



**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**

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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)) and Jo Wilson (Scrutiny & Elections Officer) and not forgetting the part Alison Bluff (Governance Officer) has played in this review.

My thanks also 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 mobile 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 delivery 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 the 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 they are fully staffed, but feel that close monitoring of the delivery of the recommendations will be paramount to ensure 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. pp17-19	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.	To follow
HSCGCs17/18 1.2 Ref. pp17-19	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.	To follow

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGCs17/18 1.3 Ref. pp17-19	That greater use of environmental enforcement powers is implemented by both CAN Rangers and the wider team of Environmental Health Officers, to ensure full use of the Authority's enforcement capacity.	Ensures effective use of training and staffing resources, to deliver environmental improvements	March 2019	Joint Head of Housing & Community Safety	Staff time	To follow
HSCGC17/18 1.4 Ref. pp17-19	That Executive/SAMT 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.	To follow

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGC17/18 1.5 Ref. pp17-19	That a full assessment is carried out to establish if there is sufficient evidence to establish a Bolsover District-wide PSPO for dog fouling and dog control.	Effective dog control enforcement in place District-wide	June 2019	Team Manager (Solicitor) Contentious	Staff time	To follow
HSCGC17/18 1.6 Ref. p23-25	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	To follow

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGC17/18 1.7 Ref. p23-25	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	To follow
HSCGC17/18 1.8 Ref. p23-25; pp32-33; pp35-37; pp37-38; pp39-42	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 In Touch and social media.	Improved local awareness of both how to contact the Authority and increased knowledge of action taken by the Authority	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	To follow

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGC17/18 1.9 Ref. pp26-27; pp32-33; pp 35-37; pp37- 38; pp39-42.	That a standard process is adopted to ensure maximum publicity of enforcement activity taking place across the District.	Regular and consistent publicity of our enforcement activity across all service areas covered via the Corporate Enforcement Group.	Process agreed by December 2018.	Solicitor (Corporate Enforcement Group Lead)/ Communications, Marketing and Design Manager	Staff time; printing internal/external literature; distribution costs; website/social media coverage	To follow
HSCGC17/18 1.10 Ref. pp26-27	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	To follow

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGC17/18 1.11 Ref. pp28-29; pp 37-38	<p>That a formal programme of educational initiatives is maintained as a combined approach by Streetscene and Environmental Enforcement, with greater consideration given to covering 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>Improved local knowledge and greater awareness of environmental responsibility.</p> <p>Inclusion in Corporate/Service Plans beyond March 2019.</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	To follow

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGC17/18 1.12 Ref. pp29-32	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	To follow
HSCGC17/18 1.13 Ref. pp 34-35	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.	March 2019	Joint Head of Housing & Community Safety	Staff time; any additional staffing resource identified would require a further report to Executive.	To follow

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGC17/18 1.14 Ref. pp34-35	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.	An improved, simple, user-friendly online system to aid prompt reporting of service requests/incidents to the Authority.	December 2018	Environmental Health Manager/ Customer Contact Manager	Staff time; Customer/Member input for testing of system.	To follow
HSCGC17/18 1.15 Ref. pp30-32	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 mobile phones/iPads/mobile equipment	To follow

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGC17/18 1.16 Ref. pp30-32	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	To follow

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGC17/18 1.17 Ref. pp37-38	That consideration be given to branding (labelling) of vehicles/uniform used by the Enforcement Team, in particular the removal of logos, to aide enforcement activity.	That the Authority is able to carry out day-to-day business including enforcement	March 2019	Joint Head of Housing & Community Safety/ Environmental Health Manager/ Team Manager (Solicitor) Contentious	Staff time Cost of rebranding/removal of branding would require an additional report, should this be taken forward.	*Awaiting comment from legal re RIPA compliance
HSCGC17/18 1.18 Ref. pp39-42	That a combination of regular Member Briefing's (District and Parish) and additional detail within quarterly performance reports is provided, outlining the level of enforcement taking place.	Improved understanding of council activity, current trends and how 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.	September 2018	Environmental Health Manager	Staff time; potential contribution from Communications Team and option of Member Development Sessions.	To follow

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response
HSCGC17/18 1.19 Ref. pp39-42	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	To follow

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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;
- Councillors 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 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 ¹

This document outlines the Enforcement Policy for the Joint Environmental Health Service for Bolsover District Council and North East Derbyshire District Council. 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 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 law 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 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 over zealous and is proportionate. Officers within the legal team have done some research, drawing on their own experience they have 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
- ASB/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 the service dealt with enforcement 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 ASB. The group discusses specific cases that require all the different departments to work together to try and resolve problems. The Group submit a written update to Joint SAMT / Cabinet each quarter. A group meeting can be called to consider urgent items at any time including works in default decisions.

