

# Standard Operating Procedures

# 1. Introduction

WISE’s key objective is to manage change. The enforcement of environmental offences is a key component of effective education and attitude change.

The WISE Environmental Crime Team (ECT) is responsible for patrolling all ward areas within the geographical boundary of a client council. In addition, they will patrol residential areas, parks and open spaces and will carry out “on the spot” enforcement action if they witness an offence. The ECT will primarily enforce against street littering, dog fouling, PSPO’s, fly posting, graffiti and smoke free offences.

The WISE Waste Enforcement Team (WET) is responsible for the investigation and enforcement of received complaints from council officers, elected members and the general public with regards to waste dumped within the geographical boundary of a client council. The WET will primarily be enforcing against littering, fly tipping, household duty of care, business duty of care, domestic waste and commercial waste offences.

The enforcement will be carried out by our trained Environmental Enforcement Officers (EEOs). The EEOs are directly employed by WISE and authorised by the client council.

Enforcement of an offence is by the issuing of a Fixed Penalty Notice (FPN) which enables the alleged offender to discharge their liability within a set time frame; by paying a set fee. Should they not discharge their liability they may be prosecuted through the Magistrates’ Court.

Our objectives are aimed at:

* Reducing dumped waste
* Reducing street litter
* Reducing dog fouling
* Reducing Anti-social Behaviour associated with environmental crime
* Overal reduction in public complaints
* Maximise exposure of the effects of environmental crime to the public through awareness
* Encourage changes in attitude towards environmental crime
* Promote a cleaner, greener environment
* Making our towns, cities and open spaces more enjoyable for all

The integration of WISE’s Environmental enforcement officers and industry leading technology will enhance existing council resources should provide better monitoring of the effectiveness and value of enforcement, so that the council’s objectives meet the public's needs.

All residents, visitors and businesses will benefit from proportionate enforcement of environmental offences and the reduction of associated anti-social behaviour.

WISE do not set targets for our officers and do not incentivise them. All of our officers will be employed on a PAYE permanent contract, with no commission or bonuses paid.

Once a FPN is correctly issued. The only way to close the FPN is by way of payment, written off, cancelled or referred to prosecution.

All FPN processing will be completed by the WISE Operational Support Team (Ops Team). If a FPN is not paid, our enforcement process is as follows:

Day 14 – 1st Reminder Letter sent to alleged offender.

Day 21 – Final Reminder Letter sent to alleged offender.

Day 28 – The case is referred to prosecution and a full prosecution file is compiled which will contain all admissible evidence.

If the FPN is not discharged after the relevant time and processes it will progress to Magistrates’ Court as it is a criminal offence. Should the matter progress to the Magistrates’ court, the defendant if found guilty will be subject to criminal law and receive a criminal record.

If an alleged offender wishes to contest liability for a fixed penalty notice may make initial representation to WISE or the council, however, as the offence is criminal in nature, the only official means of appeal is to the Magistrates’ court during a criminal trial. The Magistrate will have the final say on the matter.

If an alleged offender is struggling to pay a FPN due to hardship reason we will consider the circumstances off the individual and apply an extended period to make payment. The duration of the extended period will be reviewed on a case by case basis. The agreed extended period will range from 4 – 12 weeks.

An EEO will be easily recognisable by his/her uniform and although you may often see them on patrol on their own, you may see trainee officers, or those receiving on-the-job assessment, out with another member of staff.

WISE EEOs will be working within a stringent set of guidelines governed by strict guidelines and government legislation.

No discretion will be allowed by the Ops Team when processing FPNs. The council will have the final say on whether a FPN should be cancelled or referred to prosecution.

WISE is committed to training our staff and encourages all EEOs to progress and develop, that includes regular reviews of competence in the role together with senior management observing and assessing the officer’s skills in customer relations.

A member of the public can refer to the WISE complaint’s procedure if he/she feels that the EEO has not acted in an appropriate manner. Likewise, WISE and our client Council expects that members of the public will respect an EEO when he/she is carrying out their statutory duties efficiently.

Before the issue of a fixed penalty notice, depending on the circumstances, EEOs will ensure that all of the points to prove the offence are present. We do not issue FPNs based on circumstantial evidence. There are strict guidelines that are followed and none of our officers will issue a fixed penalty notice without all being proven.

EEOs are not just there to issue FPNs, they can give directions and advice; and act as the 'eyes and ears' for the Council across a range of services including reporting any non-crime street scene incidents and any other matters that refer to the council.

An EEO cannot cancel a fixed penalty notice and may issue it by post if an offender walks away before it has been handed to them, or in situations where the EEO may be in an aggressive situation or suffer violence from the offender. The decision will be at the discretion of the EEO and in accordance with a dynamic risk assessment.

Only authorised WISE personnel will be allowed to cancel a fixed penalty notice once it has been issued. A Cancellation may only occur after a full investigation into the facts has been conducted, this may include, taking statements from officers and witnesses, viewing body worn camera footage and interviewing the alleged offender.

Should a representation be made in writing stating that there is a medical reason as to why the FPN should be cancelled, then a full written medical report would be required as part of the assessment process. This forms part of the investigation and is necessary due to the criminal nature of the offence. Unlike, civil offences such as parking, where independent adjudicators can make a decision based on the “balance of probabilities”, FPN’s are based on fact and have to be proven “beyond all reasonable doubt”, hence the requirement for a thorough investigation prior to any decision being made.

This document will be subject to regular review by the Managing Director and will reflect current best practice.

**2. Code of Conduct**

WISE’s approach to enforcement is to be fair but firm and the below characteristics outline what we expect from our officers in delivering the best possible service to our clients and the public.

WISE enforcement officer behaviour, whether on or off duty; affects public confidence in the service. Any conduct which brings or is likely to bring discredit to WISE or its clients may be the subject of sanction. Accordingly, any allegation of misconduct which could, if proved, bring or be likely to bring discredit to WISE or its clients should be investigated in order to establish whether or not a breach of the Code has occurred and whether formal disciplinary action is appropriate. No investigation is required where the conduct, if proved, would not bring or would not be likely to bring, discredit to WISE or our clients.

