



**Review of  
Enforcement action undertaken by  
Bolsover District Council to improve the  
quality of the environment across the  
District.**

**May 2018**

**HEALTHY, SAFE, CLEAN & GREEN COMMUNITIES  
SCRUTINY COMMITTEE**

## Contents

Chair's Foreword .....	3
1. Introduction .....	4
2. Recommendations .....	5
3. Scope of the review .....	22
Review Membership .....	23
4. Method of Review .....	23
Equality and Diversity .....	23
5. Legislative and Policy Context .....	24
5.1 BDC Environmental Enforcement Policy .....	24
5.2 BDC Corporate Enforcement Policy .....	24
5.3 Assessment of street cleanliness .....	26
5.4 Fixed Penalty Notices (FPNs): issuing and enforcement .....	28
5.5 Community Protection Notice (Anti-Social Behaviour, Crime and Policing Act 2014) .....	28
6. Analysis of evidence and key findings .....	29
6.1 Current service demands and performance levels .....	29
6.2 Current enforcement levels .....	32
6.3 Approaches to Prevention and Educational Initiatives .....	34
6.4 Additional areas of enforcement .....	35
6.5 Evidence gathered via Member site visits .....	37
6.6 BDC Member Survey on Perceptions of Environmental Enforcement .....	40
6.7 Benchmarking Exercise with Neighbouring Authorities .....	41
6.8 Review of Environmental Despoilment (North-East Derbyshire District Council, April 2016) .....	44
6.9 Listening Bolsover – Bolsover District Citizen's Panel Survey November 2017 .....	46
7. Conclusions .....	50
Appendix 1: Stakeholders .....	51
Appendix 2: BDC Member Survey .....	52
Appendix 3: Authority Benchmarking – Summary of responses .....	54
Appendix 4: Glossary .....	56
Appendix 5: Bibliography .....	57

## Chair's Foreword

On behalf of the Healthy, Safe, Clean and Green Communities Committee, it is a pleasure to present this report.

At the beginning of the year the Committee was particularly concerned about enforcement, especially in areas that the general public find really annoying and a danger to public health and well-being. The Committee started by looking at dog fouling, litter and fly tipping but as the review progressed the Committee realised that it needed a more in depth investigation into all enforcement activities.

The Committee gathered evidence by producing a 'Member's Questionnaire' about their concerns in their own Wards. We made comparisons with other Local Authorities and also accompanied the Dog Warden and Enforcement Officer for a full day which was an eye opening experience.

The following report is produced from an analysis of our findings and contains appropriate recommendations.

The Committee and I would like to thank Lynne Cheong (Scrutiny Officer (Acting)), Jo Wilson (Scrutiny & Elections Officer) and not forgetting the part Alison Bluff (Governance Officer) has played in this review.

My thanks to all members of this Committee for their commitment, support and attendance to produce this report. I have also been ably supported by the outgoing Vice-Chair Hilary and make special thanks to her.

**Cllr Sandra Peake**

**Chair of the Healthy, Safe, Clean & Green Communities Scrutiny Committee**

## 1. Introduction

While this particular service area has been subject to review by Scrutiny on a number of occasions, a key difference within the scope this time was to address Member perceptions of the service in comparison to both public perception and what is being delivered in practice on the ground by staff.

This service area is a fully joint, shared service across the Strategic Alliance, with staff working across both main office sites and remotely out in the Districts as and when required due to service enquiries.

A key element of this review was the issue of staffing, as at the time of the review the Environmental Enforcement Team were understaffed due to long-term vacancy/sickness absence. This had led to capacity issues for the team in continuing to deliver an effective service, due to the time constraints on staff.

A wide range of evidence was gathered as part of the review, both internally via Officers and directly via Members through site visits and benchmarking surveys. The site visits in particular highlighted a variety of issues that the team faced when attending service calls.

Nevertheless, Members were keen to praise the improvements that came about during the review including recruitment to vacant posts and the appointment of a new Team Manager.

Members can see that the service is aiming to improve processes and procedures, now that they are fully staffed, but feel that close monitoring of the delivery of the recommendations will be paramount to ensure that there is continued improvement in both preventative and enforcement activity.

## 2. Recommendations

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGC17/18 1.1  Ref. pp24-25	That the emerging Corporate Enforcement Policy is presented to Committee as part of the 2018/19 Work Programme, for approval and referral to Strategic Alliance Joint Committee (if required) and Executive for full adoption.	That Council ensures effective policy is in place and adhered to.	September 2018.	Team Manager (Solicitor) Contentious.	Staff time.	<p>The draft Corporate Enforcement Policy is close to completion. We are awaiting confirmation from Strategic Alliance Management Team as to whether this will be a joint policy with North East Derbyshire District Council (NEDDC), or a standalone Bolsover District Council (BDC) policy.</p> <p>The draft policy is programmed to be put before the committee for consideration in September 2018.</p> <p>This is to be an overarching policy which covers the whole of the Council's enforcement activities. The policy will ensure we act in a consistent manner with regards to</p>

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						regulatory enforcement. Individual service areas will require specific enforcement policies and procedures which reflect the principles set out in the corporate policy.
HSCGC17/18 1.2  Ref. pp24-25	That all subsequent departmental enforcement policies, as and when reviewed, are brought to the relevant Scrutiny Committee.	That Council ensures effective policy is in place and adhered to.	January 2019.	Team Manager (Solicitor) Contentious.	Staff time.	The Corporate Enforcement Policy (CEP) is an overarching policy that applies to all the Council's services. Specific service areas may have additional and more tailored policies or procedures for enforcement and these should be read in conjunction with the CEP. It is intended that a list of the current policies will be uploaded to the Council website and a link contained within the CEP. This webpage will be reviewed annually Any new policies, or reviews to the existing

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						<p>polices will be brought to the relevant Scrutiny Committee.</p> <p>The revised Anti-Social Behaviour Policy is one such policy and is scheduled for scrutiny review in September 2018.</p>
<p>HSCGC17/18 1.3</p> <p>Ref. pp32-33</p>	That greater use of environmental enforcement powers is implemented by both Bolsover CAN Rangers and the wider team of Environmental Health Officers, to ensure full use of the Authority's enforcement capacity.	To ensure effective use of training and staffing resources, to deliver environmental improvements	March 2019.	Joint Head of Housing & Community Safety.	Staff time.	<p>Agreed. A review of legislative powers has been completed, resulting in additional provisions to be utilised by the Environmental Enforcement Team. However, appropriate powers are being utilised by the wider teams.</p> <p>The delegated powers of officers are kept under constant review (2-3 times per year) and updated on a regular basis, especially in response to changes in law, case law and changes to the structure. This will continue.</p>

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HSCGC17/18 1.4  Ref. pp24-25	That Executive/Strategic Alliance Management Team consider the current staffing resource and training within the legal team to ensure existing expertise is maintained, thereby enabling the Authority to have sufficient capacity to move forward with its approach to enforcement.	Sufficient legal staffing resource in place to deliver required enforcement activity.	January 2019	Joint Head of Corporate Governance & Monitoring Officer	Existing staffing budget, with review if required.	Legal – Legal currently has a temporary lawyer in post, who has considerable expertise as a former Crown Prosecution Service lawyer which they are passing on. They are also an experienced trainer, which we are making use of. Legal (and Environmental Health) wish to keep and exploit this expertise. It is also the situation that the number of cases the Contentious Team is dealing with has increased substantially and the additional resource is needed. To make this happen, a report has to be agreed with the Head of Paid Service and sent to Executive to authorise the additional spending. A recruitment exercise may be needed.



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						EH – We strongly support this recommendation and already feel the benefits of training that staff have been given recently. Due to current resourcing we can now progress cases quickly.
HSCGC17/18 1.5  Ref. pp24-25	That a full assessment is carried out to establish if there is sufficient evidence to establish a Bolsover District-wide Public Space Protection Order (PSPO) for dog fouling and dog control.	Effective dog control enforcement in place District-wide.	June 2019.	Team Manager (Solicitor) Contentious.	Staff time.	Legal – A small working group will be established by legal and environmental health to collate and review this matter to see if there is sufficient evidence in support of a Public Space Protection Order for dog fouling and dog control. We can only seek to use a Public Space Protection Order where the evidential test is met.  EH – As a joint service any assessment and subsequent new Order agreed, would need to

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						be replicated across both Districts.
HSCGC17/18 1.6  Ref. p29-31	That Indicators SS 03 and SS 04 are kept under review to ensure that performance levels improve over the next 12 months.	Improved delivery against service performance targets for street cleanliness.	June 2019.	Joint Head of Streetscene.	Existing staffing/service resources. Should the service deem additional resource is required a further report should be brought to Executive.	<p>Streetscene undertake regular performance monitoring of SS03 and SS04 by way of Local Environmental Quality Survey of England (LEQSE) carried out monthly and reported quarterly to ensure pre-determined targets are met and actions put in place to address low performance. This is reported at quarterly Directorate Performance Meetings.</p> <p>Arising from housing growth pressures on operational resource, Streetscene have recently increased frontline Street Cleansing resource levels by 2FTE (approx.) equating to 3,800 (approx.) hours of staff time on the ground in order to maintain</p>

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						cleansing performance/standards.
HSCGC17/18 1.7  Ref. p29-31	That the commentary for cleanliness indicators (both Corporate Plan and service level) in PERFORM includes details of areas surveyed and a clear list of areas not achieving Grade B, including planned intervention.	Greater clarity for Members as to areas surveyed, hot spots identified and intervention planned.	October 2018 onwards.	Joint Head of Streetscene.	Staff time.	LEQSE surveys (streets) change annually and represent a proportionate sample of the district. The quarterly inspection\survey file may be provided to illustrate how overall % site cleanliness is assessed; however, Members should be aware that cleanliness ratings A, B, C & D may be affected by environmental (i.e. wind\rain) conditions and timings between cleansing frequency occurrences and inspections taking place.
HSCGC17/18 1.8  Ref. pp29-31; pp40-41; pp44-45; pp46-49	That a programme of regular publicity is in place on how to contact the Council and log incidents in relation to street cleanliness and fly-tipping,	Improved local awareness of both how to contact the Authority and increased knowledge of	Programme in place by December 2018.	Joint Head of Streetscene/ Environmental Health Manager/ Communications, Marketing and Design Manager.	Staff time; printing internal/external literature; distribution costs; website/social media coverage	EH – Existing programme in place will now include ‘How to contact the Council’ and reporting of incidents.  Streetscene – Streetscene currently

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	using a range of communication channels including InTouch and social media.	action taken by the Authority.				<p>place articles in 'InTouch' and utilise the Council's website and social media streams to relay educational messages to residents. These may also be influenced by national campaigns (i.e. Keep Britain Tidy Group) and/or working with other partners (i.e. Environmental Health/County Council) or attending events (i.e. Bolsover Food Fayre).</p> <p>Comms – Regular updates/information is required for any publicity to be undertaken. This could be included in InTouch, District/Parish Gazettes, website, Twitter and specific marketing campaigns in target areas.</p>
HSCGC17/18 1.9	That a standard process is adopted to ensure maximum publicity of	Regular and consistent publicity of our enforcement	Process agreed by December 2018.	Solicitor (Corporate Enforcement Group Lead)/	Staff time; printing internal/external literature;	EH – Process now established.

