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Simon W. Baker B.Ed MBA MISPAL
Chief Executive

COMMUNITY OVERVIEW & SCRUTINY PANEL AGENDA

Date: Monday, 1 October 2018

Time: 2.00 pm

Venue: The Council Chamber, Moorlands House, Stockwell Street, Leek

21 September 2018

PART 1

1. Apologies.
2. Notification of Substitute Members, if any.
3. To Approve the Minutes of the Previous Meeting. **(Pages 3 - 6)**
4. Minutes from the last meeting of the Police and Crime Panel. **(Pages 7 - 12)**
5. Urgent Items of Business, if any. (24 hours notice to be provided to the Chairman).
6. Declaration of Interests:
 - Disclosable Pecuniary Interests
 - Other Interests
7. Questions to Portfolio Holders, if any.
(At least two clear days notice required, in writing, to the Proper Officer in accordance with Procedure Rule 15).
8. Support Staffordshire Projects Update - Esther Jones. (Presentation).
9. Fly-Tipping Update - Keith Parker, Head of Operational Services & David Smith, Principal Officer Communities and Partnerships. (Presentation).
10. Enforcement of Environmental Crime - Mark Trillo, Executive Director (People) and Monitoring Officer. **(Pages 13 - 20)**
11. Work Programme **(Pages 21 - 22)**
Any additional items to be added to the Work Programme:
 - Chair's Items
 - Members' Items

SIMON BAKER
CHIEF EXECUTIVE

Membership of Community Overview & Scrutiny Panel

Councillor A Banks (Chair)	Councillor T McNicol (Vice-Chair)
Councillor J Bull	Councillor S Ellis
Councillor E Fallows	Councillor D Grocott
Councillor B A Hughes	Councillor K J Jackson
Councillor P Jackson	Councillor J T Jones
Councillor L D Lea	Councillor M A Lovatt
Councillor M M Lovatt	Councillor L A Malyon
Councillor C Pearce	Councillor J Redfern
Councillor T Riley	Councillor D Shaw
Councillor P Wood	

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

**COMMUNITY OVERVIEW & SCRUTINY PANEL
MEETING**

Minutes

MONDAY, 9 JULY 2018

- PRESENT: Councillor A Banks (Chair)
- Councillors B A Hughes, M A Lovatt, L A Malyon, T McNicol,
C Pearce, T Riley and P Wood
- ALSO PRESENT: Councillor Johnson
- IN ATTENDANCE: Councillor Bowen - Portfolio Holder for Communities, Leisure,
Sport, Parks, Countryside & Housing
Councillor Ogden - Cabinet Support Member
- APOLOGIES: Councillors E Fallows, D Grocott, K J Jackson, L D Lea and
M M Lovatt

96 **TO APPROVE THE MINUTES OF THE PREVIOUS MEETINGS.**

DECIDED: That the Minutes of the Meetings of the Panel held on the 19th March
and 2018 and 5th June 2018 be approved as a correct record and
signed by the Chair.

97 **TO NOTE THE MINUTES OF THE LAST MEETING OF THE
STAFFORDSHIRE POLICE AND CRIME PANEL.**

DECIDED: That the Minutes of the Staffordshire Police and Crime Panel Meeting
held on 23 April 2018 be noted.

98 **NOTIFICATION OF SUBSTITUTE MEMBERS.**

There were none.

99 **DECLARATION OF INTERESTS.**

No declarations of interests were made.

100 **QUESTIONS TO PORTFOLIO HOLDERS.**

There were no questions to the Portfolio Holders.

101 **UPDATE ON GRAFFITI - CHIEF INSPECTOR MARK THORLEY.**

Community Overview & Scrutiny Panel - 9 July 2018

At the request of a member, Chief Inspector Mark Thorley updated the Panel on the current situation with graffiti in the area. For the instance at the Bus Station in Leek, the perpetrators had been identified and dealt with accordingly. Since then, some instances of graffiti had re-occurred in the town centre which had led to a number of juveniles accepting responsibility and referred to the Youth Offending Team.

