



COMMUNITY OVERVIEW & SCRUTINY PANEL AGENDA

Date: Monday, 22 March 2021

Time: 6.00 pm

Venue: Virtual Meeting

12 March 2021

PART 1

1. Apologies.
2. Notification of Substitute Members, if any.
3. To Approve the Minutes of the Previous Meeting. **(Pages 3 - 8)**
4. Minutes of the last meeting of the Staffordshire Police, Fire and Crime Panel. **(Pages 9 - 14)**
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. Household Duty of Care. **(Pages 15 - 18)**
9. Climate Change Action Plan. **(To Follow)**
10. Work Programme **(Pages 19 - 20)**
Any additional items to be added to the Work Programme:
 - Chair's Items
 - Members' Items

MARK TRILLO
EXECUTIVE DIRECTOR AND MONITORING OFFICER

Membership of Community Overview & Scrutiny Panel

Councillor D Shaw (Chair)

Councillor J Aberley

Councillor G Heath

Councillor K Hoptroff

Councillor B Johnson

Councillor K Martin

Councillor P Roberts

Councillor P Taylor

Councillor P Wood

Councillor T McNicol (Vice-Chair)

Councillor G Bentley

Councillor I Herdman

Councillor B A Hughes

Councillor J T Jones

Councillor T Riley

Councillor L Swindlehurst

Councillor R Ward

Councillor N Yates

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

COMMUNITY OVERVIEW & SCRUTINY PANEL MEETING

Minutes

MONDAY, 1 FEBRUARY 2021

PRESENT: Councillor D Shaw (Chair)

Councillors J Aberley, G Bentley, G Heath, I Herdman, K Hoptroff, B A Hughes, B Johnson, J T Jones, K Martin, T Riley, P Roberts, L Swindlehurst, P Taylor, R Ward, P Wood and N Yates.

ALSO PRESENT: Councillor C J S Atkins, B Cawley, M Gledhill, S Coleman, T Holmes, M Bowen, M A Deaville, K J Jackson, J Salt, A Hart, P Routledge, S Scalise, I Plant, E Fallows, L Page, J Porter and L A Malyon.

25 NOTIFICATION OF SUBSTITUTE MEMBERS, IF ANY.

As part of the opening comments for the meeting, the Chair advised members that the Council's Climate Change Action Plan would be presented to the next meeting of the Panel, prior to it being considered by Cabinet for approval.

There were no substitute members for this meeting.

26 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING.

DECIDED: That the minutes of the meeting of the Panel held on the 23rd November 2020 be approved as a correct record and signed by the Chair.

27 DECLARATION OF INTERESTS:

Agenda No.	Member Declaring Interest	Nature of Interest
Agenda Item 8 – Call-in of the Delegated Decision - Discretionary Disabled Facilities Funding for a Project at South Moorlands Leisure Centre.	Cllr P. Routledge	Other – Daughter is a volunteer at the Leisure Centre
	Cllr D. Shaw	Other – The group he represents in Werrington has benefited from a disabled facilities grant.
Agenda Item 6 - Local Policing Team Annual Update	Cllr J. Porter	Other – Member of the Staffordshire Moorlands Safer Neighbourhood

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		Panel.
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28 **QUESTIONS TO PORTFOLIO HOLDERS, IF ANY.**

1. Question received from Councillor Yates:

“Having considered The Climate Change Action Plan current version at the recent working group session and in anticipation of the full debate at the next Scrutiny on the final version of The Climate Change Action Plan, could The Portfolio Holder comment now on whether the final version will include additional information to ensure the timely, costed, and resourced delivery of the action plan, to ensure our target of achieving a Carbon Neutral district by 2030 will be achieved?”