Recently, additional staff had been recruited to the legal team who had all come from other Authorities and had different experiences in enforcement. Members were informed that they hoped that further to the wider review of our policies, Strategic Alliance Management Team (SAMT) and Executive would approve District wide PSPOs (Public Space Protection Order) 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 greater use of environmental enforcement powers is implemented by both CAN Rangers and the wider team of Environmental Health Officers, to ensure full use of the Authority's enforcement capacity.

That Executive/SAMT 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 PSPO for dog fouling and dog control.

5.3 Assessment of street cleanliness ²

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 Refuse³

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 in to 4 elements for local measurement. Following the cessation of the national 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
2. Other Retail
3. Transport Facilities
4. High Obstruction Housing
5. Medium Obstruction Housing
6. Low Obstruction Housing
7. Industrial
8. Main Roads
9. Other Highways
10. Recreation Sites

Each quarterly survey period is based on a selection of five 'target' wards (Parishes) 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 ⁴

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 to prevent 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 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 doesn't cease, the notice will be issued.

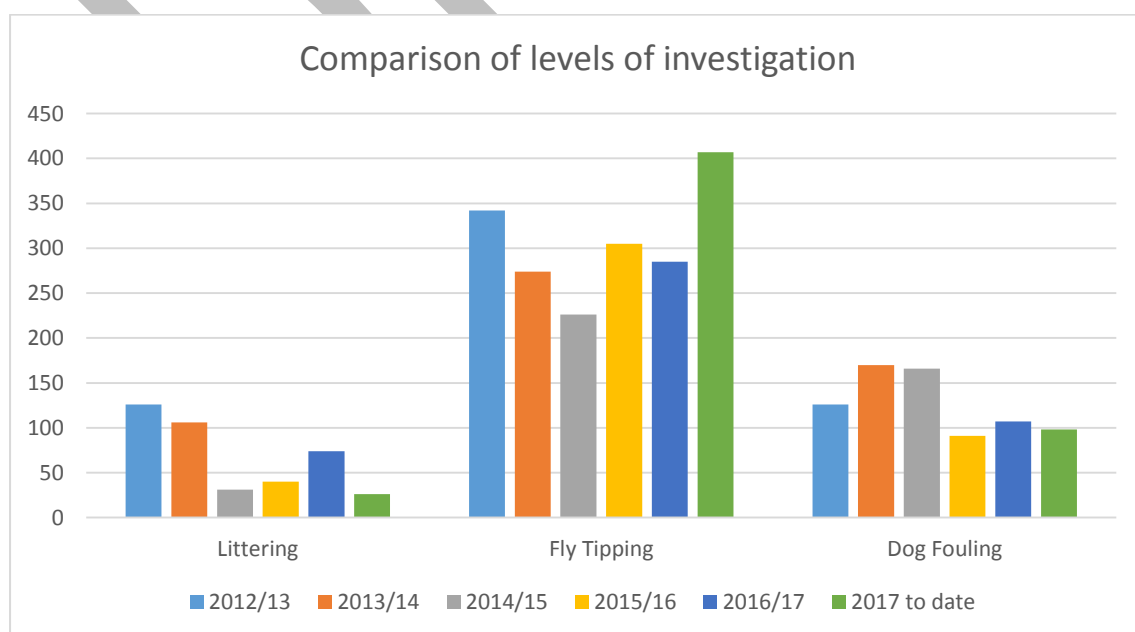
The notice can be appealed in the Magistrates' Court within 21 days. Failure to comply is an offence and may result in a fine or a fixed penalty notice. To apply for a CPN or to enquire further, you will need to contact your local policing team. You can do this via the non-emergency 101 number or alternatively 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 and these go straight for clearance and environmental health are not involved.

Service requests received and responded to by Environmental Health during 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 – includes visits, letters and warning notices. The table also shows that Abandoned Vehicles form a large demand of service resources, when compared against figures for dog mess and Domestic Accumulation.