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Ref. pp32-33; pp40-41; pp41-44; pp44-45; pp46-49	environmental enforcement activity taking place across the District.	activity across all service areas covered via the Corporate Enforcement Group.		Communications, Marketing and Design Manager.	distribution costs; website/social media coverage.	<p>Legal – Now that the Environmental Enforcement team is fully staffed, more robust processes are in place with the Communications team to identify the most appropriate methods of publicity for the action that has been taken. Comments from the Portfolio Holder and Legal are incorporated in to the publicity.</p> <p>Enforcing departments (most notably Housing/Community Safety) have different requirements, so a standard procedure isn't necessarily appropriate across all service areas.</p> <p>Comms – Regular updates/information is required for any publicity to be undertaken. This could be included in InTouch, District/Parish</p>

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						Gazettes, website, Twitter and specific marketing campaigns in target areas.
HSCGC17/18 1.10  Ref. pp32-33	That the regular use of CCTV (mobile where available) is continued and measures are taken to ensure staff absence does not impact the ongoing use of the equipment, which is vital for enforcement.	Maximum use of all resources available to ensure effective enforcement levels, regardless of staffing resource.  A clear monitoring report which evidences usage of camera equipment to demonstrate both value for money and if required the need for additional resource.	Continued regular use from July 2018 onwards.  Monitoring report of usage by September 2019.	Environmental Health Manager.	Staff time; Existing camera resources.	EH – Agreed. We acknowledge that use of the system has been impacted by staff absence previously. Use of CCTV is a proactive enforcement measure which is overseen by the Information Commissioner to protect human rights and ensure data protection. Only specific EH staff have been trained in privacy impact assessments and are experienced in the deployment of CCTV in order to minimise risks to the Council.  Housing & Community Safety Service are also in the process of procuring Body Worn Video. There will be 10 cameras available for

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						<p>use across EH teams when out on patch. A number are also being purchased for Officers in Housing and Community Safety. A Privacy Impact Assessment is complete and roll-out of the equipment is imminent.</p> <p>Streetscene – Streetscene Team support enforcement arrangements by deployment of mobile CCTV equipment to aid detection of fly-tipping and wider environmental despoilment.</p>
<p>HSCGC17/18 1.11</p> <p>Ref. pp34-35; pp44-45</p>	That a formal programme of educational initiatives is maintained as a combined approach by Streetscene and Environmental Enforcement, with greater consideration given	<p>Improved local knowledge and greater awareness of environmental responsibility.</p> <p>Inclusion in Corporate/ Service Plans</p>	April 2019.	Joint Streetscene & Waste Services Manager/ Environmental Health Manager.	Staff time; printing external literature and distribution costs where required; website/social media coverage.	EH – This is ongoing as part of mainstream delivery. The development of this proactive measure will be considered at the Environmental Enforcement Cleansing and Education group and via engagement with the Youth Council. Specific

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	<p>to coverage across the whole of Bolsover District.</p> <p>The programme should be adapted to be age specific to suit the school/group as required and cover primary/secondary and community events.</p>	<p>beyond March 2019.</p> <p>Programme is enhanced further to cover whole District, with increased number of events/initiatives .</p>				<p>work is underway looking at environmental education in secondary schools to ensure the programme content is appropriate.</p> <p>Streetscene Team have established schools education arrangements with an environmental despoilment and waste recycling focus. This is jointly delivered with Environmental Health and is open to Primary and Secondary schools and is subject to them requesting the programme within their curriculum activity. Streetscene\ Environmental Health attend\participate in community events to deliver these programs (i.e. Bolsover Food Fayre).</p>



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						Public events are chosen based on the size of the event and potential footfall/audience. Streetscene approach all schools but take up by the schools is voluntary. The response from those who have taken up the programme is very positive, with a number of requests for return visits by staff.
HSCGC17/18 1.12  Ref. pp35-39	That additional staff training take place to ensure there is adequate staffing resource with the ability to support access to the DVLA system and create resilience within the team.	Improved service resilience and effective delivery of service whilst operating 'mobile' across the Districts.	December 2019.	Environmental Health Manager.	Existing staff training budgets; staff time.	We appreciate that this was an issue raised during the course of the review. This is in progress. Another user has now been trained to ensure flexibility, with a further additional Officer in the team identified to receive the training.  The abandoned vehicle process is under review with input from Internal Audit. This should ensure that the correct checks and balances are

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						in place for access to the DVLA system so as to meet compliance with the DVLA Guidance.
HSCGC17/18 1.13  Ref. pp41-42	That subsequent to the benchmarking exercise undertaken by Members (Appendix 3), further analysis is completed by the Head of Housing and Community Safety in to staffing levels of the Environmental Enforcement Team to assess if resources adequately meet service demand, with a report back to Committee on the findings.	Adequate staffing resource is available to manage the level of service demand.	September 2019.	Joint Head of Housing & Community Safety.	Staff time; any additional staffing resource identified would require a further report to Executive.	It is my intention to carry out a wider review of Environmental Health staffing not restricted to the one team.
HSCGC17/18 1.14  Ref. pp41-42	That the 'Report It' system on the website is fully reviewed, with 'user' testing, alongside the wider	An improved, simple, user-friendly online system to aide prompt reporting of service	December 2018.	Environmental Health Manager/ Customer Service Manager.	Staff time; Customer/ Member input for testing of system.	EH – This is in progress.  Comms – The corporate website is due to be completely revamped during the latter stages

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	recommendation to improve publicity on communication channels and how to report incidents.	requests/ incidents to the Authority.				<p>of 2018 to make it more user and mobile friendly.</p> <p>Customer Services – Passed to Team Innovate to review script and set up a user testing meeting with an Elected Member, Customer Service Manager, Team Innovate, Customer Information System (CIS) developer and Environmental Enforcement Team Leader.</p>
<p>HSCGC17/18 1.15</p> <p>Ref. pp37-39</p>	That all Environmental Enforcement Technical Officers (EETOs) have access to mobile technology to ensure they can work off site/make calls etc. while travelling around both Districts.	Better communications provision for mobile staff, with particular emphasis on hands-free equipment.	March 2019.	Joint Head of Housing & Community Safety/ Environmental Health Manager.	IT/service budgets for equipment i.e. mobile phones/iPads/ mobile equipment.	Complete. While we are aware of issues raised during the course of the review, all EETOs and Dog Wardens have mobile smart phones and laptops to enable new work to be allocated whilst out on the District.

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HSCGC17/18 1.16  Ref. pp37-39	That as per the staffing provision prior to merger via the Strategic Alliance, each District should have a designated Dog Warden and Environmental Enforcement Technical Officer (EETO), to reduce time spent travelling across both Districts. These designated staff should rotate on a bi-monthly basis to maintain local knowledge of both Districts.	Greater consistency in staff cover within the District.  Improved resilience in Team when covering both Districts due to rotation of staff.	November 2018.	Joint Head of Housing & Community Safety/ Environmental Health Manager.	Staff time.	HoS – As per 1.13 a wider review of staff is planned.  EH – This is already in place. The design of the joint service means that staff operate across designated patch areas already. Patches are designed based on service demand and ensuring maximum efficiency. A bi-monthly rotation would not be practical. Technical Support also assign work based on officer presence in the area at the time. There is also cover for staff leave. The current approach used leads to flexibility and resilience in the team.
HSCGC17/18 1.17  Ref. pp46-49	That a combination of regular Member Briefings (District and Parish) and additional detail	Improved understanding of Council activity, current trends and how	September 2018.	Environmental Health Manager.	Staff time; potential contribution from Communications Team and	EH – Our intention is to work with the Communications team to develop further detailed quarterly updates. We

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	within quarterly performance reports is provided, outlining the level of enforcement taking place.	Members can engage with officers where issues arise within their Wards. A programme of briefings in place either weekly or monthly to clarify activity taking place/ enforcement in progress.			option of Member Development Sessions.	will consider this at Environmental Enforcement, Cleansing and Education Group.  Comms – We are producing more publications now and detail such as this can be included in the District/Parish Gazettes, InTouch and website.
HSCGC17/18 1.18  Ref. pp46-49	That the trial Members' Surgery meetings be evaluated for usage/effectiveness and made permanent if demand is proven.	Improved/ additional options for Member/Officer dialogue to identify Ward issues and 'hot spots'.	September 2018.	Environmental Health Manager.	Staff time.	Agreed, this can be delivered with a report back on the outcome.

### 3. Scope of the review

The Healthy, Safe, Clean and Green Communities Scrutiny Committee agreed to undertake a Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District.

The aims of the review were:

- To ensure that the Council's Enforcement Policy is being used to deal with and deter fly tipping, littering and dog fouling in the District of Bolsover and to address the perceptions of Councillors and the public.
- To address the concerns and perceptions of Elected Members and consider the Council's existing approaches. To identify any further actions that should be taken in order to punish those responsible, reduce the number of incidents and keep the environment clean having regard to best practice, statutory guidance and policy.

Objectives:

- To understand the actual levels of litter, fly tipping and dog fouling and the difference in perceptions and why.
- If there is a difference between actual levels and members' perceptions, to find a way to bridge the gap.
- To understand current approaches and actions by Environmental Health, StreetScene and Community Safety (CAN Rangers).
- To understand the range of enforcement actions available.
- To understand the enforcement legal tests, e.g. evidential test and public interest test.
- To understand the Council's Enforcement Policy and legal interpretation.
- To understand current practices and how closely the policy is adhered to.
- To consider the current constraints on the authority regarding enforcement and taking enforcement action
- To understand competency levels required for enforcement officers.
- To understand the current level of staff with delegated authority to undertake enforcement and its effectiveness in undertaking such.
- To understand the required staffing levels and any human resource implications.

The key issues considered were:

- Untidy land, gardens and buildings (including private owned);
- Litter;
- Fly tipping;
- Dog fouling;
- Customer expectations;
- Councillor's expectations;

- Options for working with other councils nearby to increase enforcement activities.

## **Review Membership**

Councillor S. Peake (Chair)  
Councillor P. Cooper  
Councillor C. Moesby  
Councillor T. Cannon  
Councillor D. Bullock

Councillor H. Gilmour (Vice Chair)  
Councillor T. Munro  
Councillor K. Walker  
Councillor J. Bennett  
Councillor D. Watson

Support to the Committee was provided by the Scrutiny & Elections Officer and the Governance Officer.

## **4. Method of Review**

The Committee met on ten occasions to consider the scope of the review, key issues they wanted to discuss and to carry out interviews and evidence gathering.

The Committee used a range of methods to gather evidence:

- verbal evidence and questioning with key Officers;
- document analysis to understand the legislative and policy context;
- questionnaires to elected Members of Bolsover District as well as Derbyshire County Council and Parish Councils in the District;
- benchmarking exercise to establish best practice in Local Authorities;
- site visits;
- Bolsover District Council's performance management information within PERFORM.

## **Equality and Diversity**

Within the process of the review, the Committee has taken into account the impact of equalities. Where enforcement action is taken against individuals who are vulnerable the Council's policies for Safeguarding Adults and Vulnerable Adults Risk Management (VARM) will apply. Where action is taken against an individual with specific communication needs (for example, large print or British Sign Language) the Council's Policy for Equality & Diversity in Service Delivery may apply.