### 1. Honesty and integrity

It is of paramount importance that the public has faith in the honesty and integrity of WISE Enforcement Officers. In order to ensure the integrity of the officer is not questioned, WISE officers will not accept any payment of FPN’s on the spot. Officers should therefore be open and truthful in their dealings; avoid being improperly beholden to any person or institution; and discharge their duties with honesty and integrity.

### 2. Fairness and Impartiality

WISE environmental enforcement officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public, the client and their colleagues.

### 3. Politeness and Tolerance

WISE officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must avoid: favouritism of an individual or group; all forms of harassment, victimisation or unreasonable discrimination; and overbearing conduct to a colleague, particularly to one junior in rank or service.

### 4. Performance of Duties

WISE officers should be conscientious and diligent in the performance of their duties. Officers should attend work promptly and appropriately attired when rostered for duty. When patrolling officers will not accept any form of payment relating to fixed penalty notices from any offenders. Should an officer accept payment on the spot, this would be deemed an act of “Gross Misconduct” to which the officer could face dismissal. If absent through sickness or injury, they should avoid activities likely to retard their return to duty and mustnotify their line management immediately of the sickness.

## 5. Lawful Orders

WISE is a disciplined organisation. Unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and abide by the provisions of WISE Discipline Policy. Officers should support their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.

## 6. Confidentiality

Information which comes into the possession of WISE and its officers should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of duty. Similarly, officers should respect, as confidential, information about WISE policy and operations unless authorised to disclose it in the course of their duties.

## 7. Criminal Offences

WISE officers must report any proceedings for a criminal offence taken against them. Conviction of a criminal offence or the administration of a caution may of itself result in further action being taken. (All Officers will have standard current DBS certification)

## 8. Property

WISE officers must exercise reasonable care to prevent loss or damage to property (excluding their own personal property but including WISE property).

## 9. Sobriety

Whilst on duty WISE officers must be sober. Officers should not consume alcohol when on duty or report for duty under the influence of alcohol or any other substance that may impair their cognitive functions.

## Environmental Footprint

All WISE employees must ensure that they do not perform any tasks that increase our carbon footprint. All employees should minimise their carbon footprint by using electronic media, sending messages via email and only printing documents when absolutely necessary.

Employees should also be aware of the importance of green energy by switching lights off when not required and powering down IT equipment and appliances. All of which will continue to drain power if not switched off at the mains. Failure to comply with our environmental policy may result in disciplinary action.

## The Enforcement Process

**Fair**

* We will explain and communicate the enforcement rules and legislation.
* Where possible the Environmental Enforcement Officers (EEOs) will collect photographic evidence of the criminal offences.
* We will regularly monitor hot-spot areas and patrol all ward areas within the boundary of the client council.
* We will review service delivery regularly to see how it can be improved.

**Firm**

* We will take consistent enforcement action to deter offending.
* We will pursue people who fail to discharge their obligation under the fixed penalty scheme and will prosecute in the Magistrate’s Court.
* We will work with the police to prevent crime and anti-social behaviour and to protect our enforcement staff against abuse and violence.

## Best possible service

* All representations against fixed penalty notices (FPN’s) will be fully investigated using all available resources and evidence.
* We will respond to all complaints against officers relating to their conduct within 10 working days or sooner.
* We will aim to get fixed penalty notices right first time using industry leading “hand-held” technology and “on the spot” identity checks
* Alleged offenders will have the ability to pay the FPN once issued using our online, telephone and cash payments services.
* Alleged offenders will be able to access details of an issued FPN and make representations online.

EEO's will adopt a helpful attitude and a consistent approach to enforcement in order to encourage lawful behaviour.

Our customer promise is we will always be:

* Professional, fair and courteous.
* Polite, calm and understanding.
* Open and honest.
* Offer advice on the discharge procedure.

# 3. The Use of Body Worn Video

## Using Body Worn Video:

Body worn cameras are used by officers as a means of ensuring **four things: -**

1. The Enforcement process is conducted ethically
2. To safeguard the officer and the member of the public concerned
3. To assist the prosecution in achieving best evidence
4. To reduce the number of complaints against officers

Body cameras MUST be switched on once an offence has been witnessed by the EEO and a minimum of 10 seconds post incident and can be used on private land as well as public land when enforcing alleged offences under CNEA 2005 or other relevant legislation.

## Incident Specific Recording

Officers will always inform alleged offenders that the interaction is being recorded. This satisfies the following:-

1. Does not infringe upon the alleged offenders Human Rights under Article 8 – The right to Respect for Private and Family Life.
2. The Body Camera Acts as a Health & Safety tool and forms part of the officer’s PPE
3. Footage is retained only as long as is reasonably required for any prosecution and in full compliance with DPA 2018 regulations.

## Officers Responsibilities:

Body cameras are personal issue and it is each individual officer’s responsibility to ensure that the camera is fit for purpose. Each officer must:

* Ensure the camera is fully charged and ready for operational use
* Ensure that any footage contained on the camera is downloaded to the secure storage system.
* Report any issues with the camera to the senior enforcement officer for the location immediately

# 4. Enforcement Officer Standard Operating Procedures

## Issue of Fixed Penalty Notices

**Introduction:**

Fixed Penalty Notices (FPN) can be issued for a variety of offences and provide an opportunity for an offender to discharge liability to conviction for the original offence by the payment of a prescribed sum within a set time scale. A FPN can only be issued if sufficient admissible evidence exists for a prosecution to be taken for the original offence.

Our ethos is based on our “Quality not Quantity” philosophy, with a strong emphasis on our ambassadorial inform/educate philosophy complimented with a common sense, structured, balanced and ethical approach to enforcement; with fixed penalty notices only being issued under the “right circumstances”.

Officers will engage with the local community in ambassadorial roles providing educational awareness as well as enforcement; as certain ethnic backgrounds may have differing cultural approaches and beliefs to environmental matters and not necessarily having the required “Mens Rea” guilty mind, enforcement would be the wrong initial approach and all enforcement officers are trained to apply this fair and balanced approach during their initial training program.

Each offence will have different points to prove, there may be different penalty amounts and timescales for payment. Officers should be familiar with the offences which they may be required to issue an FPN for and any policies or procedures set out by the employing authority.

Our customer service delivery standards are second to none and all officers are expected to apply enforcement activities with humility and respect.

