

Where do WISE Environmental Crime Officers powers and authority come from?

The powers are delegated from the Local Authorities we work for. Our Officers will enforce all legislation in accordance to the law, and in line with the Local Authorities' Enforcement Policy.

Are all WISE Environmental Crime Officers vetted and do they undergo training?

Yes. All our officers are screened and vetted. WISE Enforcement Officers undergo a bespoke, one of a kind, training package. This consists of classroom based learning (legislation etc) and role play. Upon completion of this, they will be assigned to an experience Training Officer who will ensure they are suitable prior to being signed off as Independent.

All staff are routinely assigned to a Training Officer to ensure our expectations are being met.

Who decides what legislation WISE Environmental Crime Officers enforce?

This is set out in the contract or service level agreement (SLA) with each authority. This will also be signed off by both parties prior to any patrol.

Are WISE Officers remunerated against the number of Fixed Penalty Notices (FPN) they issue?

No. All of our Officers are paid an hourly rate and do not receive bonuses.

Are there any exemptions in relation to whom the WISE Environmental Crime Officers can issue an FPN to?

Yes. These exemptions are determined by the enforcement policy of the local authority and normally include members of the public with proven physical and mental disabilities. Additionally, some local authorities include additional exemptions such as children and elderly members of the community.

Why do Environmental Crime Officers wear Body Worn Cameras and when are they operated?

These are used to protect the public and our Officers from being subject to spurious complaints or intimidation by offenders seeking to avoid paying the penalty issued. The cameras are only switched on at the point the Officer introduces him/herself to the offender and it is explained why the camera is in operation. The camera is turned

on during the conversation only, this can then either be served as evidence or unused material dependent upon the prosecution policy of the local authority.

Who has the final say in whether an individual is prosecuted?

The decision always lies with the local authority.

How can the public have confidence that WISE's Environmental Crime Officers always act responsibly?

Our Environmental Crime Officers are specialists in their field. They receive intensive introductory training and ongoing professional development to maintain the high standards required by the local authorities they serve. There is Body Worn Camera footage of every interaction between our Officers and members of the public. Any complaints against our Officers can be made to local authorities and are handled in line with established procedures

What are fixed penalty notices?

Since the Clean Neighbourhoods and Environment Act 2005 became law, new measures have been introduced, enabling local authorities to issue a FPN to anyone they have reason to believe committed an environmental crime that damages the street scene. A FPN gives an alleged offender the opportunity of discharging their liability from being prosecuted by paying the FPN. If an offender is prosecuted the maximum fine for littering can be up to a maximum of £2,500 and may be faced with a conviction.

How much is a Fixed Penalty Notice?

The amount is set by the Local Authority using the current guidelines for penalty notice levels.

Can I appeal a Fixed Penalty Notice?

There are no formal grounds of appeal against the issuance of a Fixed Penalty Notice (FPN). This is because the FPN is simply an invitation to effectively cease any further proceedings taking place by way of paying the FPN. This means that while this is not an admission of guilt, you are agreeing that an offence has been committed and that by paying the sum requested for that particular offence, no further action will be undertaken by the council.

This method of dealing with these offences saves the time of all parties involved, it also ensures the offender does not have a fine imposed by the courts. As an example, the maximum fine which can be imposed for littering is £2,500.

But I don't agree that I committed the offence for which I have received a Fixed Penalty Notice?

If you have received a Fixed Penalty Notice and do not agree that you have committed the offence, then the matter can be escalated through formal prosecution via the Courts. It will be at this point whereby the Court will decide, upon receiving all evidence (such as an Officer's witness statement), determine whether or not an offence has in fact been committed and therefore whether a penalty should or should not be imposed.

This is where you can 'appeal' the Fixed Penalty Notice – however, please note the penalty at this point can be much more than what was originally put before you with the FPN.

I don't see why I should pay if there are no signs about littering or dog fouling in the area?

Offences relating to littering, fly-tipping, duty of care related matters and dog fouling have been part of legislation for many of years. The authority is therefore not required to place signs in every street, highway, park or open space to tell people **not** to do the offence; nor are they required to put signs up advising people that patrols are within the area.

I didn't know it was an offence, has the Council informed the public?

Local Authorities will generally notify the public via media campaigns through various outlets; such as social media. However, the legal position on the matter is that ignorance to the offence is not an excuse.

Why should I pay a Fixed Penalty Notice when there were no litter or dog bins nearby at the time?

As with signage it is not feasible for the council to put litter bins in every street, road and highway in the borough, though of course every effort is made to place bins where they are most needed and where there are the greatest levels of pedestrian footfall, such as in town centres, major shopping areas and Parks and open spaces. Dog poo, once bagged can be placed in any litter bin in the borough. Where bins are

not available then it is up to everyone to act responsibly and make arrangements to either take their litter home or carry it until a litter bin is available.

I received a Fixed Penalty Notice for dropping a cigarette butt, surely that can't be considered littering?

Wrong. Litter includes not only cigarette butts but also chewing gum. In many ways these items are more of a nuisance and more expensive to clean up than other items of rubbish.

But cigarette stubs aren't really waste as they can't be placed in litter bins because they will catch fire?

It is your responsibility to dispose of your litter accordingly; therefore it is your responsibility as a smoker to ensure that you completely extinguish your cigarette before placing them within a bin.

Cigarette waste is the same as any other waste in terms of litter laws and you can be issued with a Fixed Penalty Notice for not disposing of cigarette stubs properly. Obviously, care should be taken to avoid any risk of fire and in particular cigarette ends should be completely extinguished before the stub is thrown into the bin. There is also no reason why smokers (who are well aware that their habit means that they will be faced with disposing of their cigarette waste) cannot carry portable 'butt bins' with them.

But I wasn't given a warning, surely that is not fair?

Enforcement Officers do not give people warnings – the issuance of a Fixed Penalty Notice is a method for the offender to accept liability for the offence and make payment. This is to avoid a fine being imposed by the Courts.

I have limited funds and I will not be able to pay within the 14 days what can I do?

You can contact us to discuss options, this can be done via mae@wasteenforcement.co.uk.

Where do the Enforcement Officers patrol?

The Officers are tasked to areas of highest demand and will patrol wherever there is evidence of littering. It has been shown that Town Centres are hotspot areas and cigarette butts are the most common litter issue.

Important points to remember:

There will be no warnings. You will be issued with a FPN for:

- Dropping litter
- Cigarette ends
- Discarding chewing gum
- Failing to clear up after your dog
- If you fly-tip or commit any offence with Duty of Care related legislation

Take note:

- Take care and pride in your community.
- No bin doesn't mean no FPN. Not having a bin to hand is not an excuse for littering.
- Placing a cigarette end down a drain is still an offence – it will result in an FPN.
- The offence is complete once the item is deposited, and the person walks away.
- Placing rubbish in a stream is also an offence - it will result in an FPN.
- Fly tipping in a field because the local bring site is too far away is not an excuse.

What happens if I refuse to pay the fixed penalty?

You will be prosecuted for the offence.