



District Enforcement Pilot Scheme Task Group

Draft Report

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**Overview & Scrutiny Committee
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Introduction

Wyre Council first introduced the pilot scheme with District Enforcement on 5 September 2018, it was agreed that the council would enter a 12-month environmental enforcement trial with District Enforcement. The agreement was then extended the on 12 March 2021 for another year (until March 2022) to allow further consideration of data covering a greater period and to enable the findings of the Overview and Scrutiny Committee to be considered along with the Life In Wyre Survey – both of which had been delayed. To enable these factors to be considered whilst maintaining the service; it was felt a further extension was appropriate.

The current pilot agreement involves District Enforcement undertaking specialist enforcement services to address environmental crime issues such as dog fouling, littering and other dog control measures under the Public Space Protection Orders on behalf of Wyre Council.

There was a suspension of District Enforcement between March 2020 and July 2020 during the first Covid-19 lockdown. However, Wyre had been in a high alert level and Lancashire being in Tier 3 for a considerably longer period. Therefore, District personnel have more recently been utilised to support the council to help people have confidence to get back to supporting their local high street shops. They have also been deployed to provide guidance to businesses as part of new Covid-19 Marshalling duties through a separate arrangement.

A task group to review the pilot scheme was originally commissioned at the Overview and Scrutiny Committee meeting held on Monday 22 July 2019. Due to the unforeseen circumstances, created by the Covid-19 pandemic and subsequent lockdowns, the work on this review was halted since early March 2020. The Overview and Scrutiny Committee at their 19 July 2021 meeting decided to recommission the District Enforcement Pilot Task Group. The first meeting back was held on 25 August 2021.

This report includes a summary of evidence from before and after the pause of the review. The evidence included in this report has been analysed to formulate conclusions and recommendations.

The Overview and Scrutiny Committee was aware from the outset that other discussions regarding the scheme were on going at officer and Portfolio Holder level, but it remained the role of the committee and any task group commissioned, to scrutinise the pilot scheme and to review and comment on any future decisions on an extension on the current agreement.

Aims of review

The aims of the review, as specified in the scoping document (see Appendix A), are as follows:

1. Evaluate the effectiveness of the environmental enforcement pilot
2. Make recommendations regarding future service provision
3. Consider opportunities to expand on the offences covered by the pilot within any future services
4. Review the Council's approach for under 18's (Currently the Council policy is not to issue Fixed Penalty Notices to under 18 year olds; the task group could look at the issues related to reducing the age limit or consider other means of addressing littering / environmental offences by minors)

The review process

The task group held its first meeting and invited Councillor Simon Bridge, the Street Scene and Open Spaces Portfolio Holder, and Mark Billington, Corporate Director Communities to set the context within which the scrutiny review would take place. The group also received a report from Ruth Hunter, Head of Public Realm and Environmental Sustainability and interviewed Alan Fitzpatrick, Waste, Recycling and Environment Enforcement Manager. Alan Fitzpatrick also attended the groups second and fifth meeting. The group also interviewed Warren Hodgson, Head of Environmental Crime Division at District Environmental Enforcement.

Several questions about the District Enforcement service were put to Town and Parish Councils. The group received responses from Catterall, Garstang, Inskip-with-Sowerby, Pilling, Preesall and Winmarleigh. In addition to this, members commissioned an online public consultation for residents. The members of the group and the Democratic Services Officer distributed the online version of the survey.

Clare James, Corporate Director Resources (Section 151 Officer) provided the group with a report detailing a draft costing for bringing the environmental enforcement scheme in-house.

Members questioned how other local and similar authorities dealt with environmental enforcement; they received several responses from other Lancashire authorities and CIPFA family group authorities.

The task group would like to thank all of the expert advisors who attended a meeting or assisted them with their work.

Summary of evidence provided by Councillor Simon Bridge, Street Scene, Parks and Open Spaces Portfolio Holder and Mark Billington, Corporate Director Environment.

The Street Scene, Parks & Open Spaces Portfolio Holder, Councillor Simon Bridge, and the Corporate Director Environment, Mark Billington, attended the first meeting.

They provided background information on the District Enforcement pilot scheme and the questions relating to it.

Councillor Bridge invited the task group's input and valued their suggestions.

