to prosecute or fine drivers for parking offences.

- 3.3 The Trust's approach is that parking issues are usually best resolved through residents speaking to each other, directly or through independent mediation, which the Trust may sponsor. Where these approaches fail, there may be cause for enforcement action by the Trust or its partners.

### **Tenant Responsibilities**

- 3.4 The Trust's Tenancy Agreements contain clauses concerning vehicles and parking. The majority of these clauses relate to parking on areas owned by the Trust. These clauses state:

- (a) If a vehicle is parked on a drive or garden it must be parked on a hardstanding (a driveway or paved area designated for parking).
- (b) Permission must be sought to park a caravan, motor home, boat, trailer or any other large or unusual vehicle on the Trust's land.
- (c) A tenant is not allowed to drive or park over or on kerbs which have not been lowered.
- (d) A tenant is not allowed to drive over or park on any grassed areas.
- (e) A tenant is not allowed to carry out any car repairs that may cause a nuisance, damage or inconvenience.

- 3.5 Generally, the Trust will enforce these tenancy conditions using proportionate legal and non legal tools.

### **Vehicles parked illegally, dangerously or causing an obstruction**

- 3.6 Vehicles parked illegally, dangerously or causing an obstruction on a public highway or public land should be reported to the Police or the Council. Depending on the situation, those bodies have the power to either prosecute or fine the driver. A summary guide to police, local authority and Trust enforcement powers will be published on the Trust's website, and our staff will be trained to signpost according to the specific situation.

- 3.7 The Trust will take the appropriate enforcement action to remedy vehicles parked illegally, dangerously or causing an obstruction on the Trust's land; for example, within communal car parking areas or shared driveways.

### **Parking or driving on public realm green spaces owned by the Trust**

- 3.8 The Trust owns 157 green space areas across the area we serve. These areas are well maintained and are inspected by the Trust's Environment Team on a quarterly basis.
- 3.9 To prevent the improper use of vehicles on or damage to these green spaces, the Trust will first give warnings and then if necessary take enforcement action, through the procedures supporting this policy.
- 3.10 Legal action which may be taken by the Trust will consist of a Claim for Damages and/or an Application for an Injunction to prevent an individual parking any vehicle on the green space(s).

## **4. Green Spaces**

### **Dog Fouling**

- 4.1 People enjoy keeping dogs and the majority of owners are responsible.
- 4.2 The Trust's Tenancy Agreements place obligations on tenants, along with members of their household and visitors, to keep and exercise dogs appropriately and not to perpetrate any kind of behaviour that may cause nuisance to others. The Trust requires that dog owners do not allow their dogs to foul in enclosed or shared communal areas. When exercising their animal on open green spaces owned by the Trust, if their animal does foul in this area the Trust expects dog owners to clean up waste immediately and hygienically. Tenants failing to uphold these conditions of tenancy will face warnings and enforcement sanctions.
- 4.3 Generally, where dog fouling is taking place on land that is not owned by the Trust, we will signpost the complainant to the most appropriate partner agency. For example, Manchester City Council has the power to issue a Fixed Penalty Notice (FPN) to dog owners who do not clean up after their animal.

### **Fly Tipping**

- 4.4 Fly tipping is the illegal deposit of waste on land. Fly tipping differs from littering in that it involves the removal of waste from premises where it was produced with the deliberate aim of disposing of it unlawfully. The offence of fly tipping is set out in Section 33(1) (a) of the Environmental Protection Act 1990.

- 4.5 The Trust will take robust enforcement action to bring prosecutions against persons who undertake fly tipping or dumping of rubbish upon our land. We will inspect, photograph and log evidence, and identify it by marking the area an environmental crime scene. We will fully investigate all cases, liaising with the local community to gather intelligence and encourage perpetrators to recover rubbish and dispose of it appropriately.
- 4.6 The Trust will only remove dumped material once these investigations have been completed, unless there is an overriding health and safety imperative to do so.
- 4.7 If fly tipping or dumping re-occurs persistently at a location, the Trust will consider using overt CCTV or professional witnesses to deter repeat incidents.

