



Wednesday 24th July 2019

Emma Knight

Operational Manager
Environmental Health & Licensing
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

REF: Public Space Protection Order – Setchel Drove

Dear Ms. Knight,

I have read the proposal and consultation document for the Public Space Protection Order (PSPO) at Setchel Drove, Cottenham (dated May 2019).

The considerations and representations that I would offer on behalf of the Constabulary are as follows:

1. Absolute agreement to the requirement for protecting the environment and local community in that area from the pollution and harm being caused by fly tipping offenders. Fly tipping is a reprehensible, cynical and selfish form of criminality;
2. As part of a problem solving approach to this issue, have we considered any other/combined methods of resolving the problem – for example overt or covert CCTV options, adequate signage, enforcement options based upon any identifiable property left behind, media involvement to make the problem more high profile across the region?
3. Has consideration been given to the risk of displacement consequences? If we secure this area do we anticipate where the fly-tipping issue is likely to move towards?
4. It would be helpful to contextualise the volume of fly-tipping in this area versus other locations in the South Cambs area. Is there any comparative data that is likely to support the proportionality and necessity of this approach?
5. With regards to the benefits of this measure (noted at 4.0 on the document) the number of recorded incidents has risen consistently as illustrated – what percentage of that total will be addressed by this measure specifically? How many of the incidents can be attributed to Setchel Drove?

6. Are we considering this measure to be a pilot for future locations across South Cambs and how do we intend to measure the outcome of this approach?
7. Do we require a PSPO to install gated or controlled access to the area?
8. Will enforcement of the PSPO rest with the Constabulary or will named officials at the District Council also be empowered to issue fines? We need to ensure that any enforcement can also be carried out by Police Community Support Officers.
9. How do we propose to increase the detection of offences for the effective enforcement of the order? Clearly fly-tipping is a difficult offence to prove if not witnessed directly or found committing. Are we proposing to introduce anything from an enforcement perspective that will make punishment of the offence more likely?
10. The Refuse Disposal (Amenity) Act 1978 makes it *'an offence to abandon anything on land being a thing brought to the land for the purpose of abandoning it there'* – the penalty for breaching this law is listed at fixed penalty of £200 (which is twice the penalty of the PSPO). The burden of proof is 'beyond all reasonable doubt' as opposed to 'on the balance of probabilities' (more difficult in fact) – however (practically speaking) at the moment 'a balance of probabilities' conviction is not more likely than 'beyond reasonable doubt' as we either a) catch them in the act or b) witness them or c) don't do either (there is not much grey area). Is enforcement of the PSPO simply enforcement of a softer penalty for a similar or higher cost?
11. Considering the cost of securing a PSPO (I don't really know what that cost is - apologies) would that money be better spent on detection technology such as CCTV and ANPR?
12. I agree with the benefit of controlling vehicular access to the area – however attention will then need to be paid to how that access is secured. If the gate is secured by a padlock (for example) I would expect the padlock to be cut and for offenders to disregard the gate, the lock and the PSPO. While costs may be prohibitive, has consideration been given to other methods of controlling access to the land? Options may include rising bollards (I understand these can be bought and installed for about £2000 each for a half metre high unit – with key pad control so keys not required) or the option of rising road spikes (sounds menacing but commonly used in many NCP type car parks). I have concerns that a simple lock could be chopped easily, and the gate could be broken or even stolen (which would be both embarrassing and expensive).

I can speak with confidence on behalf of the Constabulary in saying that fly-tipping is a genuine quality of life issue for rural communities – it degrades our shared environment, it harms eco-systems, and it can involve the unregulated dumping of dangerous and toxic items. We absolutely support the District Council one-hundred percent in seeking measures designed to reduce and eliminate this form of crime – and ideally with regard to Setchel Drove specifically – in such a way that offers learning and effective strategy for the County as a whole.

The final point in question must rest around the subject of effective enforcement. As with all public sector bodies, police resources have been rationalised significantly over a long term period with a genuine reduction in the availability of staff to address 'non-urgent', not 'life and limb' or high gravity offending. This doesn't mean that there is no support available on a day to day basis – but this matter is comparable to a spectrum of other rural concerns. Perhaps most comparable is the issue of 'hare-coursing' and trespass on private land issues for such purposes. We receive regular feedback that rural communities would like to see a more visible and immediate response to such offences – but we have to manage expectations around such things very carefully. I feel that this is likely to be the case with fly-tipping in Setchel Drove also. It is therefore sensible for the District Council to plan contingencies around this and not base a plan upon an enforcement strategy that requires an immediate response from police or an 'if found committing' proviso.

I hope that his helps to clarify the considered position of the Constabulary and I hope that we find the most effective long term solution to the problem. Please continue to include us in the dialogue surrounding this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Phil Priestley', with a stylized, cursive script.

Sergeant 2164 Phil Priestley
Neighbourhood Policing Team – South Cambs

CC'd – Sgt Emma Hilson
CC'd – Inspector Rachel Gourlay