The pilot scheme had been extended by a further six months and that this was to ensure sufficient time for the Task Group to scrutinise the scheme. The exact date was unknown, however the pilot scheme was due to expire but that it was in April 2020.

There was discussion around:

- Public Space Protection Orders
- The act of littering
- The ability to patrol private land in the borough
- Educating the public and public perceptions of litter
- The amount of officers used in the pilot scheme
- If there was an issue of insufficient signage
- Fines for under eighteen year olds

The financial benefits of the scheme were addressed and questions were raised regarding the finances of District Enforcement and the possibility to view these. The council does not have a contractual agreement with District and there would be no obligation for them to provide this information to the task group.

Wyre Council received 12.5% from all FPNs (Fixed Penalty Notices) issued. The council is effectively getting a free service, with the added benefit of improving the environment.

The judgement of the scheme should mainly be focused on performance and not financial benefits. Wyre does not look at the scheme primarily for the finances but as an opportunity to keep the streets of the borough clean.

Both guests concluded stating their delight with the scheme and the impact it had created.

Summary of evidence provided by Ruth Hunter, Head of Public Realm and Sustainability and Alan Fitzpatrick, Waste, Recycling and Environmental Enforcement Manager

The Head of Public Realm and Sustainability, Ruth Hunter, attended the group's second meeting and submitted a detailed report providing precise information in relation to the pilot project working with District Enforcement to tackle a range of environmental offences.

The report is attached at Appendix B.

The Waste, Recycling and Environmental Enforcement Manager, Alan Fitzpatrick, also attended the second meeting to respond to questions that had been raised by task group members before the meeting.

Q1) How many officers are involved in the pilot scheme?

There are 6 Operational Officers involved in the Pilot Scheme, which consist of 2 Static Officers (based fulltime in Wyre) working throughout Wyre Monday-Thursday, and up to 4 Mobile Officers who work Friday, Saturday & Sunday (usually 2).

Q2) Is there a list of offences enforced by District Enforcement?

In real terms the offences District Enforcement cover, are those contained within the: Anti-Social Behaviour, Crime and Policing Act 2014:

- failing to put a dog on a lead when directed to do so by an authorised officer - this allows council officers to direct that a dog is put on a lead when it is causing nuisance and/or danger to other persons and their dogs
- failing to pick up after your dog
- failing to exclude dogs from designated areas
- failing to keep dogs on leads in the designated dogs on leads areas (e.g. children's play areas)
- failing to provide at the request of an authorised officer the means to pick up after a dog Section 87 Environmental Protection Act 1990
- littering offences

Q3) What are the officer procedure rules that must be followed (including fining, appeals, and court)?

They do allow an appeals process even though accepting a Financial Penalty Notice (FPN) is acceptance of the offence, discharging liability to go to court. If there is no body-cam footage, we rescind the FPN automatically, on appeal.

Q4) What is the exact expiry date of the pilot scheme?

There was not an exact date, but it will come to a conclusion at the beginning of May 2020.

Q5) How many FPN's (Financial Penalty Notice) have been issued to disabled individuals (maybe through up to date figures for the whole of the pilot broken down by category (e.g. dogs) and sub category (e.g. inability to pick up, fouling, not on lead), and also broken down by age bands, and area)?

This information is not captured. However, should anyone make representation on the grounds of a disability, it is considered on a case-by-case basis.

If when approached an individual has a visible disability preventing them from retrieving dog fouling, they would be considered an exempt and will not be issued with a FPN, but may be issued with an advisory warning or a verbal explanation of what they should/shouldn't be doing to ensure their actions have minimal impact on the wider community.

If there are no obvious signs of disability, but during the course of the interaction an individual suggests they have a disability which prevents them picking-up, then the Enforcement Officer will advise them to make contact and provide evidence of their condition (from a medical professional), as an Enforcement Officer on the ground has to be consistent and be seen to treating all individuals in the same manner.

For example, somebody in a wheeled chair would be exempt from picking up their dog foul, but not necessarily from littering.

A hearing disability does not prevent foul from being picked up or litter placed in a bin or pocket to take home.

Q6) This is pilot scheme is for 18 months; would you please clarify the options after the scheme?