**Enforcement Process:**

All environmental offences are criminal in nature and as such need to be dealt with in line with PACE (Police and Criminal Evidence Act 1984) legislation. When dealing with an alleged offender, every question asked may need to be used as part of the prosecution case. There are only three exemptions to when the PACE caution is not required.

These are:

1. When initially explaining the nature of the alleged offence to the alleged offender.
2. When asking the alleged offender for their personal details (name and address)
3. When the alleged offender provides and unsolicited answer. (tells you something without being prompted by question) for example they say, I’m sorry I should have put it in the bin. Etc.

**The Caution Wording:**

**“You do not have to say anything. But it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?”**

The issue of a FPN will normally start with the witnessing of a relevant offence by an Enforcement Officer (EEO).

* Once the offence has been committed, activate the Body Camera and make sure it is pointed at the offender (this will give us a clear description of the offender (height, build, clothing etc).

* Approach the offender.

* Introduce yourself as "my name is (your name), I am an Environmental Enforcement Officer and I work on behalf of (name of Council) Council".

* Tell the offender that they are being recorded by CCTV (then point the camera at the offender for a head shot) not only will this show the offender where the camera is situated but it will also confirm the ID part of our evidence with a clear head shot.

* Remember this is not Surveillance; also there is no law against photographing, adults, juveniles or children for legitimate purposes. There is no general right of privacy or photographic copyright in this country.

* Explain what the offender has done and follow up with your script as follows:-.

* ‘Normally you would be prosecuted for this offence, the maximum penalty for which is (state amount

e.g. litter £2,500) and criminal record; however on this occasion I am going to issue you with a Fixed Penalty Notice.**’**

* Ask to see some ID. ‘Can you confirm your name and address by way of ID please?’(For many, but not all FPN offences, a separate offence is committed by failing to give name and address or for giving a false or inaccurate name and address. E.g. in the offence of litter it is s88(8C) EPA 1990).

* If the offender fails to show you ID confirming his Identity and address, then **YOU MUST** call the office for an ID check. The office number will be supplied to each officer.

* Then complete all the empty fields on the Handheld Device e.g.

* What is your name?

* What is your postcode?

* What is your date of birth?

* What is your full address?

* Once all the offence particulars have been inputted, print the FPN and hand it to the offender explaining the amount of the penalty and the time frame for payment to be made.

* You must add your notes and complete a section 9 witness statement on the handheld device as soon as practicable and complete the FPN process.

**The Following General Rules Apply to the Issue of Fixed Penalty Notices:**

* An offence has clearly been committed.

* The alleged offender is compliant.

* The Enforcement Officer believes that the alleged offender has given their correct name and address.

* There are no aggravating factors.

**When It Is NOT Appropriate to Issue a Fixed Penalty Notice:**

* When the alleged offender is under 18, unless the council policy confirms FPNs can be issued to under 18s.
* If a person does not reside in the UK.
* If the alleged offender when approached is obstructive and non-co-operative.
* When it is suspected that the alleged offender has failed to supply their correct name and address.
* When an alleged offender is considered to be vulnerable through mental infirmity, drink or drugs.

In cases where it is not possible to issue a FPN as much information concerning the offender should be recorded and your supervisor advised. In cases where violence or the threat of violence is used police should be called.

## Fly Tipping

**Introduction:**

Fly-tipping is the illegal disposal of waste on land and is an offence under section 33(1)(a) of the Environmental Protection Act 1990 (“the Act”).

Under section 33(1)(a), it is an offence to deposit controlled waste (meaning household, industrial or commercial waste (per section 75(4)) or extractive waste (from mining and quarrying), or to knowingly cause or permit such waste to be deposited in/on land either without an environmental permit or in noncompliance with it.

Fly-tipping is often associated with depositing waste from vehicles. In these circumstances, the person who controls, or is in a position to control the use of the vehicle (normally the registered keeper) will be treated as knowingly causing the waste to be deposited, whether or not he gave instructions for this to be done (section 33(5)).

It will be a defence for a person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence, or that the deposit was done in an emergency to avoid a danger to the public (see section 33(7) for defence in full).

A person guilty of this offence is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine or both and, on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both (section 33(8)).

**Exemptions**

Section 33 details circumstances in which there will be no offence of fly-tipping. The most relevant for our purposes is at subsection (2), which provides that the offence does not apply to household waste from a domestic property which is treated, kept or disposed of within the curtilage of the property, unless the household waste is from an establishment or undertaking (subsection (2A).

**Fixed penalty notice**

Under section 33ZA of the Act, where an authorised officer of a local authority has reason to believe that a person has committed a fly-tipping offence under section 33(1)(a), he may he may issue a fixed penalty notice as an alternative to prosecution.

An “authorised officer” is defined in section 33ZA(12) as:

1. an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under section 33ZA;
2. any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform that function; and
3. any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices.

**Penalty Amount**

The amount of the fixed penalty is the amount specified by the local authority or, if no amount is specified, the default amount is £200. The amount of the fixed penalty must not be less than £150 and not more than £400 (section 33ZA(9)). The local authority may offer a discount for early payment within 10 days, but this amount must not be less than £120 (section 33ZA(10)).

**Obstruction Offence**

It is an offence to fail to provide name and address details when required to do so, or to give false or inaccurate details (section 33ZA(7)).

A person guilty of this offence is liable on summary conviction to a maximum fine of level 3 on the standard scale (currently £1,000) (section 33ZA(8)).

**Enforcement Process:**

EPA 1990

Section 75 - (1) The following provisions apply for the interpretation of this Part.

1. "Waste" includes— (a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process; and (b) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled; but does not include a substance which is an explosive within the meaning of the [1875 c. 17.] Explosives Act 1875.

1. Anything which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste unless the contrary is proved.

1. "Controlled waste" means household, industrial and commercial waste or any such waste.

1. Subject to subsection (8) below, "household waste" means waste from— (a) domestic property, that is to say, a building or self-contained part of a building which is used wholly for the purposes of living accommodation; (b) a caravan (as defined in section 29(1) of the [1960 c. 62.] Caravan Sites and Control of Development Act 1960) which usually and for the time being is situated on a caravan site (within the meaning of that Act); (c) a residential home; (d) premises forming part of a university or school or other educational establishment; (a) premises forming part of a hospital or nursing home.