Some graffiti had also been carried out on the railway carriages at the Churnet Valley Railway which was being dealt with by the West Midlands Police Force.

The local policing team had visited local schools and talked to children about graffiti, the dangers of swimming in the outdoors, fires and raised awareness of the SPACE scheme. This piece of work appeared to be successful as a reduction in the number of instances of graffiti had been seen.

Members asked questions relating to claiming costs and the removal of graffiti. It was confirmed that costs would need to be claimed through a civil court and the removal of graffiti was the responsibility of the owner of a property, which the Council could assist with at a cost. If the graffiti was in a public place this would be cleaned by the Council.

Discussion also took place around the recent moorlands fires in the area, the impact these had on the various authorities, an alleged spate of assaults and possible grooming. The Panel was advised to contact the Police should they have any concerns and the Council's Licencing Team.

The poor condition of the bus station in Leek was highlighted and a request was made for this to be looked into. Councillor Bowen would discuss this with Cabinet.

The Chair thanked the officer for attending the meeting.

DECIDED: That the update be noted.

102 **SCHOOL FUNDING LETTER UPDATE - ANDREW SHAW, EXECUTIVE HEAD OF THE LEEK FEDERATION.**

Further to a letter being sent to the Secretary of State for Education in relation to funding for schools, Andrew Shaw, Executive Head of the Leek Federation was in attendance at the meeting. He thanked the Panel for sending the letter; the Leek Education Partnership had noted and recognised the Panel's support on this matter.

The Executive Head explained that funding was going to be an ongoing issue, there was a difference in the calculations for funding of 2 and 3 tier school systems and representations had been made. Despite the letter stating that funding had increased for schools, in real terms schools had received a spending cut. The school continued to save where possible, for example working in collaboration with other schools, goodwill of staff and governors.

Councillor Bowen had recently attended a Local Government Association conference at which all Councils were in agreement that the increases in funding received were no where near enough.

Discussion also took place around redundancy, recruitment difficulties, and numbers of students attending Cambridge or Oxford from the north of the country and support for children with special needs.

Community Overview & Scrutiny Panel - 9 July 2018

The Panel thanked Andrew for attending the meeting.

DECIDED: That the update be noted.

103 **YOUR HOUSING GROUP (YHG) 6 MONTHLY UPDATE - SHARON WHEELER, PROPERTY MANAGER SOUTH & PAUL STANNERS, SERVICE MANAGER.**

The Panel considered a legacy agreement update report introduced by Sharon Wheeler - Property Manager South and Paul Stanners – Service Manager.

In February 2018, Eaton House closed and the Moorlands housing team moved to agile working. This involved using an office in Moorlands House and offering a drop-in service in Moorlands House reception one day a week. Face to face meetings with the YHG housing team were available to customers throughout the week. A dedicated free phonenumber which connected to Your Response (customer call centre, was available on reception at all times.

A central lettings team had also been set up which provided a more efficient service to the customers as the majority of 'sign ups' could now be done digitally.

Members were concerned that they had not received the points of view of the tenant representatives or any customer satisfaction data. Sharon Wheeler advised that the tenant representatives attended the meeting in November but since then they had stepped down and YHG were in the process of recruiting further members. It was mentioned that all housing associations experienced difficulties with customer involvement which the Panel sympathised with. Members suggested that an advertisement was placed in the local press and on the radio.

A member of the Panel requested clarification of 'agile working' and it was explained that agile working enabled staff to spend more time out on their patches to carry out area walk-about and meet with customers. Some members felt that this led to a reduced level of customer service, particularly for people living in rural areas and vulnerable customers. It was explained that less customers were going into the offices, events held within the community were poorly attended and home visits were available to tenants.

Discussion also took place around the current team structure, staffing numbers and work bases.

The Chair passed on his thanks to the officers for attending the meeting.

DECIDED:

- 1) That the update report be noted;
- 2) The importance of the tenant representatives being appointed for the next meeting be noted;
- 3) That the next update report include customer satisfaction data, feedback on agile working, an update on new builds and financial information for the repairs budget and untenable properties;

Community Overview & Scrutiny Panel - 9 July 2018

4) For a YHG Board Member to be in attendance at the next meeting.