The options available to Wyre after the pilot scheme has come to an end, are:

- Procure a new provider/partner to undertake Environmental Enforcement on behalf of Wyre under the same terms and conditions (cost)
- Procure a new provider/partner with changes to the current conditions of the agreement (e.g. pay hourly rate, pay provider for each FPN issued, 50%-50% profit split which carries a proportion of the cost)
- Bring the Environmental Enforcement Service in-house and merge it with current Enforcement Officers (considerable investment would be required)
- Cessation of Service

Ultimately it would be for members to consider any alternatives

Q7) Has the council considered bringing this service back in house? What would be the advantages and disadvantages of doing so?

It would be a decision for members to consider any alternatives.

Issues include:

- i. Recruitment – it would be very difficult indeed to recruit locally as officers are often the subject of extreme abuse from members of the public. It is greatly advantageous that officers are brought in from outside the area.
- ii. None of the FPN's issued previously by in house staff – people who live locally often do not challenge properly as they might meet the offender again.
- iii. Payment systems/case handling – cost of purchase, setting up and implementation.
- iv. Technology – capital expenditure and on-going revenue costs.

Q8) What happens to the litter after a fine is issued?

There is no legislation in-place to force an offender to pick the litter up, so it remains on the floor unless the Enforcement Officer decides to pick it up and place it in a nearby bin.

Q9) How many appeals have been submitted? How many have been successful and how many have been unsuccessful?

A total of 536 Representations (appeals) had been submitted over the last year 144 accepted (FPN rescinded) – 27%, 392 declined – 73%

Q10) How many fines have been left unpaid?

Continued non-payment following 2 reminders being sent, resulted in a case file being produced for prosecution. The FPN was a means of an individual discharging their liability to attend court through the legal process.

An extended payment timeframe would be considered if an individual contacts District Enforcement on the grounds of financial issues.

As it was a live system the position on payments changes all the time.

Q11) Has there ever been a need for the Regulation of Investigatory Powers Act 2000 (RIPA) regulations to be used? Would there ever be a need for this to be used?

No, RIPA was used for covert surveillance, and undertaking uniformed high profile patrols did not require RIPA to be introduced.

Q12) Have cases increased and is Wyre coping well with the situation now?

In relation to court cases, and in real terms, yes, the workload had increased, but since the introduction of the Single Justice System (SJS) the workload had decreased from its original level, and there had equally been a reduction in the number of appeals dealt with.

Q13) Could the task group view a selection of notices and stock letters to help provide a view on the appropriateness of the wording and whether the process is open and transparent?

Other than generic reminder letters for non-payment, they are quite personalised and are linked to a specific appeal case.

The process is clear and transparent. The appeal is made to District Enforcement in accordance with the DEFRA Code of Practice. He explained that people were permitted to view body-cam footage in a controlled environment with the Waste and Recycling Officer (or another suitable responsible officer) present.

Q14) Are there any instances of people accidentally littering being fined, or are District only dealing with deliberate littering? If accidental littering fines are being handed out, why is that the case?

No, which was predominantly due to the Enforcement Officers being well-trained and aware that a FPN can only be issued if someone “knowingly drops and leaves litter”, which is supported by the current appeals process Wyre has in place whereby it would be apparent that the alleged offender inadvertently dropped debris.

He explained that there were some erroneous myths in circulation that individuals have been issued an FPN when they have accidentally dropped litter, but in his experience, he had not come across a single case. If councillors had concerns about a specific case a request should be made to the Waste and Recycling Officer to review the body-cam footage.

Q15) Who is considering the appeals, Wyre officers or District? If a combination, what percentage by each and how is it determined who does a particular appeal?

District Enforcement always review an appeal in the first instance. The Waste and Recycling Officer would then review it further if necessary, after which the case can be considered by a court. In effect, this provides a three-stage appeal process. A Wyre Officer would always retain the judgement in a representation (appeal).

Q16) Do you consider the appeal process to be open and transparent or are improvements needed?

Improvements have been on-going throughout the pilot scheme (which was entered into so we could learn from it and adapt if/when necessary), and he suggested that there was very little (if anything) that could be introduced to improve the current process, particularly as they had introduced an appeals process to an area where the appeals process guidelines were to progress the matter directly to the Magistrates Court.

Q17) What constitutes littering (in regards to cigarettes) - ash, stub, or both?

What is described as the actual cigarette bud is the litter, which either has a filter-tip or was a hand rolled cigarette/cigar.