1. Subject to subsection (8) below, "industrial waste" means waste from any of the following premises— (a) any factory (within the meaning of the [1961 c. 34.] Factories Act 1961); (b) any premises used for the purposes of, or in connection with, the provision to the public of transport services by land, water or air; (c) any premises used for the purposes of, or in connection with, the supply to the public of gas, water or electricity or the provision of sewerage services; or (b) any premises used for the purposes of, or in connection with, the provision to the public of postal or telecommunications services.

1. Subject to subsection (8) below, "commercial waste" means waste from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment excluding— (a) household waste; (b) industrial waste; (c) waste from any mine or quarry and waste from premises used for agriculture within the meaning of the [1947 c. 48.] Agriculture Act 1947 or, in Scotland, the [1948 c. 45.] Agriculture (Scotland) Act 1948; and (d) waste of any other description prescribed by regulations made by the Secretary of State for the purposes of this paragraph.

1. Regulations made by the Secretary of State may provide that waste of a description prescribed in the regulations shall be treated for the purposes of provisions of this Part prescribed in the regulations as being or not being household waste or industrial waste or commercial waste; but no regulations shall be made in respect of such waste as is mentioned in subsection (7)(c) above and references to waste in subsection (7) above and this subsection do not include sewage (including matter in or from a privy) except so far as the regulations provide otherwise.

1. "Special waste" means controlled waste as respects which regulations are in force under section 62 above.

* + The issue of a FPN will normally be on completion of an investigation into controlled waste being dumped within the geographical boundary of the client council.

* + EEO must caution an alleged offender during any interaction once a significant statement has been made in relation to the depositing, knowingly causing or knowingly permitting controlled waste to be dumped on any land without an environmental permit.

* + If a doorstep interview is required to investigate the dumping of controlled waste, ensure that the body worn camera is activated before knocking at a residence.

* + If the offence is witnessed by the EEO, activate the Body Camera and make sure it is pointed at the offender (this will give us a clear description of the offender (height, build, clothing etc).

* + It is important to establish the points to prove by witnessing the offence or asking relevant questions.

* + EEO should observe the actions of offenders and approach them in line with the employing authority’s policy and procedures. Where FPNs are to be issued reference should be made to the SOP on this subject.

## Household Duty of Care

**Introduction:**

Householders must also ensure that household waste is properly disposed of. Household waste is defined as waste from domestic properties, caravans and residential homes. The householder duty of care is provided by Section 34(2A) of the Environmental Protection Act 1990 (inserted by the Household Waste Duty of Care Regulations 2005). A breach of the household duty of care would also attract penalties up to £5,000 on conviction in the Magistrates Court or an unlimited fine if convicted in the Crown Court.

Household waste is defined in section 75(5) and includes waste from domestic properties, caravans and residential homes (inserted by the Household Waste Duty of Care Regulations 2005).

EEOs may be tasked with making enquiries of householders whose waste has been found dumped as to the steps they took to ensure transfer to a properly authorised person.

Reasonable steps to check that persons removing waste from household premises are authorised to do so would include.

* Asking the waste carrier to provide their full address and telephone number.
* Ask to see their waste carrier licence issued by the Environment Agency
* Contact the Environment Agency directly on 08708 506 506 and ask for a instant Waste Carrier Validation Check, alternatively you can check online on the Environment Agency website.

A breach of the household duty of care would also attract penalties up to £5,000 on conviction in the Magistrates Court or an unlimited fine if convicted in the Crown Court.

**Who are “authorised persons” who can transfer waste?**

The following are authorised persons authorised to transfer commercial, industrial and household waste:

1. any waste collection authority;
2. someone who holds a waste management or disposal licence;
3. anyone registered as a carrier of controlled waste;
4. anyone exempt from holding a waste management or disposal licence or from being a registered carrier of controlled waste.

**Definition of “waste”**

Waste is any substance or object that the holder discards, intends to discard or is required to discard.

The meaning of “discard” applies to “disposal” and “recovery” operations and processes and can be intentional or unintentional on the part of the holder. Whether a substance or object is waste is determined on a case-by-case basis. If unsure the ‘legal definition of waste guidance’ should be consulted to check whether an item is classified as waste:

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

**The offence of breach of duty of care**

Section 34 (2A) of the Act makes it an offence for:

It is the duty of the occupier of any domestic property in England to take all such measures available to him as are reasonable in the circumstances to secure that any transfer by him of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes.

**Penalties**

A fine of up to the maximum of level 5 on the standard scale (unlimited). Issue of a Fixed Penalty Notice.

Amount of FPN is up to £300 payable within 14 days and subject to a discounted amount to be paid within 10 days if the employing authority’s policy permits.

**Enforcement Process:**

* The issue of a FPN will normally be on completion of an investigation into controlled waste being dumped within the geographical boundary of the client council.

* EEO must caution an alleged offender during any interaction once a significant statement has been made in relation to the depositing, knowingly causing or knowingly permitting controlled waste to be dumped on any land without an environmental permit.

* If a doorstep interview is required to investigate the dumping of controlled waste, ensure that the body worn camera is activated before knocking at a residence.

* If the offence is witnessed by the EEO, activate the Body Camera and make sure it is pointed at the offender (this will give us a clear description of the offender (height, build, clothing etc).

* It is important to establish the points to prove by witnessing the offence or asking relevant questions.

* EEO should observe the actions of offenders and approach them in line with the employing authority’s policy and procedures. Where FPNs are to be issued reference should be made to the SOP on this subject.

## Business Duty of Care

**Introduction:**

Section 34 of the Environmental Protection Act 1990, as amended, places a duty on any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker, has control of such waste, to take all such measures applicable to him as are reasonable in the circumstances to prevent any contravention by any other person of statutory provisions relating to the disposal of waste. On the transfer of the waste, to secure that the transfer is only to an authorised person or to a person for authorised transport purposes and that there is a written description of the waste as will enable other persons to avoid a contravention of the relevant provisions.

Regulations permit the service of a Notice requiring the production of waste transfer notes for a period of up to two years previously or evidence of a contract with an authorised person for the collection of that waste.

**Duty of care for businesses**

Under section 34(1) of the Act, all businesses are required to put in place measures to store and dispose of waste generated from their business.

Anyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed properly. This also applies to anyone who acts as a broker and has control of waste.