104 **SAFEGUARDING CHILDREN AND ADULTS AT RISK OF ABUSE AND NEGLECT - DAVID SMITH, PRINCIPAL OFFICER - COMMUNITIES & PARTNERSHIPS .**

The Panel received a report which included an amended policy to reflect legislative and other changes since the Council last made revisions in 2016. The report also provided an update to Councillors on the Council's actions to meet its safeguarding duties.

The Council was committed to ensuring the safety and protection of people using its services. In response, the Council has developed policies and procedures to ensure that children and adults at risk of abuse and neglect were safeguarded when using services provided by or on behalf of the Council in accordance with the relevant legislation and statutory guidance.

The Council had established an officer group, chaired by the Executive Director (People) to co-ordinate the Council's response to safeguarding.

Recent actions included: updating the Council's safeguarding policy, providing safeguarding training for staff members; updating recruitment and training procedures, and reviewing staff safety arrangements. The Council had also supported the work of the Safer and Stronger Communities Strategy Group to safeguard the local community.

The Panel discussed the mechanisms for dealing with grooming and the importance of reporting any concerns members may have. It was also mentioned that disturbances in pubs had increased during the World Cup but a celebration parade had also taken place without any issues.

DECIDED: That the Panel notes the actions taken by the Council in response to its safeguarding duties and the amended Safeguarding Policy.

105 **WORK PROGRAMME**

DECIDED: The Panel considered its Work Programme and agreed the items listed, subject to, the Police Crime Commissioner being invited in relation to the new joint governance arrangements with the Fire Service.

The meeting closed at 3.50 pm

Minutes of the Staffordshire Police and Crime Panel Meeting held on 3 July 2018

Present: David Williams (Chairman)

Ann Edgeller
Peter Jackson
Carl Bennett
Randolph Conteh

Paul Darby (Co-Optee)
Roger Lees (Substitute)
Mr K. Walker (Co-Optee)

Also in attendance: Susan Finney (ETAP)

Apologies: Stephen Doyle, Brian Edwards, Jill Waring and Simon Gaskin

PART ONE

1. Appointment of Chairman

RESOLVED: That David Williams be appointed Chairman of the Panel for the ensuing year.

2. Appointment of Vice-Chairman

RESOLVED: That Paul Darby be appointed Vice-Chairman for the ensuing year.

3. Declarations of Interest

There were no declarations of interest on this occasion.

4. Minutes of the 'Ordinary' and Confirmation Hearing meetings held on 23 April 2018

RESOLVED: That the minutes of the Ordinary meeting of the Panel and of the Confirmation Hearing both held on 23 April 2018 be confirmed and signed by the Chairman.

5. Decisions published by the Police and Crime Commissioner

Details of decisions taken and published by the Police and Crime Commissioner since the last Panel meeting had been circulated to members..

Referring to decision ref: 2017/18 – 20, members sought clarification of the reasons for additional expenditure on the recently completed Lichfield Police Station, enquiring about the possible provision of a Custody Suite at that site. The Commissioner explained that the facility had been developed to provide a hub, particularly for Forensic Services and explained that the Business Case for the building of a further Custody Suite in the County was not economically viable.

On the issue of the Police Estate the Commissioner was asked to report on any future proposals for Police Station closures. Without specifying sites the Commissioner referred to the need to rationalise the Estate and to maximise the opportunities for shared facilities with other public sector agencies.

6. Questions to the PCC from Members of the Public

There were no questions from the public on this occasion.

7. Staffordshire Police and Crime Panel - Implications for Panel of transfer of Fire Governance to PCC

The Secretary reported that transfer of Fire Governance responsibility to the Police and Crime Commissioner was due to take place with effect from 1 August 2018. As a consequence this Panel would become the Police, Fire and Crime Panel for Staffordshire and would have additional roles and responsibilities in relation to the scrutiny of the Commissioner's Plans and Decisions in the capacity of Fire and Rescue Authority.