Type of service request	NEDDC	BDC
Abandoned Vehicle	224	255
Accumulation - Commercial	21	22
Accumulation - Domestic	104	292
Accumulation - Litter	11	75
Accumulation - Miscellaneous	206	274
Dog - micro chipping	30	20
Dog - general	9	18
Dog - lost	69	102
Dog - mess	79	102
Dog - Secured	106	186
Dog - signage	134	61
Dog - straying	52	79
TOTALS	1045	1486

In contrast when looking at figures for 2017/18, from April 2017 to the present time (February 2018) a total of 1464 service requests had been dealt with by the enforcement team so far this year. This included 188 for Abandoned Vehicles in Bolsover and 205 in NEDDC (as at February 2018). 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)

	2015/16 Outturn	2015/16 Target	2016/17 Outturn	2016/17 Target	2017/18 Outturn	2017/18 Target
Dog fouling¹	99.5%	98%	99%	98%	99.75%	98%
Litter²	96.1%	96%	96%	96%	98.7%	98%
Detritus³	17.0%	12.0%	19%	12%	18.0%	12.0%
Weeds⁴	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 In Touch and social media.

¹ % achieving Grade B or above (Corporate Plan Target H 11)

² % achieving Grade B or above (Corporate Plan Target H 10)

³ % not achieving Grade B (Indicator SS 03)

⁴ % not achieving Grade B (Indicator SS 04)

6.2 Current enforcement levels

As part of the evidence presented to Committee, Members assessed the 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
Totals	45	20	65

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 target areas were covered to ensure easy targets/quick wins 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 the 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://fd.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 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 Prosecutors Code⁵ – 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 Group⁶. 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, Street Scene 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 offer the highest quality services to our customers.

Members noted that various interventions and engagement tools were used. Officers act on intelligence received – customer contact important to obtain this Welcome contact from Parish Councils, Community Groups and other organisations we can work with. In particular, working with 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 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 covering 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 sort 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 in between 10 and 13 years ago where the air quality has previously been determined as exceeding the concentration for annual mean nitrogen dioxide Air Quality Objective.

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 in any of the AQMAs since 2012.

Bolsover's Annual Status Report (ASR) 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 year⁵. One business has had enforcement action taken against them this year so far. Currently this year, the Council has served 4 x 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.

⁵ As at January 2018.

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 powers to check details with the DVLA, the EETO could serve a notice on the vehicle straight away by 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 we currently have 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 is unsustainable to continue with such a limited staffing resource for this area. Members want further training to take place to ensure that there is always staff cover, given the recent prolonged staffing issues.

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 the Members.

It was noted that when Environmental Health had its own service, there were 3 FTEs looking at Enforcement for dog fouling and everything else to do with dogs, 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 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 the Dog Wardens do the extra work of caring for the dogs which includes 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
- 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 powers to check details with the DVLA, the EETO could serve a notice on the vehicle straight away by a phone call.

A further observation was 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 wanted further consideration given to a consistent approach within the team i.e. use of all logoed vehicles or use of non-logoed vehicles, specifically removal of the branding on the Dog Warden 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.

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.

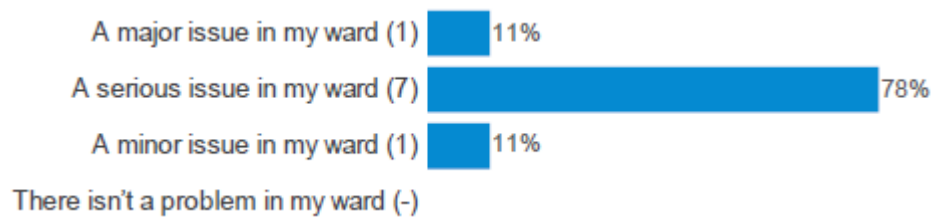
That as per the staffing provision prior to merger via the Strategic Alliance, each District should have a designated Dog Warden and Environmental Enforcement Technical Officer (EETO), to reduce time spent travelling across both Districts. These designated staff should rotate on a bi-monthly basis to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

That consideration be given to branding (labelling) of vehicles/uniform used by the Enforcement Team, in particular the removal of logos, to aide enforcement activity.