Under section 34(1) of the Act, all businesses have a duty of care for waste from their business. This duty of care requires the business to take the following measures:

* to prevent the unauthorised or harmful depositing, treatment or disposal of waste (*section 34(1)(a)*);
* to prevent anyone breaching the terms of an environmental permit (*section 34(1)(aa)*);
* all waste is contained in suitable containers to prevent its escape (section 34(1)(b));
* secure waste against unauthorised removal and ensure it is only transferred to an authorised person (*section 34(1)(c)(i))*;
* transfer a written description of the waste (waste transfer notice) to avoid a breach of an environmental permit or the escape of waste (*section 34(1)(c)(ii)*).

**Duty of a business to make and retain written records**

Section 34(5) of the Act imposes a duty on anyone who produces, imports, keeps, stores, transports, treats or disposes of waste (except occupiers of domestic property as respects the household waste produced on their property) to make, retain and furnish documents in compliance with The Environmental Protection (Duty of Care) Regulations 1991.

These regulations require a written description and transfer note for the waste to be made and retained for 2 years.

**Who are “authorised persons” who can transfer waste?**

The following are authorised persons authorised to transfer commercial, industrial and household waste:

1. any waste collection authority;
2. someone who holds a waste management or disposal licence;
3. anyone registered as a carrier of controlled waste;
4. anyone exempt from holding a waste management or disposal licence or from being a registered carrier of controlled waste.

**Definition of “waste”**

Waste is any substance or object that the holder discards, intends to discard or is required to discard.

The meaning of “discard” applies to “disposal” and “recovery” operations and processes and can be intentional or unintentional on the part of the holder. Whether a substance or object is waste is determined on a case-by-case basis. If unsure the ‘legal definition of waste guidance’ should be consulted to check whether an item is classified as waste:

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

**Offence**

A person on whom such a notice is served has 7 days to produce the requested documents.

**Penalties**

* If the documents are not produced a fixed penalty in the sum of £300 may be issued to that person.

* In the event of non-payment an unlimited fine may be imposed on indictment.

**Enforcement Process:**

EEOs will be tasked by client authorities to either visit businesses where waste disposal arrangements are unknown and serve the relevant Notice on the person having charge of the premises or in cases where a Notice served has not been complied with to issue FPN to the relevant person.

* Where FPNs are to be issued this will be done in accordance with the SOP on that subject.

## Distribution of Free Printed Material in Designated Areas Without a Permit from the Council

**Introduction:**

The Environmental Protection Act 1990 schedule 3a as amended by section 23 of the Clean

Neighbourhoods and Environment Act 2005; permits local authorities to designate areas in order to control the distribution of free printed material.

**Free printed material includes:**

* Leaflets or cards.
* Free newspapers.
* Takeaway menus and other promotional material.

**But excludes material which is:**

* Being distributed in letterboxes.
* Being distributed inside buildings, buses or taxis.
* On behalf of Charities.
* Material for political or religious purposes or other beliefs.

**Penalties**

* A fine up to the maximum of level 4 on the standard scale £2,500.
* Issue of a fixed penalty notice. Amount of FPN is up to £80 payable within 14 days and subject to a discounted amount to be paid within 10 days if the employing authority’s policy permits.

**Enforcement Process:**

* The employing authority will set out the areas where controls have been implemented as well as any arrangements made to permit the activity by persons holding the required licence or permit and the arrangements for identifying such persons by way of production of the licence or permit by way of a badge or similar device.
* The badge licence or other written evidence of authorisation to be produced to an enforcement officer at any time.
* Depending on the individual employing authorities those found distributing free printed material in breach of any prohibition or terms of any licence granted may:
* Have any licence issued cancelled.
* Have the material being distributed taken away until the end of any legal proceedings.
* EEO should observe the actions of offenders and approach them in line with the employing authority’s policy and procedures. Where FPNs are to be issued reference should be made to the SOP on this subject.

## Street Litter

**Introduction:**

The offence of leaving litter arises under section 87(1) of the Environmental Protection Act 1990 (EPA) as amended and provides that a person is guilty of the offence if he throws down, drops or otherwise deposits any litter in any land or water open to the air and leaves it.

The Clean Neighbourhoods and Environment Act 2005 (CNEA)amended section 98(5A) of the EPA 1990, by providing that “Litter” includes the discarded ends of cigarettes, cigars and like products, and discarded chewing-gum and the discarded remains of other products designed for chewing.” Case law determined in the case of Westminster City Council v John Riding that rubbish consisting of 10 black plastic refuse sacks, empty beer and crisp cartons and two empty bread bags could be litter within the meaning of s87(1), it was held that it could be litter as there was nothing to suggest that it could not be.

* Litter can therefore be regarded as anything which is thrown down dropped or otherwise deposited and left.

**No offence is committed under where the depositing of the litter is:**

* Authorised by law; or

* Done by or with the consent of the owner, occupier or other person having control of the place where it is deposited.

**Penalties**

* A fine of up to the maximum of level 4 on the standard scale £2,500. Issue of a Fixed Penalty Notice. Amount of FPN is up to £80 payable within 14 days and subject to a discounted amount to be paid within 10 days if the employing authority’s policy permits.

**Enforcement Process:**

* A place is treated as “open to the air” if it is covered but open to the air on at least one side and the

public also have access to it, on payment or otherwise. Enforcement may take place in relation to e.g. bus shelters, etc.

* The issue of a FPN will normally start with the witnessing of a relevant offence by an Environmental Enforcement Officer (EEO).

* Once the offence has been committed, activate the Body Camera and make sure it is pointed at the offender (this will give us a clear description of the offender (height, build, clothing etc).

* An offender should be allowed to walk a few steps away so as to avoid any argument along the

lines ‘I was going to pick it up when you approached me’.

* EEO should observe the actions of offenders and approach them in line with the employing authority’s policy and procedures. Where FPNs are to be issued reference should be made to the SOP on this subject.

## Street Trading

**Introduction:**

The London Local Authorities Act 1990 as amended provides for the regulation of Street Trading within the London Boroughs. The legislation provides for both a licensing regime and for action against offenders.

Employing authorities’ will regulate the activity in accordance with their own policies and EEOs should be familiar with that policy and the way it will impact on their duties and the way they will carry out their duties.