Q18) Could we have a report showing numbers of dog fouling incidents over the last 4 years (by year and ward)?

Please see the table provided, below.

4 Year Dog Fouling Details

	Pharos	Tithe barn	Mount	Hardhorn with Highcross	Breck	Cleveys Park	Jubilee	Preesall	Stanah
2019/20	12	6	12	12	12	2	10	5	13
2018/19	29	17	15	24	21	15	19	10	21
2017/18	22	31	37	17	30	18	10	11	14
2016/17	46	34	32	36	30	24	24	21	20

	Victoria & Norcross	Mars Mill	Rossall	Bourne	Warren	Garstang	Great Eccleston	Hambleton & Stalmine
2019/20	1	0	3	6	1	1	2	4
2018/19	2	26	67	41	10	5		14
2017/18	4	11	32	16	3	14	8	5
2016/17	20	19	15	13	13	12	12	12

	Park	Brock with Catterall	Carleton	Calder	Pilling	Pheasant's Wood	Wyresdale
2019/20	5	1	1	1			
2018/19	13	9	10	3	5	1	4
2017/18	8	7	3	4	4	1	
2016/17	9	9	8	4	3		1

Total Number of Dog Fouls

Year	Dog Foul Incidents	FPN's Issued
2019/20	110	55
2018/19	381	42
2017/18	310	4
2016/17	417	4

Q19) Has the threat of calling the police been used to obtain personal details? If so, what is the legal position on this and have the police ever attended?

Yes, the threat of calling the police had been used towards individuals under s88 Environmental Protection Act 1990, and yes, the Police had been called on several occasions and had assisted the Enforcement Officers in obtaining offenders details.

This is a process, which was also adopted by Wyre Enforcement Officers.

In response to additional comments and questions from councillors, Alan Fitzpatrick made the following comments:

- The legislation made it very clear that dog-walkers must have “the means to pick up after a dog” at all times.
- From the body-cam footage reviewed, Enforcement Officers were never anything but polite and professional in their dealings with the public.
- There were examples of repeat offenders.
- There was no list of exempt disabilities. Exemption on the grounds of disability was dependent on a medical report being provided.
- In any case in which the alleged perpetrator denies it was them, the case will go to court for a decision.
- Enforcement times were flexible - longer in summer and shorter in winter when it was not always easy to see whether an offence had been committed and when there were potentially more issues related to personal safety.
- More enforcement hours were allocated to the areas of greatest footfall.
- It was currently the Council's policy not to issue FPNs to under 18s.

There were a few points of clarification that councillors requested. The responses are listed below:

- 1) The private enforcement company Pendle Council worked with.

Response:

Pendle Council works with District Enforcement Limited.

2) Information around the recording of individuals as they commit an offence.

Response:

An officer only starts recording when they engage with an offender, and therefore an offence is never captured on film, and the Enforcement Officer's only relay that their conversation is being recorded and not the actual offence

3) If councillors were able to view the recordings taken by District?

Response:

No, as the footage forms part of a criminal investigation, and is therefore restricted viewing applies

In addition, the Waste, Recycling and Environmental Enforcement Manager, Alan Fitzpatrick, attended the fifth meeting of the group to provide an update and answer questions from councillors.

He advised the group that, because of the pandemic, the District Enforcement scheme had been formally suspended between March 2020 and July 2020. The extended national lockdown period, as well as Lancashire being designated a Tier 3 area with relatively severe restrictions for a longer period still, has meant that footfall and reporting figures have likely to have been significantly affected.

The question of issuing a warning before issuing a fixed penalty notice (FPN) was raised, in relation to a specific instance at Cleveleys beach. Alan Fitzpatrick took the view that once an offence has been committed it was perfectly appropriate to issue a FPN. It would be very difficult to be seen to be issuing warnings to some transgressors and FPNs to others. It would make the task of enforcement very difficult indeed.

There is clear signage (perhaps even an excess of signage) and it is only reasonable for any visitor to the area to check the local restrictions rather than assuming that they were free to behave however, they wished to; this is the usual expectation on any visitor to any part of the country.