## **5. Legislative and Policy Context**

### **5.1 BDC Environmental Enforcement Policy <sup>1</sup>**

This document outlines the Enforcement Policy for the Joint Environmental Health Service for Bolsover District Council (BDC) and North East Derbyshire District Council (NEDDC). It falls under the scope of the Council's Corporate Enforcement Policy which is an overarching document setting out the general approach to the Councils enforcement duties across a range of services.

This Policy covers all of the regulatory areas of the Joint Environmental Health Service including food safety, health and safety, environmental protection, housing and pollution, licensing and environmental enforcement.

The Policy also covers the activities of other authorised Officers of the Council who are involved in the regulatory duties of environmental health and/or assist with legal compliance e.g. the issue of Fixed Penalty Notices. The Policy addresses measures to ensure compliance and measures to deal with non-compliance.

The Policy supports the Councils Corporate Plan 2015-19, in particular the aim of supporting our communities to be healthier, safer, cleaner and greener.

### **5.2 BDC Corporate Enforcement Policy**

During the course of the review, Members learned that the overarching Corporate Enforcement Policy (CEP) was currently being revised and work was in its early stages. The aim was to ensure that the revised Policy was a robust Policy which takes a proactive stance with regards to enforcement, but that is not overzealous and is proportionate. Officers within the legal team have done some research, drawing on their own experience with other Authorities and feel that an umbrella document is the most appropriate option. Members were informed that when complete the document would set out the regulatory code, statutory requirements, create a general introduction and look at prioritisation of matters as well as a set of core principles to adopt.

Whilst, ideally, Officers would like to work with both Authorities to have a mirror policy, it is understandable that the political desire of both Councils may differ and that would need to be reflected in the document.

A working group has been set up to complete the Policy review consisting of Managers and Enforcement Officers from various departments across both Authorities including

- Planning
- Environmental Health
- Housing
- Empty Homes Officer
- Anti-Social Behaviour/Community Safety
- Revenues



It is anticipated that subsequent to the overarching Policy, each individual department which takes enforcement action would then need their own individual Policy that would follow and complement the principles and practices of the Corporate Policy and that those documents should be read in conjunction with the Corporate Policy.

These departmental policies would give specifics about how enforcement would be dealt with at a practical level by Officers on a day to day basis, supported by a procedure.

The Council also has a Corporate Enforcement Officer Group which meets on a six-weekly basis with representatives from Legal, Environmental Health, Planning, Housing and Anti-Social Behaviour/Community Safety. The group discusses specific cases that require all of the different departments to work together to try and resolve problems. The Group submit a written update to Joint Strategic Alliance Management Team (SAMT)/Cabinet each quarter. A group meeting can be called to consider urgent items at any time, including works in default decisions.

It was noted that recently, additional staff have been recruited to the legal team who have all come from other Authorities with different experiences in enforcement. Members were informed that they hoped that further to the wider review of our policies, SAMT and Executive would approve a District-wide Public Space Protection Order (PSPO) for dog fouling and dog control (i.e. dogs on leads).

Officers advised that to be able to put a PSPO in place a legislative test would need to be passed to say these things were occurring in public places in the District and were having a detrimental effect on the health of those in the locality. A consultation exercise would be needed and then formal approval. The Legal team were in the process of looking at how other Authorities had worded these.

Members were reassured to hear that a review was taking place which would lead to a more coherent approach to implementation of enforcement across the Authority.

### **Recommendations:**

**That the emerging Corporate Enforcement Policy is presented to Committee as part of the 2018/19 Work Programme, for approval and referral to Strategic Alliance Joint Committee (if required) and Executive for full adoption.**

**That all subsequent departmental enforcement policies, as and when reviewed, are brought to the relevant Scrutiny Committee.**

**That Executive/Strategic Alliance Management Team consider the current staffing resource and training within the legal team to ensure existing expertise is maintained, thereby enabling the Authority to have sufficient capacity to move forward with its approach to enforcement.**

**That a full assessment is carried out to establish if there is sufficient evidence to establish a Bolsover District-wide Public Space Protection Order (PSPO) for dog fouling and dog control.**

## 5.3 Assessment of street cleanliness <sup>2</sup>

The Environmental Protection Act 1990 imposes duties under section 89(1) and (2) on certain landowners and occupiers (referred to throughout as 'duty bodies' and described in detail at section 3.2) to keep specified land clear of litter and refuse, and on local authorities and the Secretary of State to keep clean public highways for which they are responsible.

Previously, the charity Keep Britain Tidy carried out a survey of environmental cleanliness across England. This Local Environmental Quality Survey of England (LEQSE), assigns a score to the local environmental quality of an area. The 2013/14 LEQSE survey assessed 7,200 sites in 45 English council areas between April 2013 and March 2014. It looked at seven indicators of cleanliness: litter, detritus, weed growth, staining, graffiti, fly-posting and recent leaf and blossom fall. The 2013/14 survey included a regional breakdown of results, which showed that there was only marginal variation between the regions.

### Code of Practice on Litter and Refuse<sup>3</sup>

Local Authorities continue to measure cleanliness according to this approach as outlined in the Code of Practice on Litter and Refuse. *Litter* is most commonly assumed to include materials, often associated with smoking, eating and drinking, that are *improperly* discarded and left by members of the public; or are spilt during business operations as well as waste management operations. The standards in the Code of Practice on Litter and Refuse do not apply to trodden-in chewing gum. Duty bodies are not required to employ special cleansing methods to remove compacted gum or gum staining over and above normal cleansing regimes. Detritus includes dust, mud, soil, grit, gravel, stones, rotted leaf and vegetable residues, and fragments of twigs, glass, plastic and other finely divided materials.

This particular measure (previously NI 195 under the national performance framework) is broken down into four elements for local measurement. Following the cessation of the national performance framework, Bolsover adopted a variation to the original indicator as follows:

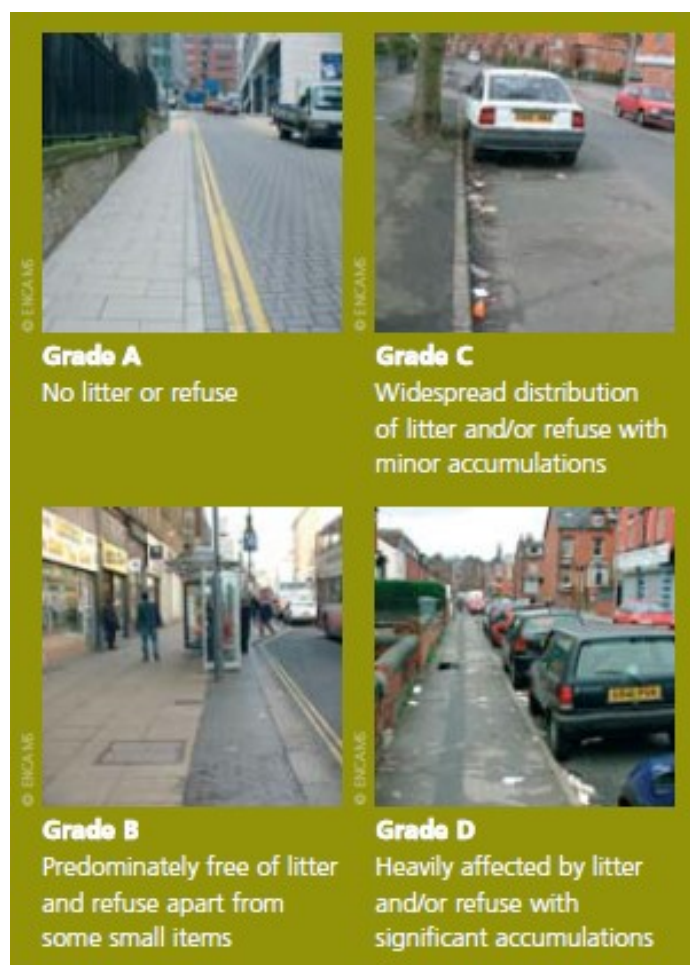
- Litter
- Detritus
- Weeds (previously NI 195c Graffiti in the original indicator)
- Dog Fouling (previously NI 195d Fly-posting in the original indicator)

A total of 900 Transects have been identified across the district and these are split into four quarter periods of 225 transects with 25 transects from each of the 10 land use/categories:

- |                               |                            |
|-------------------------------|----------------------------|
| 1. Main Retail                | 6. Low Obstruction Housing |
| 2. Other Retail               | 7. Industrial              |
| 3. Transport Facilities       | 8. Main Roads              |
| 4. High Obstruction Housing   | 9. Other Highways          |
| 5. Medium Obstruction Housing | 10. Recreation Sites       |

Each quarterly survey period is based on a selection of five 'target' Wards that, as far as reasonably possible, are representative on the range of land-uses, where they exist. The Index of Multiple Deprivation is used to determine a representative split across the District.

Sites are graded B+ (if standards fall between A & B), Grade B (if falling between B & C), Grade C (if falling between C & D) and D where conditions are very poor. The Council's target is to ensure that 96% of sites are at Grade B or above for Litter and 98% of sites are at Grade B or above for Dog Fouling. Grade B is classed as predominantly free except for some small items:



## 5.4 Fixed Penalty Notices (FPNs): issuing and enforcement <sup>4</sup>

The following table defines a range of offences and which type of Authority can enforce against such offences via FPNs:

Authority	Offence
District council, London Borough council, Council of the City of London, Unitary authority	Littering, fly-tipping, graffiti, fly-posting, dog control offences, alarm noise (no nominated key holder), Noise Act offences, nuisance parking, unauthorised distribution of free literature on designated land, abandoning a vehicle, waste receptacle offences, failure to produce a waste transfer note or waste carrier's licence
County council	Unauthorised distribution of free literature on designated land  Only if designated: littering, graffiti, fly-posting
Parish council	Littering, graffiti, fly-posting, dog control offences (under its own Dog Control Orders)
Police Community Support Officers (on behalf of district council or unitary authority)	Littering, dog control offences  Only if authorised: graffiti, fly-posting
Environment Agency	Failure to produce a waste transfer note or waste carrier's licence

## 5.5 Community Protection Notice (Anti-Social Behaviour, Crime and Policing Act 2014)

A Community Protection Notice (CPN) is aimed at preventing unreasonable behaviour that is having a negative impact on the local community's quality of life. Any person aged 16 years or over can be issued with a notice, whether it is an individual or a business, and it will require the behaviour to stop and, if necessary, reasonable steps to be taken to ensure it is not repeated in the future. These are now available to our Enforcement Officers and are also being used by the CAN Rangers.

CPNs replace current measures including litter clearing, defacement removal and street litter control notices. Below are examples of when a CPN may be issued:

- when a dog is constantly escaping through a broken fence the owner could be issued a CPN requiring that the fence be fixed to avoid further escapes;
- a notice could be issued to a local shop/supermarket who are allowing litter to be deposited outside the property; or
- to prevent anti-social behaviour such as regularly playing loud music in a public area.

Police Officers, local authorities and Police Community Support Officer (PCSOs) can issue CPNs, but before doing so they must consider two things; whether the conduct is having a detrimental effect on the community's quality of life and also, whether said conduct is considered unreasonable. The individual must be given a written warning beforehand stating that if the behaviour does not cease, the notice will be issued.