The Secretary outlined the requirement for the Panel to include amongst its membership a degree of knowledge and expertise on Fire and Rescue Services and reported on the intention to commission further training to complement that recently provided by the Local Government Association. In due course the Panel would also need to review the number and frequency of meetings to provide for the additional workload resulting from the extended remit once that workload had been assessed.

Referring to immediate actions required of members, the Secretary submitted, for approval, draft revised Terms of Reference and Procedural Rules for the Panel aimed at reflecting the new remit. Taking account of issues raised during the recent LGA training event the Secretary sought approval to an update to the draft Terms of Reference to include the requirement to scrutinise the Fire and Rescue Integrated Risk Management Plan or equivalent document.

RESOLVED: That the report be noted and proposed Terms of Reference and Procedure Rules for the Police, Fire and Crime Panel, including the addition to the Terms to include scrutiny of the Integrated Risk Management Plan be approved.

8. Annual Report on the Management of Complaints by/on behalf of the Panel

The Secretary to the Panel presented the 2017/18 Annual Report on the Management of Complaints, Purported Complaints or Conduct Matters against the Police and Crime Commissioner and Deputy Police and Crime Commissioner. In the main, the management of such complaints was delegated to the Secretary. He reported that whilst 2 complaints had been received neither had been entered into the formal process as they didn't meet the necessary criteria.

RESOLVED:- that the report be noted.

9. Staffordshire Police and Crime Panel - Home Office Grant 2017/18

The Secretary to the Panel presented his report on the allocation of the Home Office grant for the running costs of the Panel during 2017/18. The grant comprised £53,300 for administration and £11,040 for member expenses. A total of £60,622.04 had been claimed leaving £3,717.96 unclaimed.

Discussing the underspend Panel members noted the intention to increase the allocation to training to enable the Panel to fulfil its new Fire Governance scrutiny role.

The Secretary reported that the Home Office had yet to give notice of grant levels for 2018/19.

RESOLVED: - that the allocation of the Home Office grant 2017/18 be noted and published in accordance with conditions of that grant.

10. OPCC Update on transfer of Governance of the Staffordshire Fire and Rescue Service

The Commissioner gave an update on the progress of preparations for the anticipated transfer to him of Fire Governance responsibility from 1 August 2018.

For the immediate future the Commissioner was focussing on holding briefing meetings with all service employees. Post 1 August he would be prioritising moves to rationalise support services with the aim of developing one support function for the Police and Fire. He stressed that each service would remain operationally independent. In the longer term the Commissioner was seeking to widen the role of Fire Service personnel however there were national influences which affected local arrangements. He added that the Chief Constable's focus remained on delivering the new operational model aimed at increasing policing visibility.

Commenting on the progress of the transfer of the Staffordshire Fire and Rescue Service the Commissioner commended the positive approach being adopted by all levels of personnel within the service.

RESOLVED: That the Commissioner's update report be noted.

11. Annual Report of the Police and Crime Commissioner 2017/18

The Commissioner submitted his draft Annual Report 2017/18 for comment by the Panel.

In reporting on its content the Commissioner emphasised the ways in which the demands on policing had changed during his period of office due to the changes in the scale and complexity of the types of crime committed. By way of example the Commissioner reported that people are 20 times more likely to be a victim of crime online than in person. Additionally, public confidence in reporting crime such as serious sexual offences and domestic abuse had significantly increased, again placing greater demands on police resources.

The Annual Report detailed projects being delivered under each of the five themes adopted by the Commissioner in his Policing Strategy namely: Modern Policing, Early Intervention, Supporting Victims and Witnesses, Managing Offenders and Promoting Public Confidence.

RESOLVED: That the Annual Report be noted and the Panels key comments during discussion on its contents comprise the formal response the Commissioner.

12. Safer, Fairer United Communities for Staffordshire

a) General Update and Public Confidence Theme

Having discussed the Commissioner's Annual Report in detail (see minute 11 above) the Panel focussed their comments on the format of the Strategy updates with the OPCC requested to provide more specific information on progress made against set aims rather than overall summaries/position statements.

RESOLVED: That on behalf of the Panel, Mr Walker hold discussions with the Chief of Staff in the OPCC on the format for future monitoring/progress reports.