Street Trading is defined as the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward. Itinerant ice cream traders who trade from a vehicle going from place to place remaining in any one location in the course of trading for short periods only, subsequently defined in amended legislation as up to 15 minutes.

**Offences and Penalties:**

The following offences arise all of which can be dealt with by the issue of a FPN in the amounts shown:-

* Contravention of a term or condition of a Street Trading Licence or Temporary Street Trading Licence. Amount of FPN £100 payable within 28 days.

* Making a false statement in connection with application for a Street Trading Licence or Temporary Street Trading Licence. Amount of FPN £125 payable within 28 days.

* Resisting or obstructing an authorised officer. Amount of FPN £250 payable within 28 days.

* Failure to produce a street trading licence on demand. Amount of FPN £100 payable within 28 days.

* Unlicensed street trading. Amount of FPN £150 payable within 28 days.

* Provision exists for payment at a discounted rate within 14 days if the employing authority permit this.

* In addition the power to remove goods exists but this is only likely to be exercised as part of targeted operations involving the client authority and other partners.

**Exemptions:**

A Street Trading Licence is not required by a person who acts as a Pedlar. Pedlars’ are persons who meet the following criteria:

* Trade on foot
* Carry their goods although case law has suggested that a small means of transporting goods may be acceptable.
* Generally keep on the move, pausing only to make sales.
* Be in possession of an annual Pedlar’s Certificate issued by a Police Authority.
* Some local authority areas, and across London Pedlary is restricted to door to door selling.

**Enforcement Process:**

* EEOs will be familiar with the policy concerning street trading as set out by the employing authority.
* EEOs will observe the offending behaviour and approach the offender.
* Where FPNs are to be issued this will be done in accordance with the SOP on that subject.

## Community Protection Notices

**Introduction:**

The Anti-social Behaviour, Crime and Policing Act 2014 introduced the Community Protection Notice (CPN) as a way of dealing with certain types of anti-social behaviour which are defined as follows:

* Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.

* Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or.

* Conduct capable of causing housing-related nuisance or annoyance to any person.

The CPN is intended to deal with particular, ongoing problems or nuisances which negatively affect the community’s quality of life by targeting those responsible. A CPN can be issued by

* Council officers:
* Police officers:
* Police community support officers (PCSOs) if designated:
* Social landlords (if designated by the council).

It is expected that EEOs will work in conjunction with the employing authority and these partners.

**Penalties**

* Breach is a CPN is a criminal offence.
* A fine of up to the maximum of level 4 on the standard scale £2500 for individuals, or a fine of £20,000 for businesses.

* A FPN in the sum of £100 payable within 14 days can also be issued.

**Enforcement Process:**

* A written warning has firstly to be issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing.

* If the behaviour continues a CPN is then issued containing a requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour.

* Should the behaviour continue or any other steps specified in the Notice not be complied with a FPN would be issued or the matter reported for possible prosecution in line with the employing authorities enforcement policy for such matters.

* EEOs may find themselves calling on offenders to gather relevant admissible evidence, issuing FPNs in line with the SOP on this subject and or making relevant witness statements in line with SOPs relating to Notebook entries and statements.

**Appeals**

Anyone issued with a CPN has the opportunity to appeal it. Appeals are heard in a magistrates’ court and the CPN issued should provide details of the process and how an individual can appeal and appeals can be on the following grounds.

* The behaviour did not take place.

* The behaviour has not had a detrimental effect on the quality of life of those in the locality.

* The behaviour was not persistent or continuing.

* The behaviour is not unreasonable.

* The individual cannot reasonably be expected to control or affect the behaviour.

* There is a material defect or error with the CPN.

* The CPN was issued to the wrong person.

## Public Space Protection Orders

**Introduction:**

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community’s qualify of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Individual client authorities will determine the nature and extent of Orders necessary for their area and could include restrictions on the exercise of dogs formally covered by a Dog Control Order. For example:

* To exclude dogs from designated areas e.g. a children’s play area in a park.

* Require dog faeces to be picked up by the person in charge of the dog.

* Require dogs to be kept on leads.

* Restrict the number of dogs that can be walked by one person at any one time.

Other matters likely to be included in such an Order could include

* Restrictions on the consumption of alcohol.
* Requirement to leave a park or open space at closing time.

**Penalties**

* Breach is a CPN is a criminal offence.
* A fine of up to the maximum of level 3 on the standard scale £1000.

* A FPN in the sum of £100 payable within 14 days can also be issued.

**Appeals**

A challenge to a PSPO can be made in the High Court by a person who lives in, regularly works in, or visits the restricted area. Such a challenge must be made within six weeks of the order being made being made.

**Enforcement Process:**

* EEOs will need to be familiar with the terms and locations of any PSPO made by the employing authority.
* EEOs will observe the offending behaviour and approach the offender.
* Where FPNs are to be issued this will be done in accordance with the SOP on that subject.

## Fly Posting,

**Introduction:**

Fly-posting is the display of advertising material or information on buildings, street furniture and other places without either the consent of the owner and or contrary to statutory provisions. Fly-posting can range from posters advertising almost any form of goods or service being offered for sale. Publicity for events, concerts and entertainment to jumble and car boot sales organised by local groups. Requests for information concerning lost dogs and cats.

The offence is covered by a number of statutory provisions depending on where the Fly-posting takes place.

* Sections 224 and 225 of the Town and Country Planning Act 1990.
* The Control of Advertisement Regulations
* Section132 of the Highways Act 1980 where the posting takes place on highway furniture, guard rails, traffic signs lamp posts and the like.
* The Anti-social Behaviour Act 2003 gave local authorities the power to issue Fixed Penalty Notices (FPN) to those caught fly-posting or applying graffiti.
* The Clean Neighbourhoods and Environment Act 2005 (CNEA) amended the provisions of the Anti-social Behaviour Act 2003 bringing the fixed penalty provisions into line with other fixed penalty provisions under the CNEA.

Under Town and Country Planning and Highway legislation action by way of prosecution can be taken against those whose goods, trade, business or other concerns benefit from the advertisement.

Local authorities have the power to remove or obliterate placards and posters unlawfully displayed. Before this power can be exercised written notice must be given to anyone who can be identified as the person responsible for the display, that:

* In the local planning authority’s opinion it is displayed illegally.
* The local planning authority intends to remove or obliterate it after the expiry of a period specified in the notice.