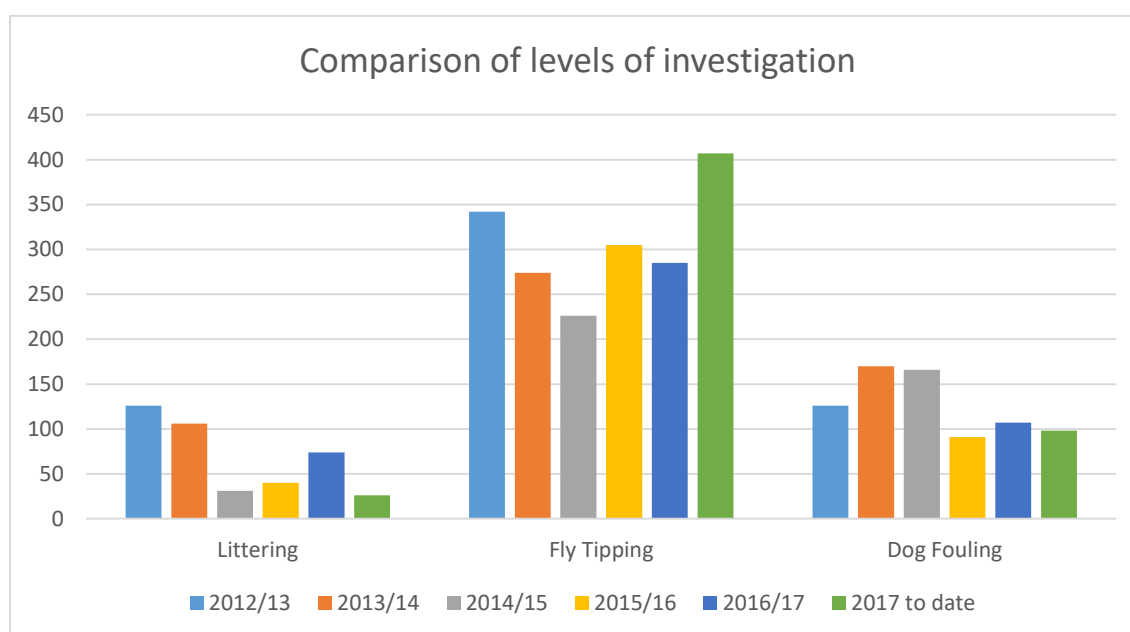
The notice can be appealed in the Magistrates' Court within 21 days. Failure to comply is an offence and may result in a fine or a fixed penalty notice. To apply for a CPN or to enquire further, you need to contact the local policing team. You can do this via the non-emergency 101 number or alternatively by visiting your local force's website.

## 6. Analysis of evidence and key findings

The Joint Environmental Health Service undertakes a diverse range of statutory duties and supports the wider public health agenda working in partnership with other stakeholders and agencies, to achieve effective and efficient outcomes for all. On a daily basis it investigates service requests and complaints from businesses and the general public and undertakes proactive interventions in business premises ensuring compliance with the law by way of a risk based approach. It also provides general advice and support on a whole range of health and environment matters, ranging from energy efficiency advice, to responsible dog ownership.

### 6.1 Current service demands and performance levels

During the course of the review, Members were presented with a range of data from Environmental Health Officers to ascertain the scale of service demands and our ability to enforce, when required. The following chart outlines the number of investigations by environmental health over the last six years:



This trend data shows that investigations for littering and dog fouling are on a downward trend, while fly-tipping is increasing.

Streetscene also receive reports directly which are not included in this graph – these would be situations where there are no witnesses to an incident or where there is no other evidence. These are scheduled for clearance and environmental health are not involved.

### **Service requests received and responded to by Environmental Health during 2016/17 and 2017/18**

In 2016/17, the team dealt with a total of 2,531 service requests across the two Districts. 1,082 incidents of fly tipping were reported to the Council and 1,078 enforcement actions were undertaken by Environmental Health, including visits, letters and warning notices.

In comparison, in 2017/18, the team dealt with a total of 2,290 service requests across the two Districts. 1,152 incidents of fly tipping dealt with by the Council and 1091 enforcement actions were undertaken, including visits, letters and warning notices. While a number of service types had seen fewer requests, demand remained high, and notably higher in Bolsover than North East Derbyshire. The table also shows that Abandoned Vehicles form a large demand of service resources alongside Domestic and Miscellaneous Accumulation (Fly-tipping), when compared against figures for Dog mess and Litter.

Type of service request	2016/17				2017/18			Trend
	NEDDC	BDC	Total		NEDDC	BDC	Total	
Abandoned Vehicle	224	255	479		229	216	445	↓
Accumulation - Commercial	21	22	43		22	22	44	↑
Accumulation - Domestic	104	292	396		108	388	496	↑
Accumulation - Litter	11	75	86		10	22	32	↓
Accumulation - Miscellaneous	206	274	480		165	287	452	↓
Dog - micro chipping	30	20	50		N/A	N/A	N/A	–
Dog - general	9	18	27		15	24	39	↑
Dog - lost	69	102	171		78	93	171	–
Dog - mess	79	102	181		52	56	108	↓
Dog - Secured	106	186	292		103	151	254	↓
Dog - signage	134	61	195		60	60	120	↓
Dog - straying	52	79	131		51	78	129	↓
<b>TOTALS</b>	<b>1045</b>	<b>1486</b>	<b>2531</b>		<b>893</b>	<b>1397</b>	<b>2290</b>	↓

As a comparison, on average, 9000 service requests are received across Environmental Health. Requests come in from the public, other staff and colleagues, Elected Members, Parish and Town Councils, and other agencies and organisations.



When assessing trends in performance, Members examined data held in PERFORM, the Council's performance management software:

**% of land achieving the required standard of cleanliness (Grade B or above)**

	<b>2015/16 Outturn</b>	<b>2015/16 Target</b>	<b>2016/17 Outturn</b>	<b>2016/17 Target</b>	<b>2017/18 Outturn</b>	<b>2017/18 Target</b>
<b>Dog fouling<sup>1</sup></b>	99.5%	98%	99%	98%	99.75%	98%
<b>Litter<sup>2</sup></b>	96.1%	96%	96%	96%	98.7%	98%
<b>Detritus<sup>3</sup></b>	17.0%	12.0%	19%	12%	18.0%	12.0%
<b>Weeds<sup>4</sup></b>	16.0%	14.0%	13.0%	14.0%	19%	14.0%

The poor performance in relation to Detritus was as a result of severe inclement weather during the winter months with heavy snow throughout Q4, three years in a row. There were resource issues acknowledged during 2017/18 however, which also impacted performance, and as such it is recommended to keep performance against Indicator SS 03 under review to ensure that performance levels improve over the next 12 months.

In relation to level of 'Weeds', in 2015/16 a prolonged growing season and mild winter have led to continued growth throughout the period. In 2017/18 variable weather conditions (wind/rain/snow) prevented application of herbicides during the whole of Q4; further to which, Quad Bike treatments re-commenced as soon as the weather permitted. This highlights where the Council is, in some cases, very much at the mercy of weather conditions rather than resources, when maintaining street standards.

In contrast, performance in relation to Litter and Dog Fouling shows that the number of sites falling below acceptable standards is not as high as Member's perceive (see Section 6.6). While Members accept that complaints are received from residents, it is possible that not all incidents are reported and as such it may be appropriate to reinforce the communication methods for residents and Members to log an incident to ensure an accurate picture is recorded in relation to street cleanliness.

**Recommendations:**

**That Indicators SS 03 and SS 04 are kept under review to ensure that performance levels improve over the next 12 months.**

**That the commentary for cleanliness indicators (both Corporate Plan and service level) in PERFORM includes details of areas surveyed and a clear list of areas not achieving Grade B including planned intervention.**

**That a programme of regular publicity is in place on how to contact the council and log incidents in relation to street cleanliness and fly-tipping, using a range of communication channels including InTouch and social media.**

<sup>1</sup> % achieving Grade B or above (Corporate Plan Target H 11)

<sup>2</sup> % achieving Grade B or above (Corporate Plan Target H 10)

<sup>3</sup> % not achieving Grade B (Indicator SS 03)

<sup>4</sup> % not achieving Grade B (Indicator SS 04)

## 6.2 Current enforcement levels

As part of the evidence presented to Committee, Members assessed levels of enforcement and how this compared between the two Districts, to understand if there was any disparity in both resourcing and volume of actions.

### FPNs (Financial Year 2016/17)

65 FPNs were issued in total (45 issued in BDC, 20 issued in NEDDC). When looking at three of the main issues addressed by the review, the figures are as follows:

Offence	BDC	NEDDC	Total
Litter	40	15	55
Dog Fouling	2	3	5
Fly Tipping	3	2	5
<b>Totals</b>	<b>45</b>	<b>20</b>	<b>65</b>

Most of the litter offences last year were captured on CCTV, however at the time this information was presented the equipment was not in use due to staffing absences. When in use, known 'hot spot' areas were covered to ensure quick results could be realised due to the location e.g. Tallys End at Barlborough.

The data shows a significant difference in relation to Litter Enforcement between the Districts with Bolsover seeing a significantly higher rate of enforcement. This data shows that actual delivery by the service is in contrast to Member's perceptions in relation to levels of enforcement. It also indicates that the issue is not as prevalent as Member's perceive (see section 6.6).

When examining data on Fly-tipping, regional comparison data taken from LG Inform shows that Bolsover has above average enforcement action for the region. The following table shows how this is broken down by type. As the use of CPN's is further embedded it will be pertinent for Officers to compare usage of this measure over existing measures and whether the full range of enforcement actions is being used.



**Total number of fly-tipping enforcement actions (breakdown by fly-tipping Actions) (actions) (2016/17) for Bolsover & All local authority districts in East Midlands**

Metric breakdown	Metric type	2016/17	
		Bolsover	Mean for All local authority districts in East Midlands
		Enforcement actions	
Fly-tipping enforcement actions and cost by Fly-tipping Actions (count)	Fly-tipping investigation actions	708	358
Fly-tipping enforcement actions and cost by Fly-tipping Actions (count)	Duty of care fly-tipping inspection actions	314	45
Fly-tipping enforcement actions and cost by Fly-tipping Actions (count)	Fly-tipping warning letter actions	52	30
Fly-tipping enforcement actions and cost by Fly-tipping Actions (count)	Fly-tipping fixed penalty notice actions	3	8
Fly-tipping enforcement actions and cost by Fly-tipping Actions (count)	Fly-tipping statutory notice actions	1	3
Fly-tipping enforcement actions and cost by Fly-tipping Actions (count)	Fly-tipping prosecution actions	0	1
Fly-tipping enforcement actions and cost by Fly-tipping Actions (count)	Formal fly-tipping caution actions	0	0
Fly-tipping enforcement actions and cost by Fly-tipping Actions (count)	Fly-tipping injunction actions	0	0
Fly-tipping enforcement actions and cost by Fly-tipping Actions (count)	Fly-tipping stop and search actions	0	0
Fly-tipping enforcement actions and cost by Fly-tipping Actions (count)	Fly-tipping vehicles seized	0	0

Source:

Metric ID: 6663, Name: Total number of fly-tipping enforcement actions, <http://id.ead.org.uk/metricType/6663>

Meeting the evidential and public interest tests required for prosecution is a key factor in taking any enforcement action. A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

### **Recommendations:**

**That greater use of environmental enforcement powers is implemented by both Bolsover CAN Rangers and the wider team of Environmental Health Officers, to ensure full use of the Authority's enforcement capacity.**

**That a standard process is adopted to ensure maximum publicity of enforcement activity taking place across the District.**

**That the regular use of CCTV (mobile where available) is continued and measures are taken to ensure staff absence does not impact the ongoing use of the equipment, which is vital for enforcement.**

### **Untidy land, gardens and buildings (including private owned)**

Members were informed that the Council is taking enforcement action to address serious problems, having recently achieved two successful prosecutions of persistent offenders. Training for frontline staff on the evidential standards required for effective prosecution in line with the Crown Prosecution Service's guidance is scheduled for February 2018. This enables a clear understanding of the key tests set out in the Crown Prosecutor's Code<sup>5</sup>, that evidence must be admissible, reliable and credible leading to realistic prospect of conviction, as well as the public interest test.