Response from Councillor Porter – Portfolio Holder for Climate Change & Biodiversity:

The version of the Climate Change Action Plan presented to the working group in January represented work in progress. As explained at the working group the action plan will be in two parts. Part one is focused on the Council’s own CO2 emissions, part two is focused on the wider CO2 emissions of Staffordshire Moorlands. The intention is to have part one ready in detail for discussion at Scrutiny prior to its adoption and implementation from April 2021. Currently further work is being undertaken on part one to verify the baseline data in the plan, to identify budget and resource implications and to add more target date detail where I can. It should be noted however that the plan is dynamic with further actions, costing and target setting to be included as options are investigated.

The intention with part two of the plan is to continue its development through the working group. The aim is to have this element of the work progressed sufficiently by the summer to undertake community engagement, to then finalise that part of the plan and produce a more publicly accessible version of the whole document (part one and two) which I’ve described as the Carbon Neutrality Charter in time for the United Nations Climate Change Conference COP26 in November 2021.

While I don’t anticipate part two of the plan being completed until the autumn a number of actions which the Council is taking have already been identified and others suggested for development. The Council will continue to progress these actions and for the time being until part two of the plan is finalised we will list these actions and associated targets as an Appendix to part one of the plan.

The Portfolio Holder was thanked for his comprehensive response, however Councillor Yates felt that it had taken too long to produce the action plan, in light of the deadline for the Staffordshire Moorlands to be carbon neutral by 2030. He also requested that any orchard initiatives were discussed with the Climate Change Working Group. Councillor Porter explained that the plans couldn’t be rushed, great progress was being made and that the Panel would have the opportunity to scrutinise part 1 of the action plan at the next meeting. In terms of the orchards, they had recently been announced and he had attended the Parish Assembly and meetings of parish and town councils. He intended to work with Biddulph Town Council to identify the correct sites in the area and gave assurance that the working group would be kept updated.

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The Panel considered a briefing note which set out details of operational policing in the area for the last 12 months. Chief Inspector Thorley, advised members that the three national lockdowns had led to many changes in the demand generated for the Moorlands Neighbourhood Policing Team. The majority of residents had adhered to the restrictions, and given the impact of the virus on staffing levels, a good quality policing service had been provided.

Last year, there had been a 15% reduction in recorded crime. This year, he was pleased to report further crime reductions which were detailed in the briefing note. Whilst some of the reductions in crime were due to the hard work of his team, some were also a direct consequence of the impact Coronavirus had on our community.

Members congratulated the Policing Team for their continued dedication and hard work during the pandemic. The following questions and queries were raised: -

Mental Health – Staff had access to a welfare support network and should any potential issues be identified these would be referred to supervisors and support was provided.

Implementation of changes to regulations – The Legal Team responded to rapid changes in legislation and provided guidance for officers. Staff also attended daily briefings with supervisors.

Non-molestation orders and domestic violence – The Panel was advised that domestic abuse could have decreased due to the closure of pubs and drugs had become more difficult to obtain. A councillor had concerns about a person being at risk of violence and the cost of a non-molestation order preventing an order being put in place. The processes/actions taken by the Police in these circumstances were explained and costs could be involved should a solicitor be required. A multi-agency meeting was held regularly at which reports of repeat incidents were discussed.

Discussion took place around areas prone to drug dealing, problems associated with mass tourism in the rural areas of the Moorlands and response times of officers travelling from Hanley. Officers hadn't been advised when they would receive their Covid-19 vaccination.

Councillor Bentley described an incident of burglary from a van which involved CCTV footage and requested an update which would be discussed outside of the meeting.

The Chair thanked Chief Inspector Thorley for his attendance at the meeting.

DECIDED: That the update be received.

30

PUBLIC SPACES PROTECTION ORDER - ALCOHOL EXCLUSION ZONES

David Smith – Principal Officer (Communities and Partnerships), introduced a report which set out measures to improve community safety by restricting on-street drinking in Biddulph, Cheadle and Leek.

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The two main tests which had to be met for the introduction of such an order were highlighted: -

- Behaviour which had caused or may cause a detrimental effect on the quality of life of those in the locality, and
- were likely to be of a continued or persistent nature and were therefore unreasonable.

The possibility of recreation grounds being included in the order was mentioned and it was confirmed that this had been considered, areas had been largely selected in consultation with the Police and there had to be a persistent problem for an area to be restricted.