13. Staffordshire OPCC and Police Force Group Financial Position 2017/18

The Commissioner submitted an update on the provisional financial outturn for both the OPCC and the Force for 2017/18, as reported in the Group accounts, which showed a final (Group) outturn of £181,271m giving an overspend of £2,679m (1.5%).

Members queried a number of apparently wide variations in estimated and actual outturn amounts under major spend headings including those for IT and Transformation Projects. It was reported that some changes were due to a revision of accounting techniques in accordance with Codes of Practice. Other variations were attributable to the timing of financial transactions and receipt of Capital generated from land/property disposal.

Further budget lines were queried including the cost of the Commissioner's Office. Replying the Commissioner referred to the need to view his office as a Commissioning Organisation responsible for the provision of major service areas. He highlighted a transfer of funding from his Office to the Force primarily to support three specific areas of expenditure.

The Panel referred to their last meeting during which a Confirmation Hearing had been held for the post of Interim Chief Finance Officer and queries had been raised with the Commissioner on the reasons for the seemingly regular change of personnel in this post. Responding the Commissioner acknowledged the Panel's concerns and reported that there had been historical issues to address in terms of the financial management arrangements adopted by the Force who provided the majority of support to the Chief Finance Officer. He added that action to address those issues was nearing completion resulting in a more robust service. Most recently he had sought Interim appointments in view of his bid to secure joint governance of Police and Fire and the uncertainty about future requirements as shared support services were developed.

RESOLVED: That the financial position 2017/18 and the Commissioner’s response to concerns around the post of Chief Financial Officer be noted

14. Questions to the PCC by Panel members

Removal of Travellers

A member questioned the Commissioner on the perceived delays in police action to remove Travellers from land in their area. The Commissioner referred to the misconception that the removal of Travellers was a Police responsibility. Following his own enquiries into responsibility for dealing with recent issues at various locations in the County, a new advice note was being issued to the Police and to Local Authorities detailing the responsibilities of each. Members acknowledged the Travellers’ own familiarity with their legal rights and responsibilities and those of the Agencies. The fast – track system operated by Stoke-on-Trent City Council was cited as a successful approach.

Safer Neighbourhood Panels

The Commissioner was questioned on the ‘rumour’ that OPCC funding for Safer Neighbourhood Panels was to be withdrawn. The Commissioner reported his disappointment at the differing levels of commitment amongst local authorities to the organisation of the Panels as was expected of them. He was reviewing the degree to which the Panels were providing Value for Money and quoted those Panels operating within Stoke-on-Trent as examples which met his expectations.

Other Issues

Members of the Panel also questioned/sought the views of the Commissioner on the following issues and received the responses indicated:

Question	Response
Can the PCC explain why grant aid to Women’s Aid appear to have been reallocated to Victims Support	The matter is the subject of legal proceedings
Is the PCC addressing the alleged practice of senior officers retiring from the Force and immediately returning to posts in a civilian capacity	This is not practice and the appointment referred to by the member has been fully reviewed and was found to have been made via an open, transparent and accountable selection process.
What performance levels are being achieved by the 101 service	Performance varies depending on the demand for the 999 service which has to take priority. Caller to 101 are advised to take advantage of the call-back facility.
What progress has been made on the sale of the former Police HQ site	The sale is agreed and due diligence processes are now under way. The Capital Receipt will be forthcoming in due course.

15. Dates of Future Meetings and Work Programme

The Secretary submitted details of dates and the work programme for future Panel meetings commenting on the possible need to hold additional meetings together with training events in connection with the Panel's extended remit.

RESOLVED: That the current Work Programme be noted.

Chairman

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Community Overview and Scrutiny Panel

1 October 2018

TITLE:	Enforcement of Environmental Crime
PORTFOLIO HOLDER:	Councillor Mike Bowen – Portfolio Holder for Communities
CONTACT OFFICER:	Executive Director (People) and Monitoring Officer
WARDS INVOLVED:	All

Appendices Attached

Appendix A: Enforcement Activity

1. Reason for the Report

The report provides an update on environmental enforcement and proposes changes the levels of the fixed penalty notices set by the Council.