### **Options for working with other councils nearby to increase enforcement activities**

During the course of the review, Members heard that the Legal team works with neighbouring Authorities, sharing information about case work, for example, 'rogue landlords' who operate across several areas.

## **6.3 Approaches to Prevention and Educational Initiatives**

As part of a multi-team approach, the Council operates an Environmental Enforcement, Cleansing and Educational Group<sup>6</sup>. The aim of the Group is to effectively coordinate the Council's actions against the incidence of dog fouling, littering and fly tipping by the use of statutory enforcement powers, cleansing, educational initiatives and publicity.

The Group consist of officers from Environmental Health, Streetscene and Community Safety. By meeting together the Group are able to share intelligence from service requests and complaints which assist in the planning of initiatives and enforcement approaches, which focus resources on the areas of greatest need. The Group will continuously review its actions and share learning and experience with the aim of ensuring both Councils within the Alliance offer the highest quality services to our customers.

Members noted that various interventions and engagement tools were used. Officers acted on intelligence received via Contact Centres and online reporting, and emphasised the need for customers to provide sufficient contact information so Officers could follow up enquiries fully. Where information is given anonymously this impedes the efficiency of the service.

Services also welcomed contact from Parish Councils, Community Groups and other organisations that we can work with on local educational initiatives. In particular, Environmental Health are working with the Recycling Team in Streetscene and going into schools to talk about litter problems.

When reviewing Corporate Plan Target H 12, Members found that while the target of 10 initiatives had always been met, not all of the District had been covered by the events:

Year	Number of Initiatives Completed
2017/18	15
2016/17	10
2015/16	11

**Recommendation:**

**That a formal programme of educational initiatives is maintained as a combined approach by Streetscene and Environmental Enforcement, with greater consideration given to coverage across the whole of Bolsover District. The programme should be adapted to be age specific to suit the school/group as required and cover primary/secondary and community events.**

## **6.4 Additional areas of enforcement**

During the review members questioned whether the scope was too narrow and should be widened to consider the wider areas of enforcement covered by the Authority. Preliminary information was sought in relation to food hygiene, water quality, abandoned vehicles and air quality but evidence secured highlighted that there was no need for further action and appropriate practices were in use by Service Managers.

### **Air Quality**

The Council currently has three Air Quality Management Areas (AQMAs) which were declared between 10 and 13 years ago, where the air quality has previously been determined as exceeding the concentration for Annual Mean Air Quality Objective for nitrogen dioxide.

The AQMAs relate to road traffic emissions from the M1 motorway, slip roads and access roads. The motorway runs in a north – south direction through the district at around Junctions 28 and 30. The data shows that, for the year covered by this report, there were no exceedances of this Objective. From the Council's monitoring, there has been no exceedance of the Annual Mean Air Quality Objective for nitrogen dioxide in any of the AQMAs since 2012.

Bolsover's Annual Status Report for air quality can be found on the website and provides further detail:

<http://www.bolsover.gov.uk/images/LIVE/A/Air-Quality-Report-2017.pdf>

## **Food Hygiene**

In relation to our Food Hygiene service, there are currently 719 food businesses in the Bolsover District and 438 of these are due for an inspection/intervention this year<sup>5</sup>. One business has had enforcement action taken against them this year so far. Currently this year, the Council has served 4 Hygiene Improvement Notices on one food business. Overall compliance is good within the Bolsover area, in that 94% of food businesses are currently broadly compliant with food law requirements.

## **Water Pollution**

Water pollution in relation to the pollution of water courses is dealt with by the Environment Agency. Water sampling is dealt with by the respective water undertaker e.g. Severn Trent Water.

The Council only monitors private water supplies such as those which are not on mains water supply i.e. properties supplied by a borehole or well, and these normally supply to an individual property or small group of properties that are not connected to the mains supply for some reason.

## **Abandoned vehicles**

Evidence gathered by Members during the course of the review, found that when attending abandoned vehicles, the Environmental Enforcement Technical Officer (EETO) has to check the vehicle details with the DVLA via computer. There is only one office based member of staff who can do this and if that Officer is not in for any reason, the EETO has to drive back to Mill Lane to look on the computer. This wastes a lot of time. If more back office staff had the authority to check details with the DVLA, the EETO could serve a notice on the vehicle straight away following a phone call.

There is strict guidance and criteria for accessing the DVLA database system. Members were informed that as an Authority, we have put in place our own checks and balances to ensure that the system is only used in accordance with this guidance as we are audited by the DVLA on a regular basis and any improper use could result in our access being terminated.

Officers advised Members that there are currently two officers who can access the desk top link and one of these is mainly office based. Site visits carried out by Members highlighted that this arrangement has caused some service delivery issues.

Data provided to Committee also highlighted that the volume of calls for abandoned vehicles was on the increase. As such, Members feel that it is unsustainable to continue with such a limited staffing resource for this area. Members requested further training to take place to ensure that there is always staff cover, given the recent prolonged staffing issues.

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<sup>5</sup> As at January 2018.

**Recommendation:**

**That additional staff training take place to ensure there is adequate staffing resource with the ability to support access to the DVLA system and create resilience within the team.**

## **6.5 Evidence gathered via Member site visits**

As part of the Review, the Chair and Vice-Chair carried out site visits with the existing Enforcement team. Due to staff vacancies at the time this was more difficult to schedule but the Officers were very amenable to working with Members.

It was noted that when Bolsover District Council had its own Environmental Health service, there were 3 FTEs looking at Enforcement for dog fouling and dog control i.e. strays. They also dealt with the following issues:

- Abandoned car enforcement
- Untidy gardens
- Housing pollution
- Graffiti
- Stray animals (i.e. sheep in road)
- Litter enforcement
- Fly tipping investigations
- Nuisance vehicles
- Vehicle sales
- Calls – wherever these would take them

One of the 3 FTEs carried out all of the roving camera duties. This was very useful in relation to catching offenders regarding litter and fly-tipping.

When the service joined up with NEDDC, the team of 3 became 5 FTEs. This then reduced to 4, when the Environmental Enforcement Technical Officer (EETO) who gathered CCTV data retired. All 4 officers work for both BDC and NEDDC and cover the whole of both Districts. However, they can no longer use the mobile cameras due to lack of staff and this causes delay for fly-tipping prosecutions

It transpired during the review that one of the four remaining Officers was currently absent and would soon be leaving. This resulted in extra pressure on the remaining EETO to cover all of the work of the Officer who was absent.

Two of the 4 FTE are Dog Wardens and two are Environmental Enforcement Technical Officers. All four Officers cover all aspects of the role, but Dog Wardens do the additional work of caring for dogs including taking them to the vets, making sure they are fed and then homed at Duckmanton. It was noted that dogs are never destroyed unless they are dangerous.

On a daily basis all four are called out to different areas across both Districts, for example, a typical day could involve being called out to Shirebrook, then over to Hollingswood, then to Ashover and then back to Shirebrook.

On one site visit attended, 3 abandoned cars were reported, all in Shirebrook. Within 24 hours of a report of an abandoned vehicle, the EETO has to:

- Find the abandoned vehicle;
- Check details with DVLA; and
- Serve a Notice.

The public can report abandoned vehicles anonymously, but it makes it difficult because if the EETO cannot find where the abandoned vehicle is sited and registration numbers are not always given, the EETO cannot ring back for further information.

The EETO has to check the vehicle details with the DVLA via computer; there is only one office based member of staff who can do this and if that Officer is not in for any reason, the EETO has to drive back to Mill Lane to look on the computer. This wastes a lot of time. If more 'back office' staff had the authority to check details with the DVLA, the EETO could serve a notice on the vehicle straight away following a phone call.

A further observation was related to the impact of branding/logos on vehicles and staff uniform and how this was subsequently perceived by the public. Members were concerned that the presence of a branded/logoed vehicle was causing the public to act in a different manner due to the presence of the 'known' vehicle. They felt that the Council's ability to enforce against regular offenders was inhibited, particularly in relation to the Dog Wardens who use branded/logoed vehicles. While all staff wear appropriate uniform and have an identification badge, Members were aware that staff within the Team used a variety of vehicles, including personal transport, but only the Dog Wardens used specific vehicles. Members appreciated that there were positive influences that the vehicles could have on an individual's actions and that the team also actively promoted when they were patrolling in an area, raising the profile of areas that were being monitored. This had all aided in prevention/education. However, Members were concerned that there would still be those that would offend, when the presence of Officers was less obvious, resulting in a missed opportunity for enforcement and subsequent publicity of our 'no-tolerance' approach.

Members sought clarification from Officers on the possibility of removing branding/logos. Advice received from Legal was that overt surveillance allows the Council to monitor and carry out checks into various activities e.g., patrolling areas to ensure compliance with legislation. This type of overt surveillance is normal Council business and is not regulated by RIPA (Regulation of Investigatory Powers Act 2000). Covert surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware it is taking place. Directed covert surveillance can be approved in certain circumstance internally by the monitoring office but also by court to approve the use. It would be important to ensure that any removals of logos and branding of vehicles would not amount to covert surveillance

Officers from Environmental Health advised that while options could be considered, the use of Body Worn Video uniforms (due to roll out in 2018) may need to include information that a camera may be operating.

The Communications team advised that while they appreciated the reasoning for removing the logo, this would affect the kudos the Council would receive as people would not know who was responsible for the enforcement.

Having considered all of the advice, the Committee chose not to move forward with a recommendation on the removal of branding/logos on vehicles and staff uniform.