He presented the group with the additional information following the meeting:

- The weight of the litter bins - we cannot determine the weights solely in litterbins, as the vehicles used for litterbin emptying have multiple other functions where they collect waste, and only tend to tip-off if full or at the end of the day.
- Other authorities - District Enforcement currently work in Rossendale and Pendle (in Lancashire), but have other Council Contracts in Yorkshire, Southern and Welsh Council's.
- Updated dog fouling complaints on a ward-by-ward basis – attached at Appendix C.

- A Cleaner Greener Project Officer currently undertakes recycling and the effects of littering talks at schools & community groups on request of the group or school.

Summary of evidence provided by Warren Hodgson, Head of Environmental Crime Division at District Environmental Enforcement and Alan Fitzpatrick, Waste, Recycling and Environmental Enforcement Manager

Warren Hodgson, Head of Environmental Crime Division at District Environmental Enforcement, and Alan Fitzpatrick, the Waste, Recycling and Environmental Enforcement Manager, attended the third meeting of the task group to provide answers to questions put forward by task group members and to respond to others at the meeting.

Warren Hodgson introduced himself and gave more information about District Enforcement and how it came to be work with Wyre Borough Council.

In response to the questions asked, Warren Hodgson and Alan Fitzpatrick answered stating:

Q1) Are there any instances of people accidentally littering being fined, or are District only dealing with deliberate littering?

District only deals with deliberate littering.

Q2) How would you respond to the claim that heavy handed techniques are being employed?

All Enforcement Officers who work for the Wyre pilot scheme has at least four years of experience. They conduct themselves in a professional manner and adhered to the code of practice.

Q3) Why is the number of dog littering fines so low, and should this not be increased?

The enforcement of dog fouling offences is not easy and is very time consuming. The level of proof required is high.

Q4) Should District be making better use of the new PSPO whereby a person needs to have the ability to pick up?

37 individuals have been fined for not having the means to pick up.

Q5) Longer nights bring about an increase in dog fouling - how do you intend to tackle this problem?

There is a difficulty with the enforcement of dog fouling and littering offences in the dark. There needs to be additional risk assessments carried out for officers to work in the dark due to the risks being higher.

Q6) How many poo bags are dog owners expected to carry to avoid being fined?

There is no fixed number but people are required to have the means to pick up. Most responsible dog walkers would have numerous poo bags in most of their pockets.

Q7) Has the threat of calling the police been used to obtain personal details?

Enforcement officers only have the power of speech. The mention of contacting the police to obtain personal details is not used as a threat but to resolve a potentially dangerous situation.

Q8) What is the legal position on contacting the police and have they ever attended?

The legal position is that a crime had been committed and there was no power to restrain.

The police have been involved in the past when necessary.

Q9) Is the appeal process open and transparent or are improvements needed?

Wyre's representation (appeals) system works well and 5253 fixed penalty notices (FPNs) were issued in the past year (2019). Only on two occasions had an officer not dealt with a situation 100% professionally.

Q10) Is it right that District are issuing FPNs and also considering appeals, should it not be independent?

It was entirely appropriate that District Enforcement and the council dealt with any appeals/complaints. This was the way in which most appeals/complaints are dealt with by almost all organisations. However, a case could be referred to the Magistrates' Court if necessary.

Q11) Do the penalty tickets give clear appeal information in relation to issued fines?

Yes.

Q12) Who is handling complaints?

Wyre has an effective system for dealing with appeals and complaints. Both District and the council are involved at different stages of the appeals/complaints process.

Q13) Are they all logged on CRM and followed up?

They are not all logged on CRM. All complaints and appeals were followed up.

Q14) Could figures be provided?

Of the 5253 FPNs issued there were 536 representations (appeals) lodged. 392 were declined and 144 accepted, this included a number that were in relation to under 18s (who were not eligible to be fined under Wyre's policy).

Q15) How many permanent and part time staff are attributable to the pilot scheme?

District uses a mobile team in order to ensure that local residents are not also Enforcement Officers. The Officers used are often from outside Wyre (e.g. Blackburn). All staff are salaried and employed on a full time basis.

Q16) Are there any zero hour contracts?

No.

Q17) Is the rate of pay at or above the National Living Wage?

The pay is competitive due to the nature of the job.

Q18) Are the jobs unionised and is union membership encouraged or disapproved of?

District supports union membership, involvement and representation.

Q19) What are the Costs and revenue attributable to this contract?

Based on the number of FPN's issued in the first year of the pilot scheme, the total income was £312,000.