2. Recommendation

2.1 It is recommended that the Panel:

- i) notes the content of the report.
- ii) recommend that Cabinet approves the proposed changes to the fixed penalty payments and arrangements.

3. Executive Summary

3.1 Staffordshire Moorlands District Council adopted a revised policy on the enforcement of environmental crime in October 2017. This has resulted in increases in the number of fixed penalty notices issued for littering and dog fouling. The number of littering fixed penalties issued in 2017/18 was 48 compared to 30 in 2016/17 and one fixed penalty notice was issued for dog fouling compared to 2 in the previous year.

- 3.2 Between 1 April and 31 August 2018, there were 51 fixed penalties issued for littering and 1 for dog fouling.
- 3.3 The Government published its Litter Strategy for England in April 2017 and subsequently consulted on increasing the level of fixed penalty notices for environmental offences. This led to the introduction of the Environmental Offences (Fixed Penalties) (England) Regulations 2017 on 1st April 2018. This increased the amounts for certain fixed penalty notices. The Government has also introduced new fixed penalty notices for fly-tipping and littering from vehicles. It is proposed that the Council increases its fixed penalty notice charges and introduces the new powers to tackle fly-tipping and littering from vehicles.

4. How this report links to Corporate Priorities

- 4.1 The provision of high quality public amenities, clean streets and environmental health is a key priority under Aim 4 (To protect and improve the environment) of the Staffordshire Moorland District Council Corporate Plan 2015-19.

5. Options and Analysis

- 5.1 The Council is able to set its fixed penalty notice charges within certain statutory bands governing maximum and minimum levels. The maximum full penalties for littering, graffiti, fly-posting and unauthorised distribution of free printed matter have been increased from £75 up to £150. The minimum permitted early payment discount charge (the “lesser penalty”) is being increased from £50 to £65 from 1st April 2019.
- 5.2 It is proposed that the Council adopts a fixed penalty amount of £150 for each offence to deter environmental crime.
- 5.3 It is also proposed that the Council set the ‘lesser amount’ at £100 if paid within 10 days to encourage early payment.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

The approach to environmental enforcement assists the authority to address behaviour that adversely affects the environment.

6.2 Workforce

None.

6.3 Equality and Diversity/Equality Impact Assessment

Not applicable.

6.4 Financial Considerations

The report proposes changes to the levels of certain fixed penalty notices.

6.5 Legal

The report responds to recent legislative changes, specifically the introduction of the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016, the Environmental Offences (Fixed Penalties) (England) Regulations 2017, and the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

6.6 Sustainability

No specific implications.

6.7 Internal and External Consultation

Not applicable.

6.8 Risk Assessment

Not applicable.

7. Background and Detail

Introduction

- 7.1 Staffordshire Moorlands District Council adopted a revised policy on the enforcement of environmental crime in October 2017. The delivery of the policy was supported by the adoption of a revised approach for responding to environmental crimes involving education, enforcement and cleansing. Enforcement activity is primarily carried out by the Council's Environmental Enforcement Officers.
- 7.2 The officers carry out the patrols across the district and often work in isolated areas. There have been a number of incidents in recent years where the Council's Enforcement Officers have been threatened or assaulted but fortunately such occurrences are rare. In response, a new lone worker system is being introduced to manage the risk. This provides the officers with access to a 24/7 monitoring service via an emergency button on their mobile phone with GPS tracking.
- 7.3 Training has been provided for the Environmental Enforcement Officers, Street Scene Supervisors and others in January 2018. All supervisors were subsequently delegated the power to issue fixed penalty notices and issued with an authorisation card. The Street Scene Supervisors have also been asked to provide a monthly report on environmental

issues to allow the work of the Enforcement Team to be more effectively focussed.