At least two clear days after the date when the notice is served must be allowed before a local planning authority proceeds to remove or obliterate the display. A local planning authority need not give notice where the placard or poster does not give the address of the person displaying it and the local planning authority does not know that address and is unable to ascertain the relevant address after making reasonable inquiry.

**Enforcement Process:**

EEOs will follow the process and procedures of the client authority. A FPN can be issued to any person apprehended in the act of Fly-posting. The maximum amount of the FPN is £80 and it is to be paid within 14 days. The maximum penalty on conviction is level 4 on the standard scale £2500.

* Where FPNs are to be issued this will be done in accordance with the SOP on that subject.

EEOs may be called on to remove or obliterate the advertisements. If approached by any person claiming to have an interest in the advertisement that person should be advised that an offence with respect to the display of the advertisement has occurred their details taken and recorded in a pocket book and this information together with a report of the encounter passed to the client authority.

## Business Duty of Care

**Introduction:**

Section 34 of the Environmental Protection Act 1990, as amended, places a duty on any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker, has control of such waste, to take all such measures applicable to him as are reasonable in the circumstances to prevent any contravention by any other person of statutory provisions relating to the disposal of waste. On the transfer of the waste, to secure that the transfer is only to an authorised person or to a person for authorised transport purposes and that there is a written description of the waste as will enable other persons to avoid a contravention of the relevant provisions.

Regulations permit the service of a Notice requiring the production of waste transfer notes for a period of up to two years previously or evidence of a contract with an authorised person for the collection of that waste.

**Offence**

A person on whom such a notice is served has 7 days to produce the requested documents.

**Penalties**

* If the documents are not produced a fixed penalty in the sum of £300 may be issued to that person.

* In the event of non-payment an unlimited fine may be imposed on indictment.

**Enforcement Process:**

EEOs will be tasked by client authorities to either visit businesses where waste disposal arrangements are unknown and serve the relevant Notice on the person having charge of the premises or in cases where a Notice served has not been complied with to issue FPN to the relevant person.

* Where FPNs are to be issued this will be done in accordance with the SOP on that subject.

Householders must also ensure that household waste is properly disposed of. Household waste is defined as waste from domestic properties, caravans and residential homes. The householder duty of care is provided by Section 34(2A) of the Environmental Protection Act 1990 (inserted by the Household Waste Duty of Care Regulations 2005). A breach of the household duty of care would also attract penalties up to £5,000 on conviction in the Magistrates Court or an unlimited fine if convicted in the Crown Court.

EEOs may be tasked with making enquiries of householders whose waste has been found dumped as to the steps they took to ensure transfer to a properly authorised person.

Reasonable steps to check that persons removing waste from household premises are authorised to do so would include.

* Asking the waste carrier to provide their full address and telephone number.
* Ask to see their waste carrier licence issued by the Environment Agency
* Contact the Environment Agency directly on 08708 506 506 and ask for a instant Waste Carrier Validation Check, alternatively you can check online on the Environment Agency website.

A breach of the household duty of care would also attract penalties up to £5,000 on conviction in the Magistrates Court or an unlimited fine if convicted in the Crown Court.

## Smoke-free

**Introduction:**

The Health Act 2006 provided for the prohibition of smoking in certain premises, places and vehicles. *“Smoking”* refers to smoking tobacco, cigarettes, pipes including water pipes such as shisha and hookah pipes, cigars, herbal cigarettes or anything which contains tobacco, or smoking any other substance. Smoking also includes being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form in which it could be smoked.

**Smoke-Free Premises**

* Premises are smoke-free if they are open to the public.
* Premises are smoke-free if they are used as a place of work.

**This applies to premises**

* Used by more than one person even if the persons who work there do so at different times, or only intermittently.

* Where members of the public might attend for the purpose of seeking or receiving goods or services from the person or persons working there even if members of the public are not always present they are smoke-free all the time.

* If only part of the premises are open to the public or used as a place of work the premises are smoke-free only to that extent.

* Premises are smoke-free only in those areas which are enclosed or substantially enclosed. Regulations specify what “enclosed” and “substantially enclosed” mean.

* Some premises, or areas of premises, do not have to be smoke-free despite this section.

* Premises are “open to the public” if the public or a section of the public has access to them, whether by invitation or not, and whether on payment or not.
* “Work”, includes voluntary work.

* Premises will be considered to be **“Enclosed”** if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis.
* Premisesare “**Substantially Enclosed”** if they have a ceiling or roof, but there are permanent openings in the walls which are less than half of the total areas of walls, including other structures which serve the purpose of walls and constitute the perimeter of premises.

**Smoking in Work Vehicles**

Smoking is not permitted in any work vehicle that more than one person uses and would include.

* Taxis
* Buses
* Vans and goods vehicles used by more than one driver.
* Company cars used by more than one employee.
* Smoking is permitted in a company car that only the smoker uses if their employer agrees.

**Offences**

The Offences Fall into Two Categories

* Smoking in a designated place or vehicle.
* Failing to prevent smoking in smoke-free place.
* Action can be therefore be taken against
* The Smoker
* Any person who controls or is concerned in the management of smoke-free premises or vehicles.

The following matters constitute offences:

* Failure to display no-smoking signs (s6)
* Smoking in a smoke free workplace, public place or vehicle (s7)
* Failure to prevent smoking in a workplace, public place or vehicle (s8)
* Any person who intentionally obstructs an authorised officer of an enforcement authority, acting in the exercise of his functions commits an offence.
* Any person who without reasonable cause fails to give to an authorised officer any facilities, assistance or information which the authorised officer reasonably requires of him for the performance of those functions commits an offence.
* A person commits an offence in respect of the above if
* he makes a statement which is false or misleading, and
* he either knows that it is false or misleading or is reckless as to whether it is false or misleading.

**Exemptions**

The following exemptions apply:

* Private dwellings – Communal areas in flats, stairwells, lifts etc. Are required to be smoke-free.
* Self-contained residential accommodation for temporary or holiday use, holiday cottages or caravans.
* Smoking by performers may be permitted if appropriate for the artistic integrity
* Managers of the following may designate specific rooms for smoking:
* Individual guest bedrooms in hotels, inns, hostels, guesthouses etc.
* Care homes, hospices and prisons.
* Specialist tobacconist shops may allow the sampling of cigars or small amounts of pipe tobacco. Smoking of any other product, including cigarettes, is prohibited.
* Rooms where smoking is permitted are only for residents and must be well ventilated and smoke must not get into other rooms.