In response to a query around outside bars at festivals, it was explained that there were a number of exemptions to the order, such as licenced pubs.

DECIDED:

The Panel recommended that: -

- 1) Cabinet agreed to carry out the necessary consultation, publication and notification in relation to the draft Order appended to the report.
- 2) Cabinet subsequently approved the draft Order by Delegated Decision unless the responses from the consultation necessitate material changes to the draft Order.

31 **CALL-IN OF THE DELEGATED DECISION - PROPOSAL FOR USE OF DISCRETIONARY DISABLED FACILITIES FUNDING FOR A COMMUNITY PROJECT AT THE SOUTH MOORLANDS LEISURE CENTRE, CHEADLE (7:10 P.M)**

The Portfolio Holder had considered a report which sought approval for the use of discretionary Disabled Facilities Grant (DFG) funding for a community project at the South Moorlands Leisure Centre, Allen Street, Cheadle. The report determined the scope of the eligible works and the commensurate level of funding to be approved.

The decision made was: -That approval was granted for the use of DFG funding to the community project at South Moorlands Leisure Centre on the terms set out in the report.

Following this decision, call-in requests had been received from Councillors: - C. Atkins, L. Swindlehurst, K. Hoptroff, M. Gledhill, N. Yates and B. Cawley.

The call-in request confirmed the following principles of decision making which they believed had not been adhered to:

- taking due regard of all relevant considerations and disregarding irrelevant considerations;
- respect for human rights and equalities;
- a presumption in favour of openness; and

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- clarity of aims and desired outcomes.

Councillors detailed their concerns below: -

- 1) Although we fully support the use of Discretionary Disabled Facilities Grants to provide much needed Changing Places Facilities within Staffordshire Moorlands, the lack of consultation, clear aims and openness over the plans for the development of Cheadle town centre raise doubts over whether it is appropriate to allocate such funding to South Moorlands Leisure Centre as its future is now uncertain.
- 2) The cost of providing the Changing Places Facility at over £29,000 needs to be properly scrutinised before such payments are sanctioned to demonstrate that this is 'excellent value for money' as stated.
- 3) If equalities are to be properly respected, all relevant sites within Staffordshire Moorlands should be assessed for the provision of such vital Changing Places Facilities to ensure their maximum use and accessibility. This requires a strategic assessment taking on board all relevant considerations rather than just accepting a single bid.

The Labour Group highly valued Changing Places facilities as they were hugely beneficial for those with profound disabilities, however they didn't want the funding to be spent on short term initiatives due to the redevelopment of Cheadle town centre.

Members gave accounts of substandard works funded by disabled facility grants and residents that had not been able to receive the funding despite their disabilities. Some members were critical of the level of service provided by Millbrook Healthcare and felt that disabled facility grants were not promoted adequately in the area. The point was raised that around only half the budget had been spent which was a concern for some members and that there were 3 other Changing Places facilities in the area.

The Portfolio Holder explained that individual cases of poor quality works and customer service was a separate issue to the call-in of the decision. He confirmed that all applications made under this scheme had been funded and all applications received would be considered.

The redevelopment of the leisure offering in Cheadle was a long-term project and therefore, this grant funding would provide improved disability access to the Leisure Centre now.

The provision would benefit the wider community and visitors to the area. It would also encourage the use of the Leisure Centre and other nearby attractions. Lex Leisure had applied for this funding, with a costed solution and would contribute towards the works. This was a viable scheme and was one of several applied for across the Moorlands. In terms of value for money, the quoted costs were below the market average for facilities of this nature. The applicant would invest a contribution

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of £3,400.00 towards the project, and so the contribution sought from the Council was £25,750.00.

The adapted changing rooms would be used by Paddles Swimming Club and the centre would actively promote the facilities to other clubs and individuals in the area. Other members agreed that the facilities were needed in Cheadle and that the area required investment.

The Portfolio Holder confirmed that he had given careful consideration to the report before he had made his decision.