Wyre kept 12.5% of income from FPN's, and District 87.5%.

The breakdown of this was:

Wyre	£39,000
District	£273,000

The scheme in Wyre cost District £250,000 to operate and there were no plans to amend the percentages.

Warren Hodgson concluded stating District Environmental Enforcement are very happy with the agreement with Wyre.

Additional information requested by the task group:

Overall District Enforcement Figures Oct 2018 – Oct 2019

Total Number of FPN's Issued:	5253
Total Number of FPN's Paid:	3839
Payment Rate:	75%

Breakdown of Offences Committed

Littering (82% of which are smoking related):	4976
Failing to have the Means to Pick-up:	37
Dog Encroached onto Exclusion Zone:	98
Dog Fouling Not Removed:	97
Dogs On Leads in a Public Place:	45

Age Profile of Offenders

Age Grouping	Percentage
18 to 29	16.97%
30 to 39	15.99%
40 to 49	15.97%
50 to 59	22.45%
60 to 69	13.86%
70 and Above	7.03%
Age Unknown	7.73%

Gender Profile

Female 41%
Male 59%

Land Designation Where FPN's Issued

Relevant:	87%
Non-relevant:	13%

Representation (Appeal) Process

Total Number of Representations Lodged:	536
Total Number of Representations Declined:	392
Total Number of Representations Accepted:	144

A summary of evidence from Town and Parish Councils

The task group consulted with the Town and Parish Councils across the borough regarding the service provided by District Enforcement.

The following questions were distributed to the Parish and Town Clerks for each council in Wyre:

1. Have you seen an improvement in the amount of dog fouling in Wyre?
2. Have you seen an improvement in the amount of litter (including cigarette litter) in Wyre?
3. The maximum fine for a littering offence is set nationally at £150; however, Wyre Council issues fines of £100 (£80 for early payment) which follows legislation guidelines. Do you believe this is the right level for a fine?
4. If you have been issued with a Financial Penalty Notice in the past year for an offence, as identified above, would you say that the process was dealt with appropriately?
5. The Council currently does not issue fines to under 18 year olds but this position is under review. What do you believe is the most appropriate sanction for under 18 year olds?
6. Do you have any comments about the enforcement scheme?

The task group received responses from the following Town and Parish Councils:

- Catterall
- Garstang
- Inskip-with-Sowerby
- Pilling
- Preesall
- Winmarleigh

Due to the low response rate, these findings are only a sample of the experience Parish and Town Councils have with the District Enforcement service.

The complete findings are attached at Appendix D.

A summary of evidence from the public online consultation responses

From the 22 September 2021 until 25 October 2021, the District Enforcement Pilot task group, commissioned by the Overview and Scrutiny Committee, conducted an online public consultation that discussed the District Enforcement pilot scheme.

The results of the 2018 Life in Wyre survey showed residents were dissatisfied with how dog fouling and littering had been tackled. As a direct result, Wyre Council entered into a pilot scheme with a private company. This private company has been enforcing a number of environmental offences on behalf of the council since October 2018. The Covid-19 pandemic did affect enforcement activity (including prosecutions) as they were suspended during the lockdown. A phased reintroduction of officers patrolling the high streets and public open spaces recommencing in late 2020.

The offences that they have been enforcing are:

- Littering (including cigarette litter)
- Failing to have the means to pick-up dog fouling
- Dogs entering an exclusion zone
- Dog foul not being removed/disposed
- Dogs not on leads in Public Places
- More than 4 dogs under the control of one person in specified areas

The members believe that consulting with the public is vital to understand what residents of Wyre think about the scheme. It would then assist them in making appropriate recommendations to Wyre Council's Cabinet.

The consultation explored residents experience with the environmental enforcement service that District Enforcement provide. The consultation asked if there had been an improvement found in the amount of dog fouling in Wyre. The top three answers showed that an equal number of respondents i.e. 26.9% reported either a slight improvement, no improvement, or that it has become worse. The second question asked residents whether they have seen an improvement in litter, which included cigarette litter. It was found that for 38.5% of respondents it was about the same since the introduction of the scheme. The third question was regarding the level of fine for littering offences set at £100 (£80 for early payment), 46.2% of the respondents answered that this was a fair amount. The consultation also asked what residents believe would be the most appropriate sanction for under 18 year olds. It was found that 42.3 per cent of those who answered believed community litter pick with a fine for non-attendance was the most appropriate sanction. In addition, the consultation asked whether the respondents had been issued with a Financial Penalty Notice and whether the process had been dealt with appropriately, if the respondents answered "no" a follow up question was asked for any other views they may have of the enforcement scheme. The results showed that 85% of respondents had no experience of being issued a fine.