- 7.4 Additional training has also been provided for those Council officers who work in the District's parks. This was delivered through team briefings to raise awareness of how to respond to problems in the parks, such as nuisance dogs. In terms of the latter, horticultural operatives will request that nuisance dogs are put on a lead and will escalate to their Supervisor (or police) as appropriate.
- 7.5 A new reporting book for Operational Services staff members is being introduced, which will make it easier for officer to report problems to the enforcement team. This will include reporting litter from vehicles (see below for legislative changes in relation to this). The number of reports will be monitored to check on effectiveness of the approach.

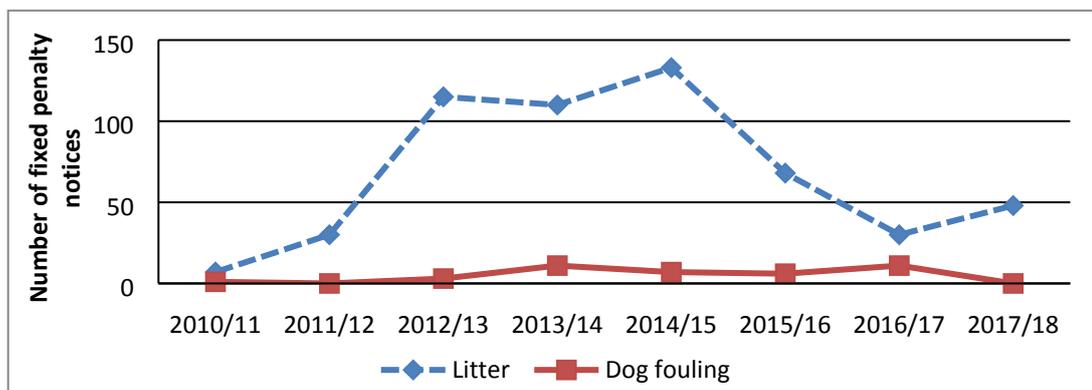
Legislative Changes

- 7.6 The Government published its Litter Strategy for England in April 2017 and, alongside, published a consultation document seeking views on whether the fines for littering and related offences should be increased given that the amounts had remained the same since 2006. Adjusting for inflation since 2006 means that a maximum penalty of £80 in 2006 would now be £100.44. In Wales, the maximum fine for littering offences is already £125.
- 7.7 This led to the introduction of the Environmental Offences (Fixed Penalties) (England) Regulations 2017 on 1st April 2018. This increased the amounts for certain fixed penalty notices. The maximum full penalties for littering, graffiti, fly-posting and unauthorised distribution of free printed matter have been increased from £75 up to £150. The minimum permitted early payment discount charge (the "lesser penalty") is also being increased from £50 to £65 from 1st April 2019.
- 7.8 It is recommended that the Council increases the fixed penalty notice charges for the above offences to £150 to help to deter people from committing environmental offences. In cases of demonstrable hardship, this amount could be paid in three equal instalments of £50 over three months.
- 7.9 It is also recommended that the Council adopts a lesser penalty amount of £100 if the penalty is paid within 10 days to encourage prompt payment.
- 7.10 The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 introduced the power for Councils to issue fixed penalties for small-scale fly-tipping offences. The maximum permitted penalty is £400 and lesser penalty must not be less than £120 for payment within 10 days of receipt of the notice. The only other enforcement route available is prosecution, which is both costly and burdensome (although littering fixed penalties can be issued for very minor offences).

- 7.11 It is recommended that the Council introduce the new power to issue fixed penalty notices for £400 with a lesser penalty amount of £300.
- 7.12 Littering from vehicles is a problem across the District. Although the Council is often able to identify the registered keeper from the vehicle registration, it is not always possible to identify who within the car discarded the litter. The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 came into force on 1st April 2018. This allows the Council, subject to certain conditions, the power to issue a penalty notice to the keeper of the vehicle in respect of any litter discarded from that vehicle.
- 7.13 The amount of the penalty would be the same as that set by the authority for littering. If a fixed penalty is not paid in full within the fixed penalty payment period (normally 28 days), the amount of the fixed penalty increases by 100% with effect from the day after the last day of the fixed penalty payment period. Any unpaid amounts would be recovered as a civil debt. An individual may appeal against a notice and has the right for any rejection of their appeal to be heard by an adjudicator. The Council would need to pay the costs associated with the adjudication process.
- 7.14 There are some practical barriers in introducing the new approach within the District. In particular, the Traffic Penalty Tribunal, who would act as adjudicators in the case of appeals, requires all authorities to operate an electronic system for issuing fixed penalty notice. It is recommended that the Council adopts, in principle, the new powers for responding to littering from vehicles and that the Portfolio Holder be given authority to approve the commencement of issuing notices under the new regime provided a cost-effective mechanism for operating the system can be identified.