The matter was then put to a named vote as follows:-

In favour of the Call-in:

Councillors: Hoptroff, Swindlehurst, Taylor and Yates (4)

Against the Call-in:

Councillors: Aberley, Bentley, Heath, Herdman, Hughes, Johnson, Jones, Martin, Riley, Roberts, Shaw and Ward (12)

DECIDED:

In accordance with the procedure for consideration of Call-ins at Overview & Scrutiny Panel meetings, the Panel decided **not** to refer back the decision to the relevant Portfolio Holder for reconsideration, the Portfolio Holder be asked to note or take account of concerns as he sees fit without holding up the implementation of the decision.

32 **WORK PROGRAMME**

The Panel considered its Work Programme and agreed the items listed.

DECIDED: That the Work Programme for 2020-21 be agreed.

The meeting closed at 8.15 pm

_____Chairman _____Date

Minutes of the Staffordshire Police, Fire and Crime Panel Meeting held on 15 February 2021

Present: Stephen Sweeney (Chairman)

Lesley Adams
Ann Edgeller
Brian Edwards

Tony Holmes
Helena Maxfield
Alan Pearson

Also in attendance: Matthew Ellis, Glynn Dixon, David Greensmith, Sue Finney (Observer representing the ETAP).

Apologies: Paul Darby, Simon Gaskin, Keith Walker and Ashley Yeates

PART ONE

9. Declarations of interest

No declarations of interest were made at the meeting.

10. Questions to the PFCC from Members of the Public

No questions were submitted in time for this meeting.

11. Proposed Fire and Rescue Budget and Precept 2021/22

The Commissioner introduced his report which set out the proposed budget and precept proposals for the Fire and Rescue Authority for 2021/22.

The Panel received a presentation from the Chief Finance Officer, which was considered along with the Fire Revenue Budget Report (including the MTFs and Precept).

It was reported that the Settlement Funding for 2021/22 was £14.571million made up of; Revenue Support Grant (RSG) which had been set at £4.777million; Local Business Rates revenue of £3.735million and Business Top up of £6.059million. It was noted that the RSG had reduced by £9million since 2012.

The total budget requirement for the service was £42,404million. The Commissioner was proposing to part fund the balance from Council Tax funding of £27.406 million and proposed an increase of 1.99% per annum (£1.54 pa per Band D property). The Commissioner informed the Panel that this figure was below the permitted limit of 2%.

Referring to Appendix 1 of the report, it was explained that the Pay costs had reduced, mainly due to the Joint Emergency Transport (JET) staff transferring from the Fire Service to Police employment which had reduced the budget by £600,000. The Supplies and services cost had increased due to proposed investment into IT (Office 365 and 'Fire watch').

The Medium-Term Financial Strategy (MTFS) showed a gap of £1.7 million identified for 2022/23 which would increase to £2.9million by 2025/26. The gap was based on the assumption that the level of RSG would continue to reduce beyond 2021/22 pre-empting the outcome of the Comprehensive Spending Review and the impact of the results of the Fair Funding Review. The MTFS also assumed additional pension costs resulting from the Sargeant/McCloud pension remedy and the impact of the 2020 Firefighters Pension Scheme valuation. A 5% increase in employment contributions had therefore been included in the MTFS from 2022/23.

The Panel also considered the following documents:

- The **Treasury Management Strategy** for 2021/22 which set out proposals for the management of the Fire Authorities cash flows, borrowing and investments and the risks of a changing interest rate on borrowings and investments and the risks of a potential loss of invested funds.
- The **Reserves Strategy update** paper considered the overall level of reserves held by the Authority at 31 March 2020. The paper focused on two key areas of reserves that impacted on the future financial strategy. These were the General Reserve balance forecast as at 31 March was £1.9million and Earmarked (specific) Reserves, to meet future or predicted requirements balance at 31 March 2021 was forecast to be £6.8million. Overall, the level of Earmarked reserves had reduced by over £2million during the last four years and was forecast to reduce to approximately £4.1million by 2025/26.
- The Fire Authorities **Capital Strategy and Capital Programme 2021/22 to 2023/24** (Including Minimum Revenue Provision Policy).