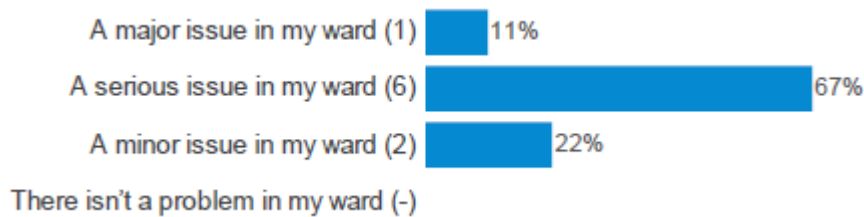
6.6 BDC Member Survey on Perceptions of Environmental Enforcement

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 couldn't 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 In Touch 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 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 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.

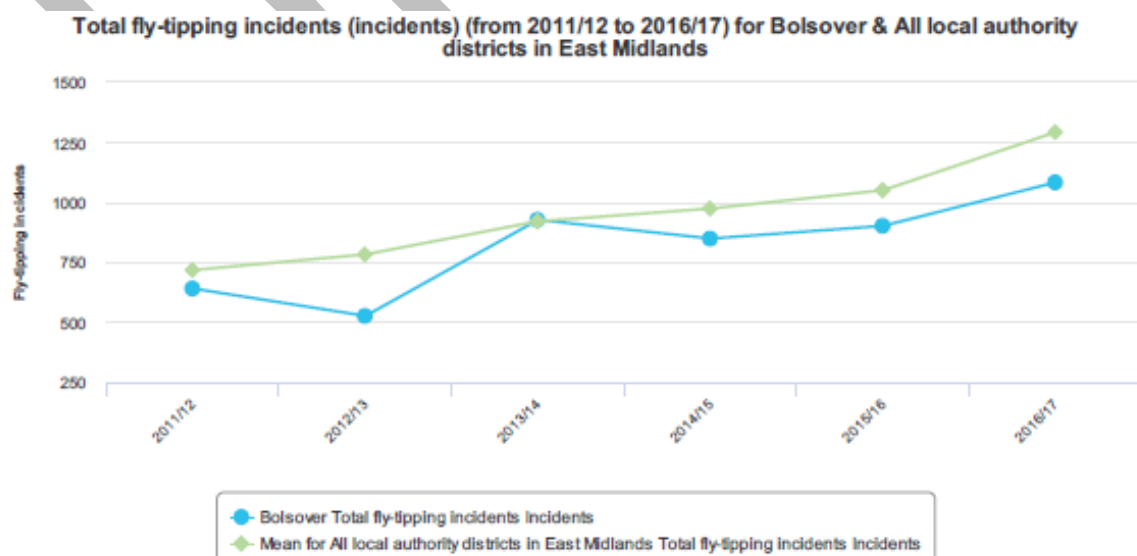
Recommendations:

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.

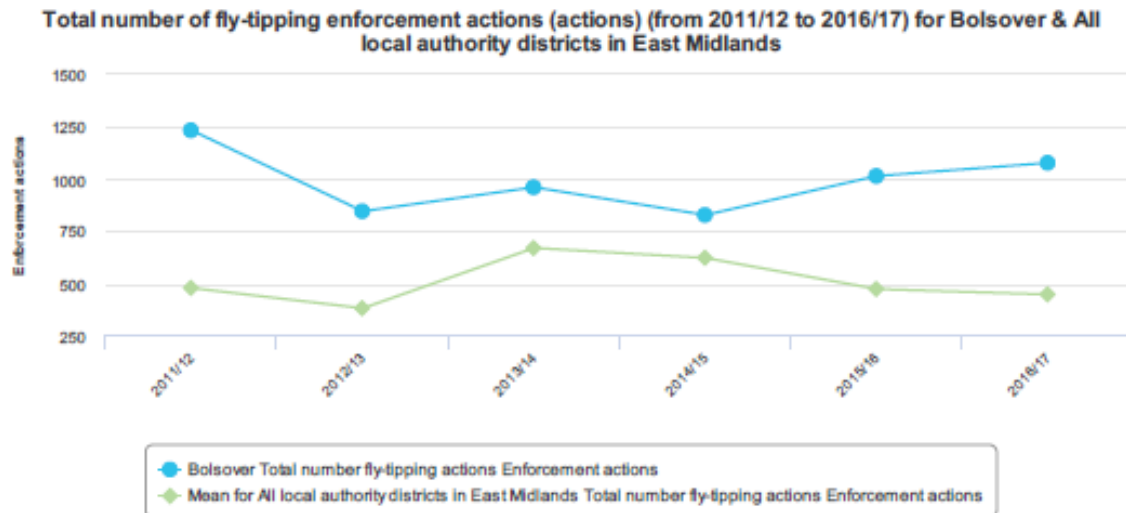
LG Inform Comparison

The second element was analysis via the data held in LG Inform in relation to Fly-tipping⁷. 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.