## **5. Garden Condition**

- 5.1 The Trust's view is that an untidy garden is not only the concern of the individual tenant, but that poorly maintained and overgrown gardens have a significant impact on the quality of the neighbourhood for all residents who live there. Taking swift action is necessary to demonstrate the Trust's commitment to strong neighbourhood management and demonstrates the Trust's dedication to instilling a sense of pride in the local areas.
- 5.2 The Trust's Tenancy Agreements state that the tenant must keep their garden areas neat and tidy and free from rubbish, lawns must be cut and hedges trimmed. The responsibility for garden maintenance is clearly explained to every new tenant at the commencement of their tenancy.
- 5.3 This part of the policy will be used to consider any Environmental Anti-Social Behaviour being caused from within a tenant's garden. this may include:
  - (a) Unkempt and overgrown vegetation;
  - (b) Unauthorised alterations, e.g. car hard standings;
  - (c) Inappropriate storage of materials causing nuisance, e.g. car parts, furniture, white goods;
  - (d) Not cleaning up after pets.
- 5.4 The Trust recognises that a large garden requires considerable time and effort to maintain, and will always be reasonable in its requests to residents. The Trust will actively consider what support it can offer to a resident before taking enforcement action.

- 5.5 However, where appropriate we will take enforcement action, including legal action, against tenants who refuse to improve or maintain their garden following offers of assistance. Residents will be given clear standards that they are expected to maintain and will be given not less than two written warnings before being subject to enforcement action.
- 5.6 Action may take the form of an Injunction forcing the tenant to clean up the garden. All associated legal costs will be recharged to the tenant. We may arrange for a contractor to clear the garden, with the cost of this work being recharged back to the tenant.

## **6. Our Approach**

### **Promotion and Support**

- 6.1 We will publicise our approach and service standards.
- 6.2 We will offer guidance and support to complainants, signposting them to other partners if the Trust is not the best agency to deal with the matter.

### **Robust Case Management**

- 6.3 Officers will categorise reports of Environmental Anti-Social Behaviour and respond to them within appropriate timescales, depending on the seriousness of the incident being reported and the effect it is having on the complainant and the local community.
- 6.4 Where appropriate we will deploy CCTV or use professional witnesses, to gather evidence and bring successful prosecutions against perpetrators.

### **Partnership Working**

- 6.5 The Trust is a member of the Manchester Community Safety Partnership. As such we will work closely with Greater Manchester Police, Manchester City Council and other relevant agencies to tackle Environmental Anti-Social Behaviour within Manchester.

### **Value for Money**

- 6.6 Limitations may be imposed on the actions we are able to take to tackle Environmental Anti-Social Behaviour by factors such as the cost and time involved in taking a particular type of action and the likelihood, in our opinion, of that action resolving the Environmental Anti-Social Behaviour.

## **7. Staff Training and Procedures**

- 7.1 The Trust will have sufficient staff in place to be able to respond effectively to reports of Environmental Anti-Social Behaviour. We will have a clear structure identifying the staff members who have responsibilities for responding to reports of Environmental Anti-Social Behaviour and for management of the service.
- 7.2 The Trust will ensure that all relevant staff members receive induction and refresher training on how to respond to incidents of Environmental Anti-Social Behaviour. On-going training will also be in place, to ensure employees have knowledge of any changes in law and best practice.
- 7.3 This Policy will have an associated Procedure that is regularly reviewed and updated to ensure that it is fit for purpose.

## **8. Performance Management**

- 8.1 Officers will measure the effectiveness of this policy, including how quickly we respond to cases of Environmental Anti-Social Behaviour and how effective we are at resolving cases, to ensure cases are managed effectively.
- 8.2 An annual report on Anti-Social Behaviour will be provided to the People of Places Committee. Key performance information will also be shared with the Trust's Board of Directors, Executive Group, senior managers, team members and Equality and Diversity Group, and will be publicised.

## **9. Equality and Diversity**

- 9.1 An Equality Impact Assessment has been completed to ensure that all appropriate actions are put in place to support those tenants who have protected characteristics. An EIA Action Plan has been developed and will be monitored.

## **10. Related Policy Documents**

- Anti-Social Behaviour Procedure
- Single Equalities Scheme



## 11. Policy Review

- 11.1 The policy will be reviewed every three years or earlier if a change in legislation means this is required.

<b>POLICY REVIEW HISTORY</b>	
<i>To be completed during each review</i>	
<b>Previous versions</b> (version number – approved by – approval date – title if different)  N/A	
<b>Date of last EIA:</b>	November 2016
<b>Review lead by:</b>	David Squires, People and Places: Head of Neighbourhoods
<b>Main points or amendments made and reasons</b>	
<b>Next review due:</b>	<b>Q3 2019/20</b>
<b>Approval level:</b>	<b>People and Places Committee</b>