Following a question on the collection funds and Appendix 4 and 5 of the main Budget and Precept report, it was explained that the Council Tax surplus /deficit Appendix would normally show a surplus but due to the pandemic, there was a deficit of £602,258 due to the impact of collection fund. Appendix 5, the tax base by authority table, would normally showed an increase in tax base but again due to the pandemic and more people receiving Council Tax support during the year, this had reduced by 1.17%. The Chief Finance Officer felt that the Local Tax Support Grant would support the reduction at the moment but there was concern over future years.

Members of the Panel asked for more detail on the Sargeant and McCloud case which had been mentioned in the report and presentation, and the impact on the pension fund. It was explained that the Public Sector Pension reform in 2014/15 had led to age discrimination in some cases. These had been reviewed and some were now being transferred back to their legacy scheme. This had a financial impact on the service and potentially meant that employees could retire earlier, which was leading to workforce planning problems. The Panel were concerned that this would have long term implications and challenges for the service.

The Panel were informed that utilities and special service charges, which included additional services which could be purchased from the Fire Authority e.g. fire investigation interviews, were reviewed annually.

Work to the Abbots Bromley Community Fire Station was due to start soon. This was to provide facilities for female staff and ensure the station was fit for purpose.

The Panel noted that the Settlement was for one year only in view of Government's Spending Review and felt that this was a challenging financial position which made future planning difficult. The current Covid-19 pandemic had had a significant impact on the tax base and deficits on collection funds from 2020/21.

The Panel adjourned to consider their response to the Commissioners budget and precept proposals. Upon reconvening, the Panel unanimously:

RESOLVED:

- a. That the report be noted.
- b. The total 2021/22 net revenue budget requirement of £41.977million and funding based on the Final Local Government Financial Settlement, including business rates information, be noted.
- c. That the proposed budget and Precept increase of 1.99% (£1.54 per annum, per household (Band D)) be supported and the Commissioner be notified accordingly.
- d. That the Council Tax base decrease to 348,733 properties, equivalent to a decrease of 1.2% and the Council Tax collection fund delivering a deficit of £67,100 and the option to spread the £102,000 per annum deficit attributable to Covid-19 over 3 years be noted.
- e. The MTFs summary financials and MTFs assumptions as detailed in the report, be noted.
- f. That the budget gap of £2.9million by 2025/26, driven by the assumptions around reduced levels of Revenue Support Grant, in addition to cost pressures which includes ongoing pay pressure and increased Firefighters Pension costs be noted.
- g. That the proposed three-year Capital Investment Programme and the Capital Strategy and Capital Programme Paper be noted.
- h. That the outcome of the Staffordshire Commissioner's budget consultation document which included a survey to ascertain the opinion of the residents of Staffordshire and Stoke on Trent with regard to the local precept be noted.
- i. That the proposed fees and charges for 2021/22 be noted.
- j. That the Statement from the Director of Finance / S151 Officer on the robustness of the Budget and adequacy of the proposed financial reserves be noted.

12. Fire and Rescue Service Safety Plan 2020-2024 Update Report

The report provided the Panel with an update on the delivery of the Staffordshire Fire and Rescue Service Safety Plan (SP), Integrated Risk Management Plan (IRMP).

Following the transfer of governance from the Stoke-on-Trent and Staffordshire Fire and Rescue Authority to the Staffordshire Commissioner, a new Safety Plan 2020-2024 was developed which was published in August 2020.

The Safety Plan was designed to underpin the Staffordshire Commissioners Fire and Rescue Plan and four priorities for the Service were determined following consultation across Staffordshire in 2020.

The four priorities that the Service was delivering against were:

- Prevention and Early Intervention
- Protecting Staffordshire and its people
- Public Confidence
- Service Reform

Detail on the priorities and the progress to date was contained in the report.