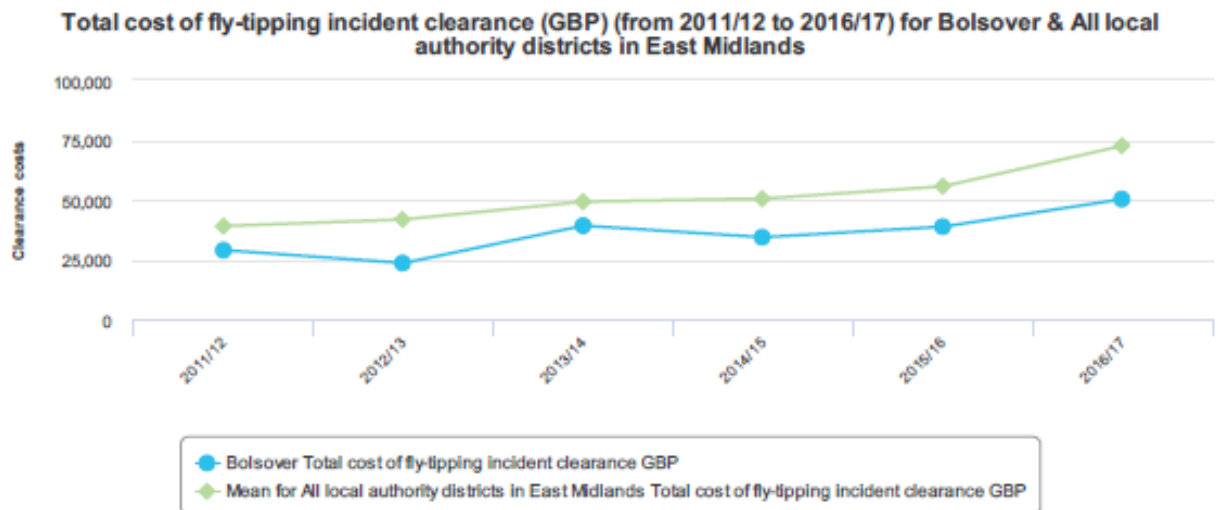
Source:
Metric ID: 6623, Name: Total fly-tipping incidents, <http://fd.ead.org.uk/metricType/6623>

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 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 In Touch 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)⁸

As the service is jointly deliver 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 In Touch 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 covering 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 2017⁹

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 24th 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.

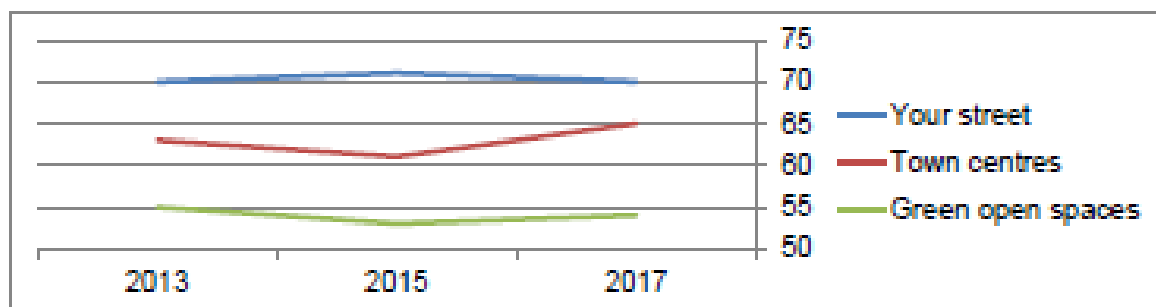
Prioritisation of Services

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.

