

Summary

This policy sets out the Council's Safe, Clean and Tidy approach to environmental enforcement. It provides a clear framework for how public spaces are protected across the city. Community Wardens and Environmental Enforcement Officers play a key role in delivering this approach on the ground.

They undertake visible patrols and engage with residents and businesses to promote responsible behaviour. They also take proportionate enforcement action where necessary to address issues such as littering, fly tipping, waste offences and breaches of Public Spaces Protection Orders.

Together, these teams support a consistent and intelligent led response that tackles environmental crime and promotes pride in local communities.

Effective date

13th July 2026

Review

We will review this Policy every 3 years or when there has been an update to legislative, regulatory, best practice or operational changes.

Version 1

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1. Introduction

This policy sets out the approach of the Safe Clean and Tidy team, made up of Community Wardens, Environmental Enforcement Officers, Resource Controllers and the Private Sector ASB coordinator, who deliver environmental enforcement on behalf of the Council. Its purpose is to safeguard the health, safety, and wellbeing of residents, visitors, and the local environment by promoting compliance with relevant legislation. All enforcement activity will be carried out in a manner that is fair, proportionate, consistent, and transparent.

2. Scope

This policy applies to environmental and anti-social behaviour (ASB) offences addressed by Portsmouth City Council's Safe, Clean & Tidy team, including but not limited to:

- Littering (including from vehicles)
- Fly-tipping
- Dog fouling
- Graffiti and fly-posting
- Breaches of waste duty of care
- Enforcement of Public Space Protection Orders (PSPOs)

While abandoned or nuisance vehicles may be identified by the team, these will be referred to the relevant department and managed under the existing Vehicle Removal Policy.

Enforcement will take place within the Portsmouth City Council local authority boundary, on Council controlled land including highways. Private land may be included only with the owner's consent or where an offence has a significant impact on the surrounding area, or where the private land owner is deemed to be responsible for offences and enforcement action is being considered against them.

3. Principles of Enforcement

The Safe, Clean & Tidy team will apply the following principles to ensure fair, effective, and accountable enforcement:

- **Proportionality:** Enforcement action will reflect the seriousness of the offence, considering intent, impact, and any mitigating circumstances.
- **Consistency:** Similar circumstances will be treated in a comparable manner to maintain fairness, while allowing for professional judgment based on individual case factors.
- **Transparency:** Clear and accessible information will be provided to individuals about the nature of the offence, the required corrective actions, and the consequences of non compliance.
- **Accountability:** Officers will act within the law and council policies, maintaining accurate records of decisions and actions. All enforcement activity will be subject to internal monitoring and review.

- **Targeting:** Resources will be directed towards offences and locations that pose the greatest risk to public health, safety, and environmental quality, prioritising persistent offenders and high-impact areas.

4. Investigation Procedures

All investigations will be conducted lawfully, transparently, and proportionately, ensuring fairness and compliance with statutory requirements. Officers must adhere to the following legal frameworks:

- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedure and Investigations Act 1996 (CPIA)
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Human Rights Act 1998
- Equality Act 2010

4.1. Investigation activities may include:

- Site visits, inspections, and verification checks
- Interviews under caution in accordance with PACE
- Collection and preservation of evidence, including physical items, digital material, and witness statements
- Use of overt or authorised covert surveillance, and image or audio capture, as outlined in Section 5

4.2. Standards for all investigative actions:

- Accurate recording of all steps taken
- Secure storage of evidence and documentation
- Management review to ensure:

Legal compliance

Procedural fairness

Adherence to evidential standards

Accountability and transparency in decision making

4.3. Additional considerations:

- Investigations will respect privacy rights and data protection obligations under the Data Protection Act 2018 and UK GDPR.
- Officers will maintain impartiality and avoid conflicts of interest.
- Where appropriate, partnership working with other departments / partner agencies will be pursued to ensure effective outcomes.

5. Use of Images and Surveillance

(See also PCC CCTV Policy [PCC Policy Hub - CCTV Policy accessible Approved by design FV FEB26 PDF.pdf - All Documents](#))

Images and surveillance may be used to identify, investigate, and support enforcement of offences. This includes:

- CCTV footage from public areas
- Body worn cameras operated by authorised officers
- Dash cam or vehicle mounted CCTV from PCC vehicles or submitted by the public
- Private CCTV footage provided by individuals or businesses
- Photographs taken during inspections or submitted by the public

5.1. Compliance Requirements:

- Data Protection Act 2018 and UK GDPR
- Regulation of Investigatory Powers Act 2000 (RIPA). Covert surveillance will only be authorised in rare, exceptional circumstances and subject to formal approval