It was explained that the Princes Trust work had stopped during the pandemic but there were plans to start again when it was safe to do so. Similarly, the Cadets scheme would also be reinstated.

The Safe and Well visits had been reduced during 2020 and the service was being provided through a revised approach using either telephone advice only; telephone advice and smoke alarms dropped off at the door for the occupier to fit; and for residents with an immediate threat to life telephone advice and a full safe and week physical visit.

The Panel asked why Road Traffic Incidents was a key performance indicator. It was explained that this was work mainly done through the Safer Roads Partnership and mainly involved making vehicles or the areas safe after accidents.

Along with the Safety Plan, the Commissioner presented an inspection letter from Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS). The Inspection was carried out between the 19 and 30 October 2020.

In the report it was noted that staff absence had increased by 63% from April to June 2020. Members asked for more information on staff absences during 2020 for both Fire and Police services and if the absence had been due to Covid-19.

The Panel asked how many high-rise blocks of flats were in Staffordshire and what the situation was regarding cladding. The Commissioner agreed to provide the information to the panel but confirmed that there was no ACM cladding in Staffordshire. Sprinkler systems in flats were the priority and work was taking place with the relevant Local Authorities to address this.

The Panel and the Commissioner expressed their sincere thanks to the Fire and Rescue Service for all their work during the pandemic, particularly the work with the vaccination programme.

RESOLVED:

- a) That the delivery of the Safety Plan 2020 – 2024 and the Covid19 inspection report be noted.

- b) That information on staff absences during 2020 for both Fire and Police services and the reason absence be forwarded to the Panel.
- c) Information on the number of high-rise blocks of flats in Staffordshire and the situation regarding cladding be forwarded to the Panel.
- d) The Chairman, on behalf of the Panel write to the Fire and Rescue Service expressing their sincere thanks for all their work during the pandemic.

13. Covid-19 Inspection: Staff Fire and Rescue Service

The inspection report was considered under the previous item (Safety Pan).

14. Questions to the PFCC by Panel Members

There were no questions asked under this heading.

15. Dates of Future Meetings and Work Programme

The reserved date of 22 February was no longer need for a meeting and would be cancelled.

RESOLVED – That the dates future meetings be noted.

Chairman

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Community Overview & Scrutiny Panel

22 March 2021

TITLE:	Household Duty of Care
PORTFOLIO HOLDER:	Councillor Sav Scalise - Portfolio Holder for Environment
CONTACT OFFICER:	David Smith - Principal Officer Communities & Partnerships
WARDS INVOLVED:	(All Wards)

Appendices Attached – None

1. Reason for the Report

- 1.1 To help to prevent unlawful depositing of waste within the District by agreeing the level of fixed penalty notices that can be issued to those individuals that do not take reasonable measures to ensure proper disposal of their household waste.

2. Recommendation

- 2.1 For the Panel to recommend that Cabinet sets the fixed penalty amount for failure to comply with the household duty of care at the maximum permitted level of £400.

3. Executive Summary

- 3.1 Occupiers of domestic properties in England have a duty to take reasonable care of the waste that they produced (the 'household duty of care').
- 3.2 Anyone who fails to comply with the household duty is liable on conviction to an unlimited fine. As an alternative to prosecution, local authorities have the power to issue a fixed penalty notice.
- 3.3 Currently, the fixed penalty amount is set by statute at £200 with no reduction for early payment.

4. **How this report links to Corporate Priorities**

4.1 Aim 4: To protect and improve the environment and respond to the climate emergency.

5. **Alternative Options**

5.1 The Council could keep the fixed penalty amount at the statutory level (£200) with no reduction for prompt payment.

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

The proposal would assist the Council to address environmental crime

6.2 Workforce

Responsibility for enforcement will rest with the current Enforcement Officer.

6.3 Equality and Diversity/Equality Impact Assessment

The fixed penalty amount will apply equally to all.

6.4 Financial Considerations

The Council will need to revise the fixed penalty notice booklets to reflect any changes.