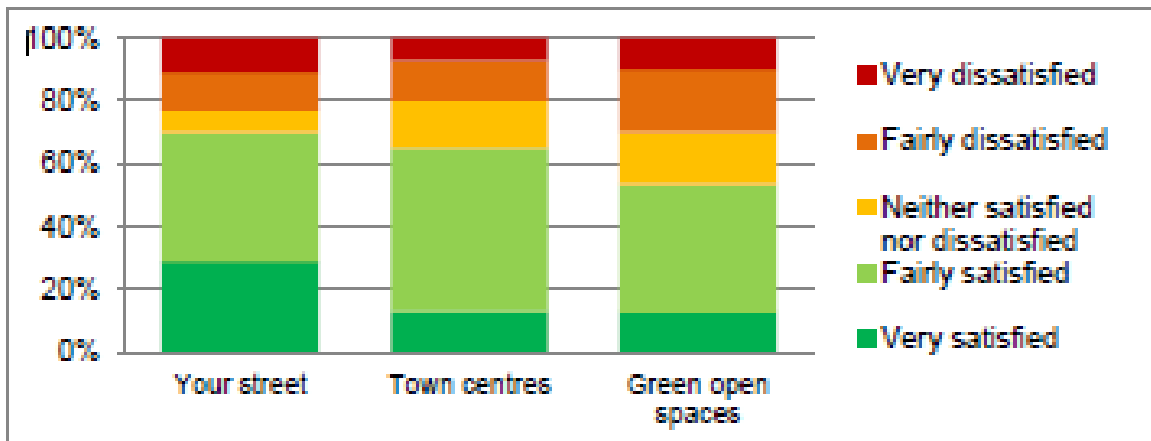
Litter

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.

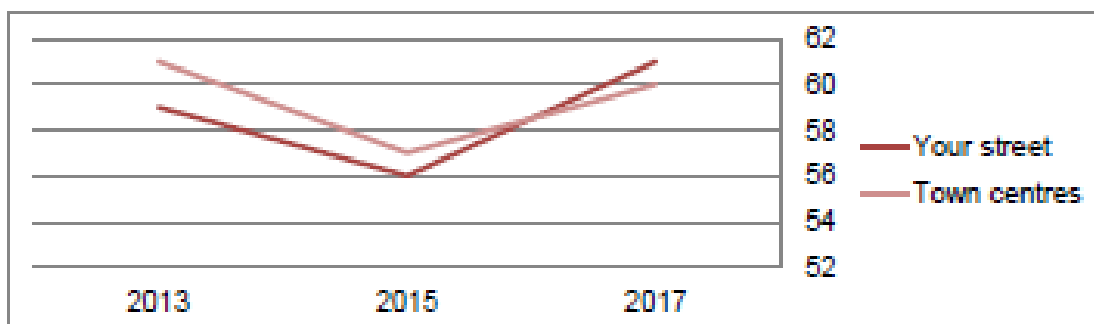
58% of respondents indicated they were very or fairly satisfied that their area is **kept free from litter**. Overall satisfaction is at the highest since 2013 with results improving since the last time the survey was conducted in 2015.

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 Member's. 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.

	Residents Satisfaction Levels	% of Member's perceiving an issue
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 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 In Touch 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 19 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. Where possible staff have endeavoured to maintain this despite staff vacancies, but 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 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
- 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)

Stakeholders impacted by the review

- BDC residents
- NEDDC residents
- BDC Members
- NEDDC Members
- Streetscene service
- Joint Environmental Health 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) 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	✓			✓	Education / raise awareness. Facebook – advertise stray dogs, provide info (all services), court cases & successful prosecutions
Amber Valley Borough	✓			✓	Education / raise awareness. Do not go for overkill statistics. Publicise court cases.
Derbyshire Dales District	✓			✓	
Bassetlaw District	✓			✓	
Bolsover/ North East Derbyshire District	✓	✓	✓	✓	Twitter is 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: Bibliography

- BDC Member Survey on Perceptions on Environmental Enforcement
- In Touch, Issue 38 November 2017, Bolsover District Council
- Member Benchmarking Exercise – Telephone Survey
- Scrutiny Project Group – Report on Dog Fouling, (January 2015), Enterprise and Wellbeing Scrutiny Committee, Chesterfield Borough Council.

1

Enforcement Policy (Joint Environmental Health Service), May 2016, Bolsover District Council.

http://www.ne-derbyshire.gov.uk/images/Repository/E/Enforcement_Policy_Environmental_Health.pdf

2

https://publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/607/60705.html#_idTOCAncor-26

3

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221087/pb11577b-cop-litter.pdf

4

<https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils>

5 Crown Prosecution Service, The Code for Crown Prosecutors

<https://www.cps.gov.uk/publication/code-crown-prosecutors>

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

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

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

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