5.2. Standards for Use and Management:

- Images will be stored securely and accessed only by authorised personnel
- All access and handling will be logged for audit purposes
- Images will be used solely for enforcement and investigation purposes
- Sharing with other agencies (e.g., Police, Environment Agency) will occur only where legally permitted
- Retention will be limited to the minimum period necessary for enforcement and evidential requirements, in line with PCC retention schedules

5.3. Additional Considerations:

- Images used to identify offenders must be clear, relevant, and supported by corroborating evidence
- Publicity of enforcement outcomes may include anonymised images or details unless legal grounds exist for naming individuals
- Officers must ensure compliance with PCC's CCTV Policy, Data Protection Policy, and relevant codes of practice
- Any use of surveillance technology will be subject to a Privacy Impact Assessment where required

6. Enforcement Actions

Our aim is to encourage responsible behaviour and protect the environment for all. Enforcement will be fair, proportionate, consistent, and transparent, in line with this policy and relevant statutory guidance.

6.1. Legal Frameworks

Enforcement may be taken under (but not limited to) the following legislation and associated regulations/codes:

- Environmental Protection Act 1990 (e.g., littering, fly-tipping, duty of care)
- Clean Neighbourhoods and Environment Act 2005
- Anti-social Behaviour, Crime and Policing Act 2014 (e.g., PSPOs, CPNs/CPWs)
- Refuse Disposal (Amenity) Act 1978 / Control of Pollution (Amendment) Act 1989 (relevant to waste/fly-tipping)
- Environmental Offences (Fixed Penalties) (England) Regulations (as amended)
- Local Government Act 1972 / 2000

6.2. Enforcement Options

Depending on the severity, intent, impact, and history of non compliance, enforcement may include:

- Advice, education, and warnings (verbal or written)
- Fixed Penalty Notices (FPNs)
- Community Protection Warnings (CPWs) / Community Protection Notices (CPNs)
- Prosecution

Officers will consider the evidential sufficiency and public interest tests (having regard to the principles of the Code for Crown Prosecutors) and any aggravating/mitigating circumstances.

The decision as to which form of enforcement will be taken will be based on the severity of the issue.

6.3. Fixed Penalty Notices (FPNs)

- FPNs will be issued in accordance with statutory guidance, this policy, and PCC procedures.
- Repeat, persistent, deliberate, or serious offences may lead to prosecution instead of, or following, an FPN.
- Payment of an FPN does not constitute an admission of guilt; it discharges liability for the alleged offence without court proceedings.
- Payment & Timeframes. If paid within the specified timeframe, the matter is closed with no further action.
- In exceptional circumstances, the issuing officer (or authorised manager) may extend the payment deadline.
- Non-payment may result in prosecution in the Magistrates' Court.
- Where an individual admits the offence under caution, and where it is appropriate and proportionate to do so, officers may consider issuing a littering Fixed Penalty Notice with manager approval.

6.4. Fixed Penalty Notice Levels

Fly tipping is an offence under Section 33 of the Environmental Protection Act 1990. In line with DEFRA statutory guidance, Portsmouth City Council uses Fixed Penalty Notices (FPNs) as a proportionate and transparent enforcement tool to encourage compliance and deter repeat offending.

An FPN allows an offender to discharge their liability for the offence without the need for court proceedings. Non payment of an FPN may result in prosecution.

The level of FPN issued will reflect the nature and seriousness of the offence, having regard to the type and volume of waste involved, the environmental impact, and any aggravating or mitigating factors, in accordance with the matrix (See Appendix A1).

Aggravating features such as repeat offending, deliberate dumping, risk to public health, obstruction of the highway, or proximity to sensitive locations may justify escalation to a higher penalty level or prosecution, in line with statutory guidance and the Code for Crown Prosecutors.

The FPN levels set out in Appendix A1 have been established to ensure that enforcement action is lawful, proportionate, and defensible. The banding structure reflects the seriousness of the offending behaviour, having regard to the type, volume, and nature of the waste, the actual or potential impact on the environment and public health, and the culpability of the offender. Higher penalty levels are applied where offending is deliberate, repeated, involves commercial or hazardous waste, or gives rise to increased risk, harm, or clean up costs. This approach is consistent with statutory guidance, supports effective deterrence, promotes consistency in decision making, and ensures that enforcement outcomes are capable of withstanding legal scrutiny.

Delegated authority is given to the Director of Housing Neighbourhood & Building Services to amend these monetary amounts where required to reflect changes in legislation, statutory provisions or Government guidance. Any amendments made under this delegation will be limited to updating the FPN values only and will not alter the intent, principles or application of this policy

FPNs issued in respect of offences that do not constitute fly tipping may also be used as an alternative to prosecution for a range of environmental offences, including but not limited to littering (including from vehicles), dog fouling, graffiti and fly posting, breaches of waste Duty of Care requirements, and non compliance with Public Space Protection Orders (PSPOs).