Litter and Dog Fouling

- 7.15 The number of fixed penalties issued for littering and dog fouling are shown in the figure below.



- 7.16 The number of littering fixed penalties issued in 2017/18 was 48 compared to 30 in 2016/17 (a 38% increase). One fixed penalty notice was issued for dog fouling compared to 2 in the previous year.
- 7.17 From 1 April to 31 August 2018, there were 51 fixed penalties issued for littering and 1 for dog fouling.

Fly-tipping

- 7.18 There were 403 reported fly-tips in the District in 2017/18 compared to 464 in the previous year.

Abandoned Vehicles

- 7.19 In 2017/2018, the Council received 18 reports that a vehicle had been abandoned. Of these:
- 6 were subsequently removed by the owner;
 - 6 were not present when the officer visited.
 - 2 were not deemed to have been abandoned;
 - 2 were removed by the Council; and
 - 2 cases are on-going.
- 7.20 The webform for reporting abandoned vehicles has been updated to encourage complainants to provide additional information to assist with the investigation of their complaint. In particular, the form now asks additional information about the condition of the vehicle, which links to Defra guidance on the common characteristics of abandoned vehicles. There is no legal definition of abandoned and local authority officers must use their discretion when making decisions on abandonment. This new webform will hopefully reduce the need for repeated visits to a reported vehicle to obtain background information.
- 7.21 A webform has also been created to allow the registered keeper of vehicles that have been reported to the Council as abandoned to inform the Council about their intention with regards the vehicle. The webform asks the following questions to assist the Council to appropriately respond to the complaint:
- How long has the vehicle remained stationary in its current location?
 - How often is the vehicle used?
 - What is the vehicle used for?
 - Who uses the vehicle?
 - Is the vehicle roadworthy?
 - What do you intend to do with the vehicle in the future?

Mark Trillo

Executive Director (People) and Chief Monitoring Officer

Background Papers**Location****Contact details**

Litter Strategy for England

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630999/litter-strategy-for-england-2017-v2.pdf

David Smith x 4165

The Environmental Offences
(fixed Penalties) (England)
Regulations 2017

<https://www.legislation.gov.uk/uksi/2017/1050/contents/made>

The Littering From Vehicles
Outside London (Keepers: Civil
Penalties) Regulations 2018

<http://www.legislation.gov.uk/uksi/2018/171/contents/made>

Appendix A: Enforcement Activity

Type of Action	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
<i>Dog Fouling FPN</i>	2	10	30	20	12	5	2	1	1
<i>Litter FPN</i>	7	30	115	110	133	68	30	48	51

2018/19 figures show activity from 1st April 2018 to 31st August 2018.

Community Overview & Scrutiny Panel - Work Programme 2018/19

Date	Items for Agenda
09 July 2018	
	Safeguarding Update
	Your Housing – 6 monthly update
	Graffiti
	Funding for schools Letter
01 October 2018	Jill Norman – Support Staffordshire Projects Update
	Fly-Tipping
	Environmental Enforcement
26 November 2018	Joint Governance Arrangements - Matthew Ellis – Staffordshire Commissioner : Police-Fire & Rescue-Crime
21 January 2019	Your Housing – 6 monthly update
18 March 2019	

Key Organisations to Invite/ Schedule Annually

Staffordshire Commissioner - Annual Update
Your Housing – 6 Monthly Update
Fire Service Annual Update
Citizens Advice Bureau Annual Update
Location of the Job Centre Plus, following the roll-out of Universal Credit for the Moorlands in September 2018. (Nearest offices Glossop, Buxton or the Potteries)
Local Policing Team – Annual Update

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