**Recommendations:**

**That additional staff training take place to ensure there is adequate staffing resource with the ability to support access to the DVLA system and create resilience within the team.**

**That all Environmental Enforcement Technical Officers (EETOs) have access to mobile technology to ensure they can work off site/make calls etc. while travelling around both Districts.**

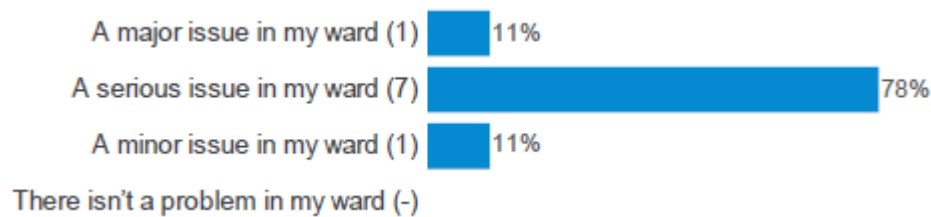
**That as per the staffing provision prior to merger via the Strategic Alliance, each District should have a designated Dog Warden and Environmental Enforcement Technical Officer (EETO), to reduce time spent travelling across both Districts. These designated staff should rotate on a bi-monthly basis to maintain local knowledge of both Districts.**



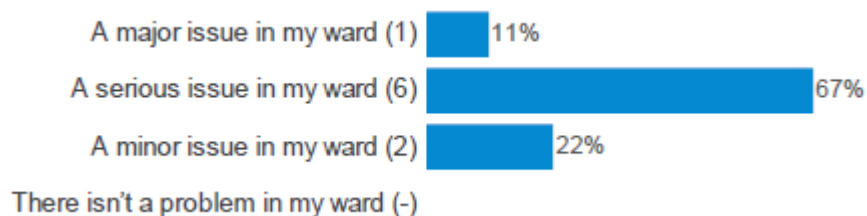
## 6.6 BDC Member Survey on Perceptions of Environmental Enforcement

All 37 of BDC Members were surveyed to establish what their current perceptions were in relation to the levels of litter, fly tipping and dog fouling within their Wards. A total of 10 responses were received, with the results as follows:

### Dog Fouling



### Fly-tipping



### Litter



Some Members reported community litter picks taking place, alongside educational days; others felt that they could not keep up with the levels of litter/fly-tipping regardless of cleansing activity taking place.

Some Members acknowledged that the Authority were doing their best given the resources available, but others questioned if enough enforcement was taking place. Members questioned if enough use was made of covert cameras and whether sufficient powers were available to both Environmental Enforcement Technical Officers and CAN Rangers to take action.

Members felt more publicity around the enforcement that was taking place was required, including the costs associated and how this could be better spent i.e. park/leisure facilities.



### **Recommendations:**

**That a programme of regular publicity is in place on how to contact the council and log incidents in relation to street cleanliness and fly-tipping, using a range of communication channels including InTouch and social media.**

**That a standard process is adopted to ensure maximum publicity of enforcement activity taking place across the District.**

## **6.7 Benchmarking Exercise with Neighbouring Authorities**

### **Member Telephone Survey**

This part of the investigation had two elements to it. The first was a telephone survey via Committee Members. The survey covered the following authorities:

- Chesterfield Borough Council
- Erewash Borough Council
- Mansfield District Council
- Bassetlaw District Council
- Amber Valley District Council
- Derbyshire Dales District Council

Members queried the staffing resource allocated to enforcement, methods of publicising enforcement and methods for customer reporting of incidents/service requests. The full table of results is listed at Appendix 3.

Our initial data gathering indicates a potential disparity in staffing levels (Appendix 3, Table 1). When comparing staffing resource, Bolsover has five staff within the enforcement team, with the levels across the Authorities surveyed ranging from 4 to 10. When considering the fact that the service is shared across two Districts and the six Authorities surveyed are sole Authority teams, five of the six Authorities have a greater staffing resource of designated Enforcement Officers with a remit for littering, dog-fouling and fly-tipping.

It could be argued however, that as Bolsover operates the team of CAN Rangers we have a resource of five within the team (operating across both Districts) plus the team of Rangers giving us a much larger resource of trained officers with designated powers to enforce.

Members were also informed that all 30 Officers in environmental health are authorised to use enforcement powers including the issue of fixed penalty notices, however in practice, these are rarely used by Officers outside the Environmental Enforcement Team. Furthermore, while all CAN Rangers are also authorised to issue FPNs, in practice this is not part of their core duties and as a consequence this could be an under-utilised resource.

As a result of the Member site visits, Members were concerned about the levels of staffing due to absence and the impact that this was having on the Environmental Enforcement Team in particular. The Committee were pleased to note that during the

course of the review the team became fully staffed with an existing member of staff taking on the Team Leader role. Further discussions with the new Team Leader indicate a refreshed approach to education and prevention and the use of all tools/technology available, including CCTV. Members are pleased to see this.

As a result of the Team now being fully staffed, Members no longer feel the need for a formal recommendation to urgently recruit to the vacant posts. They are however, still concerned that due to the geographic area covered by the team, there is potentially insufficient staffing resource for Enforcement. While Members appreciate that the necessary enforcement powers have been designated to a wide number of Officers, in practice it is rare for an Officer outside of the Enforcement Team to use the powers.

In contrast to staffing levels, Tables 2 and 3 shows that in terms of publicity methods and mechanisms for reporting, only Chesterfield uses the same wide range of methods adopted by Bolsover and NEDDC. Members conclude therefore that we are endeavouring to use all mechanisms possible.

While Members appreciated that the range of services covered via online reporting was wide ranging, Members who had used the process recently felt that the online system was not user-friendly. As part of the wider recommendations related to publicity and how we communicate internally and externally, Members felt it was pertinent to review the current online process, including some testing of the system, to ensure it remained fit for purpose.

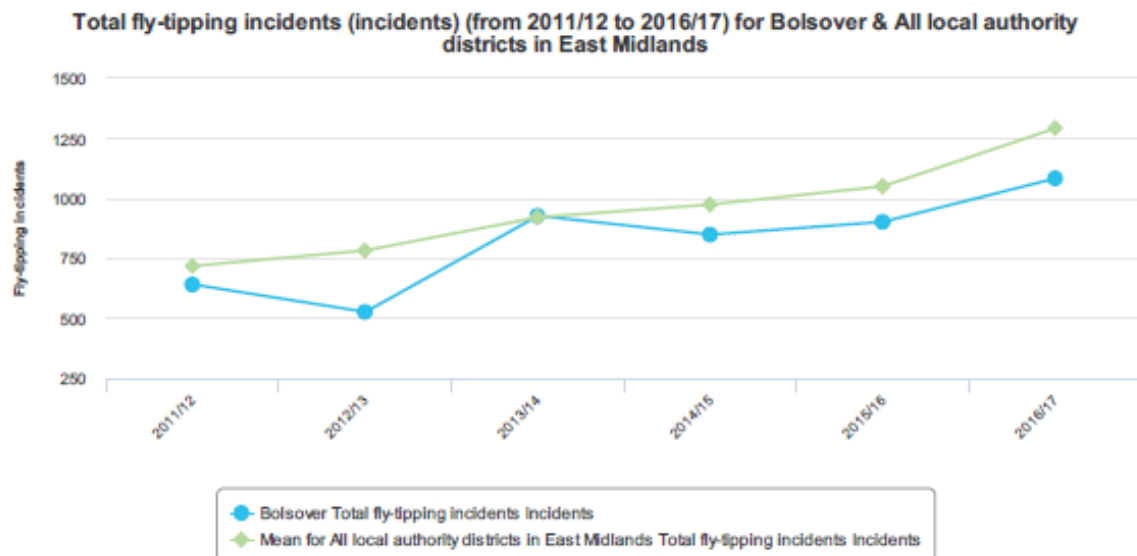
### **Recommendations:**

**That subsequent to the benchmarking exercise undertaken by Members (Appendix 3), further analysis is completed by the Head of Housing and Community Safety in to staffing levels of the Environmental Enforcement Team to assess if resources adequately meet service demand, with a report back to Committee on the findings.**

**That the 'Report It' system on the website is fully reviewed, with 'user' testing, alongside the wider recommendation to improve publicity on communication channels and how to report incidents.**

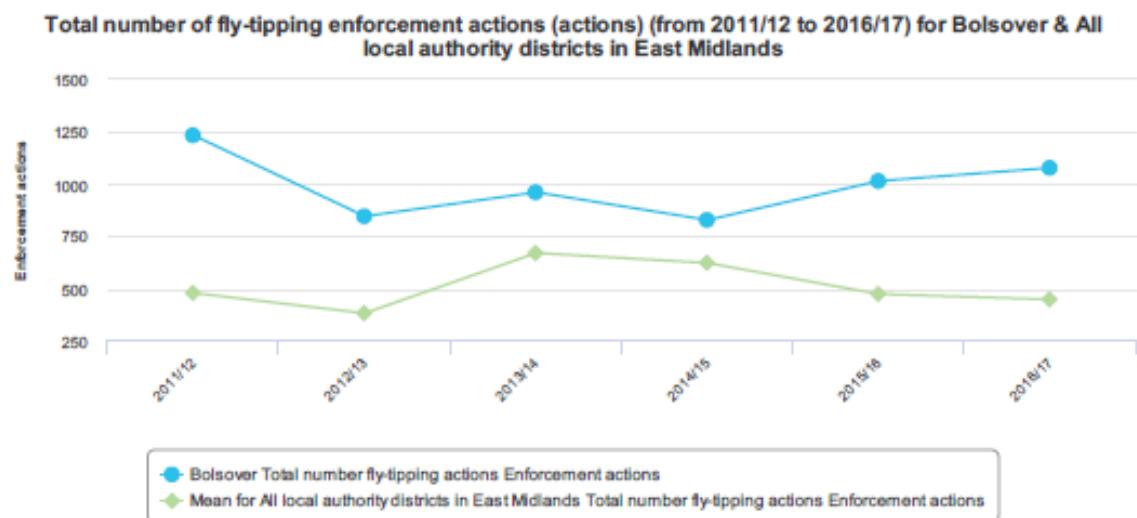
### **LG Inform Comparison**

The second element was analysis via the data held in LG Inform in relation to Fly-tipping<sup>7</sup>. This data showed that over the last five years, Bolsover compared well against neighbouring East Midlands authorities both for levels of incidents and enforcement but also on cost.



Source:  
Metric ID: 6623, Name: Total fly-tipping incidents, <http://fd.ead.org.uk/metricType/6623>

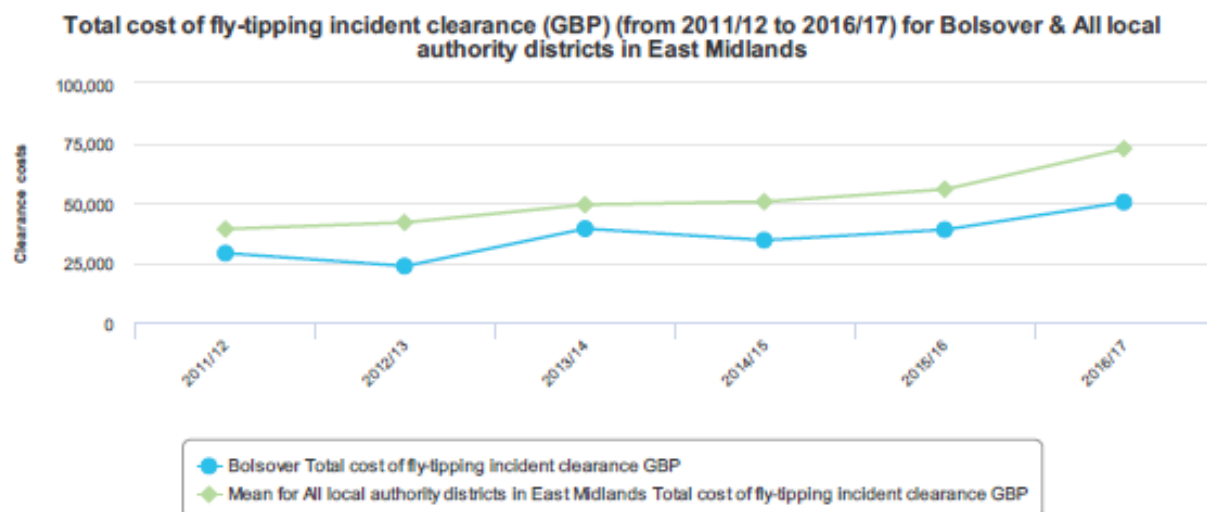
The previous chart clearly shows that the number of incidents in Bolsover is lower than the mean regional average. The data reported indicates that Bolsover's greatest areas of concern are fly-tipping on highways and private/residential land. Particularly in relation to fly-tipping on highways, we are significantly above the regional average for local authority districts.