Where an offence is identified and supported by sufficient evidence, an FPN may be issued in accordance with relevant legislation. The amount of any FPN will be set within the prescribed statutory minimum and maximum levels.

For these offences, FPN levels will not be subject to the fly tipping matrix set out in Appendix A1. Instead, the level of penalty will be determined at the discretion of the authorised officer, having regard to the evidence available and the principle of proportionality. In making this determination, officers will consider the nature and seriousness of the offence, any harm caused to the environment or local amenity,

and the presence of any aggravating or mitigating factors. Consideration may also be given to any previous history of offending or non compliance where appropriate. The Council is committed to ensuring that the use of FPNs is fair, proportionate and consistent, and that enforcement action is appropriate to the circumstances of each individual case.

6.5. Representations (disputes)

There is no statutory right of appeal against an FPN. However, if you believe an FPN was issued in error, you may provide information or evidence to:

safecleantidy@portsmouthcc.gov.uk.

The council may review and, where justified, withdraw the FPN. The following are not valid grounds for cancellation:

- Lack of awareness of the law or local rules
- It being a first offence
- Disagreement with the officer's decision
- Absence of signage or bins
- Claiming someone else was responsible without evidence

Complaints about officer conduct are handled under the Council's Corporate Complaints Policy and do not affect the validity of an FPN.

[Complaints policy - Portsmouth City Council](#)

6.6. Prosecution

If an FPN is not paid, or the offence warrants it, the matter may be referred to the Magistrates' Court, where the defendant can present their case. If convicted, the court may impose a higher penalty and court costs.

6.7. Safeguards and Special Considerations

- Young people (under 18): We will follow youth justice guidance; decisions may involve parental/guardian engagement and alternative interventions.
- Vulnerable persons: Officers will consider vulnerability, capacity, and support needs, and may adapt action accordingly.
- Equality & accessibility: We will make reasonable adjustments and provide information in accessible formats where required.
- Data protection: All casework will comply with UK GDPR and the Data Protection Act 2018.
- Partnership working: Where appropriate, cases may be coordinated with partners (e.g., Police, Environment Agency, social landlords).

7. **Public Engagement and Education**

We will promote awareness, support behaviour change, and encourage compliance through:

- Targeted public campaigns aligned to local priorities (e.g., litter/fly tipping hotspots, dog fouling routes)
- Community engagement (residents' meetings, pop-ups, and joint patrols)

- Educational materials for residents, businesses
- Social media and web updates to highlight responsibilities and outcomes (respecting privacy/data laws)
- Door knocking and on street engagement in hotspot areas
- Business engagement (duty of care checks, advice, and follow up visits)

Communication will be timely, accessible, and evidence led, with messaging adapted to local needs and seasonal trends.

8. Review and Monitoring

This policy will be reviewed every three years, or sooner where required by changes in legislation, statutory guidance, or operational requirements. Each review will take into account feedback from relevant council services, elected members, partner agencies, and the public.

Performance and Quality Assurance

- Key indicators may include number/type of reports, warnings, FPNs, CPN/CPWs, prosecutions, payment rates, time to resolution, and geographical distribution.
- Quality checks: Case audits, file reviews, body worn video sampling, and supervision sign off for higher tier actions.
- Learning & improvement: Trends analysis, hotspot mapping, and post-operation debriefs will inform targeting and campaigns.
- Transparency: Performance data may be published where appropriate.

Where issues fall outside the scope of environmental enforcement, they will be referred to the appropriate Council service or partner agency. This includes (but is not limited to) Portsmouth Homes for tenancy related matters, Licensing, Planning Enforcement, Environmental Health, Highways, Private Sector Housing and Trading Standards. Officers will ensure appropriate signposting to enable a coordinated and effective response.

Appendix A1:**Fly Tipping Fixed Penalty Notice Matrix**

This matrix provides a structured framework for determining the appropriate level of FPN's to be issued in respect of fly tipping offences under Section 33 of the Environmental Protection Act 1990. It is intended to support consistent, proportionate, and evidence based decision making by authorised officers.

Waste Description	Examples	FPN Amount
Small scale domestic waste	1–3 black sacks or an equivalent volume of loose or contained waste	£400
Medium scale domestic waste	4–6 black sacks or an equivalent volume of loose or contained waste, or one bulky item (e.g. mattress, chest of drawers)	£600
Large scale domestic waste	7–9 black sacks or an equivalent volume of loose or contained waste or multiple bulky items, including white goods	£800
Significant fly tipping	10+ black sacks or an equivalent volume of loose or contained waste or large quantities including bulky items and white goods	£1,000
Commercial or trade waste	Any quantity of waste reasonably believed to originate from a commercial or business activity, including waste arising from contracted work, property clearance, or paid services.	£1,000 and consider prosecution
Hazardous waste	Paint tins, chemicals, asbestos or similar materials	£1,000 and consider prosecution