6.5 Legal

The power to prosecute for failure to comply with the duty of care in respect of household waste, or to offer a fixed penalty notice, as an alternative is found within s34 (2A) Environmental Protection Act (EPA) 1990 and the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018/1227 Pt 2 reg.3(2).

6.6 Climate Change

None

6.7 Consultation

N/A

6.8 Risk Assessment

N/A

Mark Trillo
Executive Director (People) and Monitoring Officer

**Web Links and
Background Papers**

Contact details

David Smith
Principal Officer Communities &
Partnerships
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7. Detail

- 7.1 Occupiers of domestic properties in England have a duty to take reasonable measures to ensure that any household waste is only transferred to (i) an authorised person or (ii) a person for authorised transport purposes. This is commonly referred to as the 'household duty of care'.¹ Authorised persons includes waste collection authorities and registered carriers of controlled waste.
- 7.2 Anyone who fails to comply with the household duty is liable on conviction to an unlimited fine. As an alternative to prosecution, local authorities have the power to issue a fixed penalty notice.² Councils can set the fixed penalty amount between £150 and £400 (inclusive). By default, the amount is set at £200 by statute. Councils can also introduce a reduced amount of no less than £120 if payment is made within 10 days to encourage prompt resolution of matters.
- 7.3 To successfully prosecute someone for fly-tipping, the Authority must show that they deposited controlled waste (or knowingly caused or knowingly permitted it to be deposited) on land without authorisation. This can be difficult to prove beyond reasonable doubt when waste containing identifiable material is found on land within the district without any witnesses to the deposit of the waste.
- 7.4 It is generally easier to prove that the owner of the illegally deposited waste did not comply with their duty of care and failed to transfer their household waste to an authorised person. Increased use of this power would hopefully increase enforcement levels, discourage people from depositing waste themselves or from passing it onto unlicensed waste collection services.
- 7.4 The Council's Constitution delegates the authority to enforce the provisions of Part II of the Environmental Protection Act 1990, which includes the household duty of care, to the Chief Executive and Executive Director. However, the Council has not set levels for the associated fixed penalty amounts and thus the statutory default of £200 with no reduction for prompt payment.

¹ s34 (2A) Environmental Protection Act (EPA) 1990

² Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018/1227 Pt 2 reg.3(2)

7.5 In general, the Council will seek to issue a fixed penalty notice in response to someone's failure to comply with their household duty of care but this will be decided by the authorised officer on a case-by-case basis taking into account all relevant facts. There are a number of situations when the Council would consider that the issuing of a fixed penalty notice may not be appropriate and instead would seek to prosecute under the relevant legislation in accordance with the Council's Policy on the Enforcement of Environmental Crimes . These include:

- Large-scale depositing of waste items.
- When the offence is committed by someone that has previously received a fixed penalty notice for the same offence; and
- Where the offender is aggressive to an Enforcement Officer(or other staff member and/or refuses to provide their name and address.

Community Overview & Scrutiny Panel - Work Programme 2020/21

Date	Items for Agenda
27 July 2020	
	COVID-19 – Community Recovery
5 October 2020	
	Your Housing Group – waiting to confirm 6pm start is ok
	Climate Change Update Report
	Early Outcomes Fund Project TBC
23 Nov 2020	
	Staffordshire Commissioner Annual Update
	Early Outcomes Project Fund
	Wildfire Public Spaces Protection Order
1 Feb 2021	
	Public Spaces Protection Order - Alcohol Exclusion Zones
	Local Policing Team Annual Update
	Call-In - Disabled Facilities Grant - South Moorlands Leisure Centre
22 March 2021	
	Climate Change Action Plan
	Household Duty of Care

Key Organisations to Invite/ Schedule Annually and Additional Items

Staffordshire Commissioner Annual Update
Local Policing Team Annual Update
Your Housing – 6 Monthly Update
Fire & Rescue Service Annual Update
Citizens Advice Bureau Annual Update
Assets of Community Value
Refreshed Community Safety Strategy
Update - Levels of Pollution and the Air Quality Action Plan

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