Source:  
Metric ID: 6663, Name: Total number of fly-tipping enforcement actions, <http://fd.ead.org.uk/metricType/6663>

In contrast to the number of incidents, when considering levels of enforcement this chart shows the District significantly outperforms the regional average level of enforcement action. This suggests the service is good value for money, and operates in contrast to Members perceptions that the levels of enforcement are insufficient. This is further supported when comparing the data from the service which shows higher levels of enforcement activity in Bolsover compared to North East Derbyshire. The type of enforcement actions used predominantly were fly-tipping investigations, duty of care fly-tipping inspections and fly-tipping warning letters, all of which were above

average when compared to local authority districts across the East Midlands. This data shows that contrary to Members' perceptions, enforcement action within the District is greater than in neighbouring areas.



Source:

Metric ID: 6700, Name: Total cost of fly-tipping incident clearance, <http://fd.ead.org.uk/metricType/6700>

Again, the chart shows that the average cost for clearance in the district is consistently below the regional average showing the service aims to maintain a best value approach to delivery.

The type of incidents resulting in higher costs were from small van loads (less than average); transit van loads (less than average) and car boot loads (higher than average). Interestingly, Bolsover reported higher clearance costs for single item clearance, compared to the mean for all local authority districts in the East Midlands.

### Recommendations:

**That a programme of regular publicity is in place on how to contact the council and log incidents in relation to street cleanliness and fly-tipping, using a range of communication channels including InTouch and social media.**

**That a standard process is adopted to ensure maximum publicity of enforcement activity taking place across the District.**

## 6.8 Review of Environmental Despoilment (North-East Derbyshire District Council, April 2016)<sup>8</sup>

As the service is jointly delivered across the Strategic Alliance area, Members felt it pertinent to assess how NEDDC have reviewed this area of service delivery. A scrutiny review during 2015/16 made the following recommendations:

- 1.1 That dog wardens consider participating in the Member walkabouts undertaken in the communities if able to be there.

- 1.2 That the Environmental Team considers, jointly with the Street Scene Service, undertaking more educational activities at schools within the District.
- 1.3 That the Council considers how it can be more proactive in the enforcement of fly tipping and also provide better feedback to all parties involved on the outcomes of incidents.
- 1.4 That the Council considers how it can take a more forceful approach on littering at supermarkets and businesses, including consistent contact with the organisations.
- 1.5 That the Council considers how it can make the publicity of Environmental Despoilment more targeted and consistent, including producing a rolling programme of events, news articles and initiatives.

Recommendations 2, 3 and 5 mirror the sentiments of BDC Members as they have undertaken this review, and show that there is a common desire for greater education/awareness raising and increased publicity around enforcement and the action being undertaken by the Authority.

The NEDDC Committee's core findings were that from the evidence heard, from various stakeholders, on the whole the service was working well and that there were many examples of the efforts being made by staff involved to reduce or prevent environmental despoilment within the District.

They did however identify some areas for improvement, centred on increased publicity and education, improving the liaison between the teams and maximising prosecutions where possible.

Given that this review is two years subsequent to this piece of work, it adds further weight to our recommendations around educational activity and publicity.

### **Recommendations:**

**That a programme of regular publicity is in place on how to contact the council and log incidents in relation to street cleanliness and fly-tipping, using a range of communication channels including InTouch and social media.**

**That a standard process is adopted to ensure maximum publicity of enforcement activity taking place across the District.**

**That a formal programme of educational initiatives is maintained as a combined approach by Streetscene and Environmental Enforcement, with greater consideration given to coverage across the whole of Bolsover District. The programme should be adapted to be age specific to suit the school/group as required and cover primary/secondary and community events.**

## 6.9 Listening Bolsover – Bolsover District Citizen’s Panel Survey November 2017<sup>9</sup>

In November 2017 Bolsover District Council conducted a survey with Bolsover Citizens Panel to identify people’s views on:

- Customer Service Standards
- Streetscene Services

In total 667 questionnaires were sent out on 3rd November 2017 and respondents were given 3 weeks, until Friday 24<sup>th</sup> November 2017, to return their responses. Each survey was accompanied by a covering letter and a newsletter. A total of 330 replies were received making the response rate to this survey of 49%.

Where relevant, results have been compared against the data from the November 2015 and 2013 Citizen’s Panel.

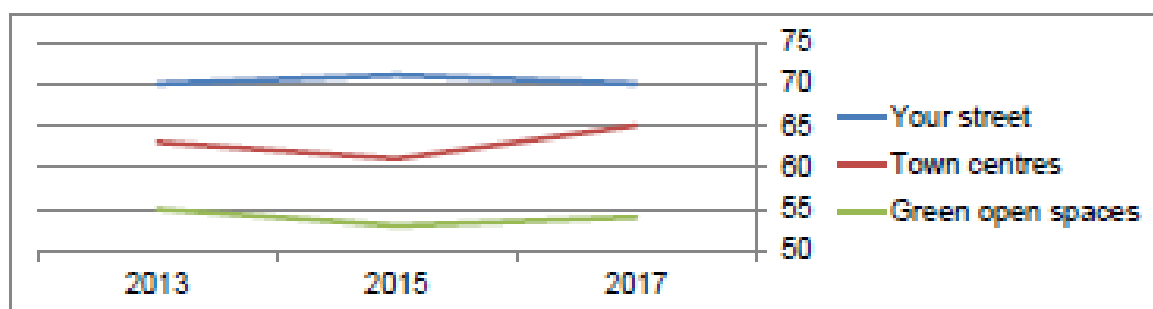
### Prioritisation of Services

The top three areas of importance were **litter pickers (68%)**, **dog waste bins (49%)** and **litter / environmental wardens (40%)**. This follows a similar trend from 2015 and 2013.

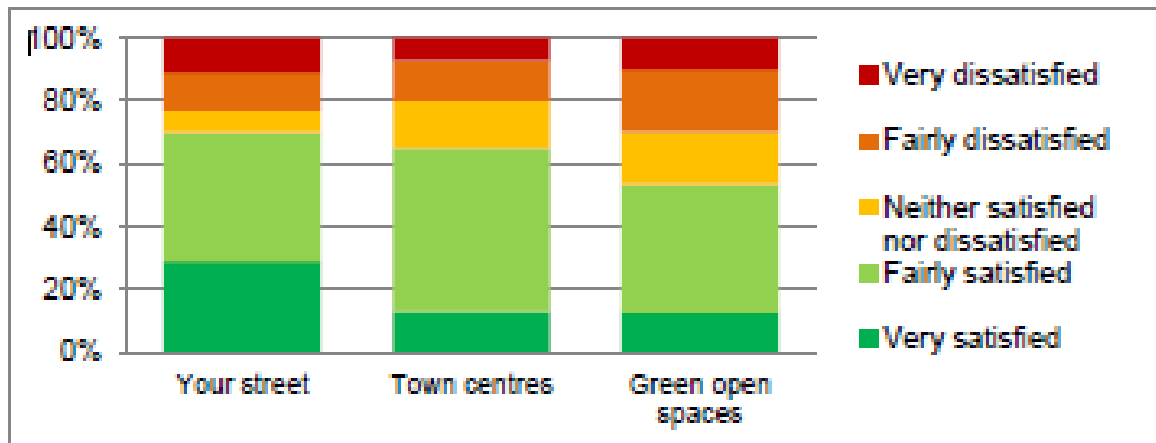
### Litter

Respondents believe the main sources of litter are **takeaways (77%)**, followed by **pedestrians (67%)** and **thrown from vehicles (66%)**. This mirrors the results found in 2015.

Satisfaction trends for **litter control** have generally improved since 2015 returning to levels similar to those found in 2013.



70% of respondents indicated that they were either very or fairly satisfied with **litter control** in their street. 65% were either very or fairly satisfied with litter control in town centres, and 54% were either very or fairly satisfied with litter control in green and open spaces.



## Litter Bins

Satisfaction with the **number of litter bins** are showing uplifts in each area however satisfaction is still below 50% overall:

- 36% satisfaction with the number of litter bins in **their street**.
- 50% satisfaction with the number of litter bins in **town centres**
- 43% satisfaction with the number of litter bins in **green and open spaces**

58% of respondents indicated they were very or fairly satisfied with the **emptying of litter bins** in their area. Very satisfied responses are the highest of the last three surveys (21%), with overall satisfaction improving by 6 percentage points since 2015.

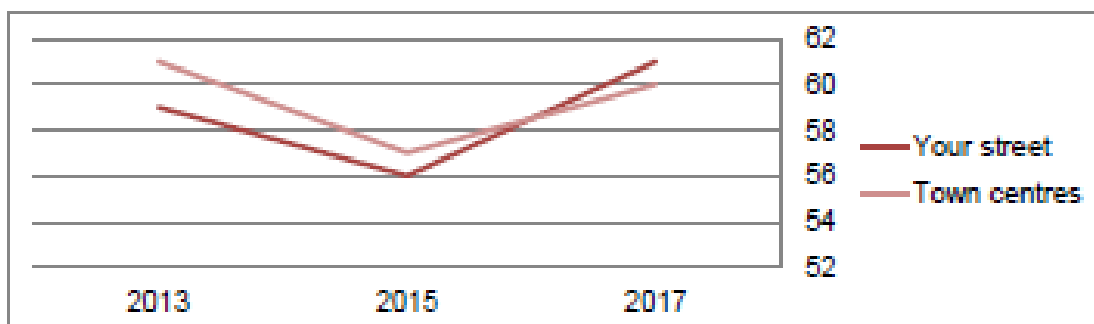
58% of respondents indicated they were very or fairly satisfied that their area is **kept free from litter**. Overall satisfaction is at the highest since 2013 with results improving since the last time the survey was conducted in 2015.

53% of respondents indicated that the amount of **litter on footpaths and verges** has stayed about the same, with 41% indicating that it has increased or significantly increased.

People overwhelmingly support **enforcement** against individuals and business for littering offences (94% in support of action against people and 97% support action against business).

## Sweeping of streets

61% of respondents indicated that they were either very or fairly satisfied with sweeping of streets in their street and 60% indicated that they were either very or fairly satisfied with sweeping of streets in town centres.



### Dog fouling

38% of respondents indicated satisfaction with the **number of dog waste bins** on their street. 37% were very or fairly satisfied with the number of dog waste bins in town centres and 41% were very or fairly satisfied with the number of dog waste bins in green open spaces. Satisfaction trends have improved since 2015 returning to levels similar to those found in 2013.

