

Environmental Crime Reports (ECRs) briefing document.

Environmental crimes as discussed in this briefing paper refers only to littering, graffiti and dog fouling. Such activities are illegal and any perpetrator potentially commits a criminal offence which can be investigated and ultimately prosecuted through the criminal courts. Certain Officers of Shropshire Council are authorised for this purpose. However, it should also be noted that for these specific matters there is an alternative to formal legal proceedings in the form of a Fixed Penalty Notice (FPN). Where an FPN is issued then legal proceedings may not be brought where the FPN is accepted and paid by the offender.

Shropshire Council is aware that environmental crimes are a blight on our communities and in most cases are the actions of the minority and not the majority. Through the Public Protection Service, Shropshire Council is seeking to educate and reduce the amount of litter/dog mess/graffiti etc. present in Shropshire and increase public satisfaction with the environment.

The Public Protection Service is encouraging Town and Parish Councils to help tackle this problem where it exists in their area by specifically reporting instances where officers of the council witness these unsavoury activities occurring.

To help with this the Public Protection Service have created Environmental Crime Reports (ECRs) which are used by any council officer witnessing an environmental crime. Once completed the ECR is sent through to Shropshire Council to decide on the appropriate course of action. The actions available to Shropshire Council on receipt of an ECR are: issue a written warning; issue a FPN or commence a formal investigation. The action taken will depend on the circumstances of each case, the quality of the evidence and the offender's previous history, in particular whether they have been warned or issued with an FPN previously.

In order to make best use of this scheme training is provided to all those individuals within the town/parish councils who are prepared to engage with individuals they witness committing these crimes and report these instances to us. This training will help clarify the law around environmental crimes, how the process works, the information required in order to prove an offence and guidance on how to handle the approach to the offender. On completion of the training (which takes roughly 2 hours), delegates are individually issued with an ECR book which are to be used by that person and only that person.

The ECR book contains forms to record and report the particulars of the offence and the offender's details. They do not provide a facility to make a decision on the outcome of the offence and are not to be considered as an FPN. A copy of the completed ECR is given to the perpetrator and a copy is sent through to the Public Protection Service for consideration of the most appropriate course of action. The most common course of action will be either to issue a warning letter or an FPN. Normally an offender will only be formally investigated where an FPN has not been accepted and payment is not received or where an FPN has been previously issued and paid.

Any individual witnessing and reporting an environmental crime to Shropshire Council is a witness to the crime and therefore they would be expected if required to attend court as a witness in the event that Shropshire Council consider initiating legal proceedings.

At this time the Public Protection Service will undertake to provide training only to local Parish and Town Councils staff and not private individuals. Each organisation should consider the risks to their staff and undertake their own risk assessment.

To discuss the issues raised in this briefing document further, or to register an interest in attending the training please contact Sally Jones, Public Protection Officer on 01743 251723 or by email on sally.jones@shropshire.gov.uk