**Penalties**

* Smoking in a smoke-free designated place or vehicle can result in prosecution with a maximum penalty of a fine of £200.
* Where appropriate signage has not been displayed successful prosecution can result in a maximum fine of £1000.
* Employers / managers who fail to provide and maintain a smoke-free public or work place can on conviction be fined a maximum of £2500.
* A person guilty of the offence of obstructing an authorised officer is liable to a fine not exceeding level 3 on the standard scale £1000

**Fixed Penalty Notices**

The opportunity to discharge liability to conviction by payment of a fixed penalty exists for the offences of:

* Smoking in a smoke-free designated place or vehicle a fixed penalty notice of £50 will be issued. This may be reduced to £30 if the fine is paid within 15 days.
* Where appropriate signage has not been displayed the amount of the fixed penalty is £200. This may be reduced to £150 if the fine is paid within 15 days.
* The fixed penalty notice must be paid at the full amount within 29 days

There is **No** fixed penalty option in respect of employers / managers who fail to provide and maintain a smoke-free public or work place.

**Defences**

It Is a Defence in Law for the person charged with the offence of smoking in a smoke-free place to show that he did not know, and could not reasonably have been expected to know, that it was a smoke-free place.

A person charged with an offence under this section who relies on the above as a defence and provides evidence which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. **Enforcement Process:**

EEOs will need to be familiar with the enforcement policy of the employing authority.

* EEOs will observe the offending behaviour and approach the offender.
* Where FPNs are to be issued this will be done in accordance with the SOP on that subject.

## Motor Vehicle Engine Idling

**Introduction:**

In order to address issues of local air quality Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986 provides for an offence of leaving the engine of a motor vehicle idling unnecessarily whilst stationary. **Penalties**

* The amount of the FPN is £20 increasing to £40 if unpaid within the timescale for payment of 28 days.

* A driver who does not disclose his name and address, date of birth; and if he is not the registered keeper of the vehicle the name of the person who is shall be guilty of an offence and be liable to a fine not exceeding level 3 on the standard scale, £1,000.

* A fixed penalty which has not been paid by the date specified for its payment is increased to £40 and may if a county court so orders, be recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court.

**Appeals**

* A person to whom a fixed penalty notice has been issued may, within the period and in the manner specified in that notice, request a hearing in respect of the offence for which the fixed penalty notice relates.

**Enforcement Process:**

The issue of a FPN will normally start with the witnessing of a relevant offence by an Environmental Enforcement Officer (EEO).

* Once the EEO has reasonable grounds to suspect that an offence has been committed he should approach the driver of the vehicle concerned having due regard to personal safety when entering any carriageway.

* EEOs will need to record by way of a notebook entry or other method the amount of time which the vehicle was observed with the engine idling and the circumstances.

* Where a FPN is to be issued this will be done in accordance with the SOP on that subject.

# 5. HEALTH & SAFETY

All WISE officers regardless of qualifications and experience will undergo Health & Safety training during the initial training programme. This training is assessed on a pass / fail basis as H&S for our employees is paramount.

Officers are trained on all aspects of Health & Safety legislation and will be expected to apply all training when on operational duties. As an employer, WISE has a duty of care to all of its employees and as such expect the same duty of care from our staff.

Staff are reminded that the role can often be confrontational and that they must at no point put themselves in a position that may result in physical altercation.

EEO’s are trained in how to assess each situation on its own merits and will conduct dynamic risk assessments for every incident. Any incidents that are potentially volatile or involve threats of violence towards officers must be reported immediately to line managers, where an accurate and detailed report would be completed in compliance with RIDDOR regulations.

The WISE Health & Safety Policy is available to all employees in both electronic and hard copy formats, with a copy stored in the policy file at the allocated council location.

## Lone Working

Officers are expected to work alone unless circumstances necessitate the doubling up of resources. All areas patrolled will have been risk assessed prior to commencement of deployment; and any areas highlighted as “potentially problematic” will be patrolled in pairs for safety.

All officers will comply with the WISE Lone Worker Policy document, which is available at any time electronically as well as viewable in hard copy format at the allocated office.

No officers will patrol without the following items of PPE:

 Body Worn Camera

 Handheld Device (Panic Button enabled)

 Mobile Phone

 Full Uniform and inclement weather clothing (when applicable)

Officer safety control measures have been put into practice and consist of the following:

 GPS locator on the Body cameras (Monitored by Ops Team)  GPS locator on handheld devices (Monitored by Ops Team)

 GPS stamping of all FPN’s issued (giving officer location)

 Panic Button on handheld device (Monitored by Ops Team)

 **Structured contact with the officer at set intervals during their patrol, these will be a minimum of every 2 hours for lone patrol officers and every 4 hours for double crewed officers. If the officer is not contacted during this time by their supervisor, the officer is to make immediate contact with the head office.**

## Use of Company Vehicles:

When using any of the company vehicles officers must complete the vehicle checklist prior to

using the vehicle. Checklist forms can be found on the **WISE POLICY safe Driving Vehicle Checklist** document and can be printed and kept in the vehicle for completion and inspection by supervisors.

Failure to complete the vehicle checklist may result in disciplinary action being taken against the officer concerned, as this would constitute a serious breach of health & safety and potentially road traffic law.

**Training**

All staff who work for Waste Investigations Support & Enforcement Ltd receive a 5-day training course covering 10 extensive training modules, the entire FPN issuing process, the use of Electronic Digital Assistants (EDAs) and Body Worn Cameras as well as scenario and shadow training.

The areas covered are:

* Littering legislation
* Dog fouling legislation
* Public Spaces Protection Orders
* PACE & CPIA (Interviewing Witnesses and Taking Statements)
* Data Protection
* Safeguarding (adults and children)
* Health & Safety
* Conflict Management
* Equality & Diversity
* Scenario training using the issued equipment

After completing the above, the new recruit(s) will be assigned a Training Officer who will work alongside them to ensure that they put to practice the information they have learnt through their 5-day induction course. All Enforcement Officers adhere to any COVID related risk assessments which are in place.

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