47% of respondents indicated they were very or fairly satisfied with the **emptying of dog waste bins** in their local area, with 25% of respondents indicating they were fairly or very dissatisfied. 38% of respondents believed there has been an increase the amount of dog fouling on footpaths and verges. The majority however (44%) believe it has stayed the same. 33% of respondents indicated that they were very or fairly satisfied with the **control of dog fouling** which is an 8 percentage point (pp) increase from 2015.

When comparing citizen's perception to that of Members, it is clear that there is an imbalance with residents not perceiving litter and dog fouling as serious an issue as Members. It is also important to note that the way the questions were phrased for both surveys could have led to different responses as the Citizen's Panel was aimed at establishing satisfaction (a positive line of questioning) and the Members' Survey aimed to identify the seriousness of service issues at a local level (a negative line of questioning).

	Residents Satisfaction Levels	% of Member's perceiving an issue
Litter Control	70% (own street); 65% (town centre); 54% (green open space); 58% (emptying of bins); 58% (area kept free from litter)  >50% (number of litter bins)	34% (minor or not an issue – indicates lower satisfaction than residents)  66% (major or serious issue)
Street sweeping	61% (streets); 60% (town centres)	Not directly surveyed but links to Litter perception as above.



	<b>Residents Satisfaction Levels</b>	<b>% of Member's perceiving an issue</b>
Dog Fouling	38% (dog waste bins in street); 37% (dog waste bins in town centres); 41% (dog waste bins in green open spaces); 47% (emptying of bins); 33% (control of dog fouling); 44% (levels of fouling static)	11% (minor or not an issue – indicates lower satisfaction than residents)  89% ( <i>major or serious issue</i> )

What may help here is clearer publicity around what action the Council does regularly take in relation to street cleansing and enforcement. In addition, it may be that Members would benefit from more regular updates on action taken and 'hot spots' being targeted. Members also acknowledge that while there is a disparity between their perceptions and public satisfaction, they appreciate that it is impossible to account for incidents which are not reported by the public, yet could still influence their satisfaction levels.

During the latter stages of the review, a Members' Surgery has been trialled to endeavour to meet more regularly with Members and to ensure a staff presence at The Arc at set regular times. Members welcome this approach and hope that an evaluation of the trial will prove that the Surgery is of value and worth maintaining.

### **Recommendations:**

**That a programme of regular publicity is in place on how to contact the council and log incidents in relation to street cleanliness and fly-tipping, using a range of communication channels including InTouch and social media.**

**That a standard process is adopted to ensure maximum publicity of enforcement activity taking place across the District.**

**That a combination of regular Member Briefing's (District and Parish) and additional detail within quarterly performance reports is provided, outlining level of enforcement taking place.**

**That the trial Members' Surgery meetings be evaluated for usage/effectiveness and made permanent if demand is proven.**

## 7. Conclusions

The Committee have put together 18 recommendations which will hopefully assist the Council in further improving our approach to environmental despoilment and enforcement.

The key issues arising from the review are as follows:

- levels of staffing resource and the subsequent impact on service delivery, effective use of resources and enforcement activity;
- communication and awareness of enforcement activity, both internal and external;
- communication on how to contact the Council and use of online reporting;
- potential reputational risk, where the Authority area is seen to have high levels of littering/fly-tipping and poor street cleanliness standards;
- ensuring our policies are compliant and support our delivery of enforcement activity; and
- ensuring efficient and effective use of the enforcement powers available to the Authority, by all staff with designated authority.

Members appreciate that a range of approaches have been taken by staff to both prevention and enforcement activity. It is clear that where possible, staff have endeavoured to maintain this despite staff vacancies, but that this has not always been possible. Members hope that the recent situation will reinforce that effective resource levels (both staff and non-staff) are key to good quality service delivery even in times of austerity. It is hoped that the recommendations set out in this review report will help further embed the refreshed approach to enforcement that is being taken now that the Environmental Enforcement Team is fully staffed.

## Appendix 1: Stakeholders

Stakeholders engaged during the review:

- Cabinet Member for Community Safety & Street Services, Cllr Murray-Carr
- Peter Campbell, Joint Head of Housing & Community Safety
- Steve Brunt, Joint Head of Streetscene
- Steve Jowett, Streetscene & Waste Services Manager
- Sharon Gillott, Environmental Health Manager
- Sam Bentley, Environmental Health Manager
- Tommy Rush, Environmental Health Enforcement Team Leader
- Anne Young, Environmental Enforcement Technical Officer
- Andrew Green, Dog Warden
- Stephen Jacques, Dog Warden
- Victoria Dawson, Solicitor, Team Manager (Contentious)
- Deborah Cartwright, Solicitor (Contentious)
- Kevin Shillitto, Solicitor (Contentious)

Stakeholders impacted by the review

- BDC residents
- NEDDC residents
- BDC Members
- NEDDC Members
- Streetscene Service
- Joint Environmental Health Service
- Legal Service

## Appendix 2: BDC Member Survey



### Healthy, Safe, Clean and Green Communities Scrutiny Committee

#### Review of Environmental Enforcement

##### Members' perceptions on environmental enforcement

The Healthy, Safe, Clean and Green Communities Scrutiny Committee at Bolsover District Council is undertaking a review of environmental enforcement and would like to understand Members' perceptions of the levels of fly tipping, litter and dog fouling.

If you have any queries or require any further information, please contact the acting Scrutiny Officer (ext 2407) or speak to the Chair or any member of the Healthy, Safe, Clean and Green Communities Scrutiny Committee.

Q1 **Are you a Member of ... ?**

Bolsover District Council ..... ☐      Derbyshire County Council ..... ☐  
A Parish Council ..... ☐

Q2 **Which ward do you represent?**

Q3 **Which statements best describe your perceptions of the levels of litter, fly tipping and dog fouling within your ward? (please mark one box for each issue)**

	A major issue in my ward	A serious issue in my ward	A minor issue in my ward	There isn't a problem in my ward
Dog fouling is..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fly tipping is..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Litter is..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q4 Please list any places within your ward where there is a particular problem. If would be helpful if you would also state what the problem is.**

**Q5 What is being done to tackle the environmental issues within your ward?**

**Q6 Do you feel that the Authority is doing all it can to tackle these environmental issues?**

**Q7 Is there anything else that you would like to be considered that is relevant to this review?**

**Q8 Can you identify any 'hot spot' areas in Bolsover District? If so, please list them:**

Thank you for taking the time to complete this survey. Your responses will help us to understand the issues within our communities and to suggest changes and improvements for the benefit of our residents.

Please return your completed form by Wednesday 11 October and send to:

Lynne Cheong  
Scrutiny Officer  
The Arc  
Clowne  
S43 4JY

## Appendix 3: Authority Benchmarking – Summary of responses

### 1. How many officers with enforcement powers do you have and in which roles / services are they deployed?

Authority	No. of Enforcement staff	Role / Service
Chesterfield Borough	6	Environmental Protection - litter, dog fouling & fly tipping
Erewash Borough	9	Neighbourhood Wardens – FPN & prosecutions; Env Health for air pollution, noise nuisance etc
Mansfield District	10	2x teams, 1x team leader + 4x FTE staff – Environmental Protection & Public Protection. Community Safety Hub – PCSOs enforce
Amber Valley Borough	4	3x Community Wardens, enforcement, 1x manager, prosecutions – PCSO / dog fouling, post for investigations, Pest Control
Derbyshire Dales District	10	6x Principal Officers, 1x Technician, 1x Env Health, 2x Public Health - all enforcement except dog fouling, which is a separate service
Bassetlaw District	6-7	6-7 Officers – all enforcement
Bolsover/ North East Derbyshire District	5	In addition, 10FTE CAN Rangers (Community Action Network – Bolsover ONLY) and the wider team of Environmental Health Officers (30 inc. Environmental Enforcement Team) have delegated authority to use the enforcement powers available to the Authorities.

### 2. How does your Council publicise successful enforcement? For example: number of Fixed Penalty Notices issued, number of reports made?

Authority	Local press	Council newsletter	Residents newsletter	Council website / Social media	Comments
Chesterfield Borough	✓	✓	✓	✓	Social media when an FPN served; successful prosecutions via all other communications.
Erewash Borough	✓			✓	
Mansfield District	✓			✓	Aim is education/raise awareness. Facebook – advertise stray dogs, provide info (all services), court cases & successful prosecutions
Amber Valley Borough	✓			✓	Aim is education/raise awareness. Do not over-emphasise statistics. Publicise court cases.
Derbyshire Dales District	✓			✓	
Bassetlaw District	✓			✓	
Bolsover/ North East Derbyshire District	✓	✓	✓	✓	Twitter is the primary social media channel.

**3. What reporting methods does your Council have for dog fouling, litter and fly tipping? E.g. phone, online, officer / customer reports**

Authority	Phone	Online	Letter	In person	Email	Text message	Cllrs	Social media	Comments
Chesterfield Borough	✓	✓	✓	✓	✓	✓	✓	✓	
Erewash Borough	✓	✓			✓	✓			Text for dog fouling reports
Mansfield District	✓	✓		✓	✓		✓		
Amber Valley Borough	✓	✓			✓				Do not use social media
Derbyshire Dales District	✓	✓			✓		✓		Publicise court cases
Bassetlaw District	✓	✓						✓	
Bolsover/ North East Derbyshire District	✓	✓	✓	✓	✓		✓		<p>Where an issue is raised via Twitter the resident/complainant is re-directed to the online reporting form.</p> <p>Online reporting is available for a wide range of issues where the Authority has enforcement powers. An individual online account can be set up.</p> <p>Cllrs must register issues brought to them via the online portal to ensure service requests are consistently managed and resolved.</p>

## Appendix 4: Glossary

BDC	Bolsover District Council
CAN Rangers	Community Action Network Rangers (Bolsover ONLY)
CCTV	Closed Circuit Television
CEP	Corporate Enforcement Policy
CPN	Community Protection Notice
DVLA	Driver Vehicle License Agency
EETO	Environmental Enforcement Technical Officer
EH	Environmental Health
FPN	Fixed Penalty Notice
FTE	Full Time Employee (Equivalent)
LEQSE	Local Environmental Quality Survey of England
LG Inform	LG Inform was launched by the Local Government Association (LGA) in 2011 to provide councils with a free and voluntary data service and benchmarking facility.
NEDDC	North East Derbyshire District Council
PCSO	Police Community Support Officer
PSPO	Public Space Protection Order
SAMT	Strategic Alliance Management Team



## Appendix 5: Bibliography

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<sup>5</sup> Crown Prosecution Service, The Code for Crown Prosecutors <https://www.cps.gov.uk/publication/code-crown-prosecutors>

<sup>6</sup> Environmental Enforcement, Cleansing and Educational Group Terms of Reference (BDC & NEDDC), July 2017.

<sup>7</sup> Local Authority Reported Fly-tipping, (26 March 2018) LG Inform, Local Government Association

<sup>8</sup> Review of Environmental Despoilment (April 2016), NEDDC <http://www.ne-derbyshire.gov.uk/index.php/your-council/committee-governance-constitution>

<sup>9</sup> <http://www.askderbyshire.gov.uk/docs/Report-Bolsover-Citizens-Panel-Nov-2017-FINAL.pdf>



**We speak  
your language**

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**Polish**

**Mówimy Twoim  
językiem**

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**Slovak**

**Rozprávame  
Vaším jazykom**

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**Chinese**

**我们会说你的语言**

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