Approach

The agreed approach for this consultation was to use an online questionnaire. This approach enabled appropriate access to non-users and allowed a far larger reach across the borough. The Democratic Services Officer provided members with the link to

the questionnaire where they were able to distribute appropriately such as through personal social media and via email etc.

The consultation included both qualitative and quantitative data. The qualitative data provide councillors with an understanding of how individuals subjectively perceive the service; whereas the quantitative data help, councillors identify patterns within the responses.

The survey was estimated to take around five minutes, and responses were agreed to be kept anonymous.

Consultation respondents

In total, there were 26 responses to the consultation. Due to the low response rate, it is important to understand that the responses of this survey provide only a snapshot of the experience that a small sample of residents have with the District Enforcement service.

A report with the full results of the Review of littering, dog fouling and other environmental offences in Wyre public consultation is attached at Appendix E.

**A summary of evidence from Clare James, Corporate Director Resources
(Section 151 Officer)**

As requested, the Corporate Director Resources (Section 151 Officer), Clare James, provided the group with a reasonable estimate/approximation report detailing a draft costing for bringing the environmental enforcement scheme in-house.

The group considered the financial implications for the in-house costings and compared them to the current agreement with District Enforcement.

The full draft costings is attached at Appendix F.

A summary of evidence from other Local Authorities

The task group requested information on how environmental crime is enforced in other local authorities.

Members were presented with local authority responses from neighbouring Lancashire authorities and Wyre's CIPFA family group of councils.

Each authority was asked:

1. To provide the average amount of cases that are enforced?
2. Is the service ran in house or outsourced?
3. If it is outsourced, what company does the council use?
4. The frequency and amount of FPN's given?
5. How they tackle environmental crimes committed by under 18's?
6. Do they have any other arrangements when fining people with disabilities?

The group understand that this research was first brought to them before the break of the task group due to the Covid-19 lockdown. It was then updated and brought back at their sixth meeting. For that reason, they realise some of the responses may possibly be outdated, which they took that into consideration when discussing their conclusions and recommendations.

The responses are attached at Appendix G.

Conclusions and recommendations

Protecting and enhancing the quality of Wyre's neighbourhoods is an integral priority of the council. Having an effective environmental enforcement service is a vital deterrent, which helps to deliver this priority.

The council must be providing the residents of Wyre with the best service possible. On the evidence gathered during this review, the task group concludes that the council should support the service provided by District Enforcement and therefore extend their current agreement for another two years, for example from March 2022 to March 2024. The pandemic and subsequent lockdowns have caused an impact on the performance figures of the service; therefore, the agreement requires more time to fully understand how it performs. They conclude that a further Overview and Scrutiny review will be necessary within the two-year extension to assess District Enforcement's performance.

There is currently no provision for District Enforcement officers to give out official verbal warnings for certain offences. Thus, the agreement should include this provision for the following offences: failing to have the means to pick up dog fouling, dogs entering an exclusion zone, dogs not on leads in public places. This would be at the judgement of the authorised officer whether they see it fit to give a fine or a warning. They should weigh up the nature and seriousness of the offence before issuing the appropriate sanction. The residents of the borough would appreciate an initial warning if this is their first offence or if they generally did not realise that it was an enforceable offence. It should be made clear that littering (including cigarette litter), dog foul not being removed/disposed and more than four dogs under the control of one person in specified areas should be enforced with a fine only, with no provision for a warning. In addition, the group conclude that for initial warnings to be given out there needs to be an upgrade to the IT system used by enforcement officers. An example would be a system that logs when a person has committed their first offence, as stated above, and been given a warning. Meaning that if the person commits the same offence again it will show the enforcement officer that a fine should be issued this time.

Penalties for minors is a delicate matter and the group understand the issues surrounding this, however, it is the task group's view that the council should be taking action against under 18s and explore options for penalties against the offences that District Enforcement enforce. The options explored for under 18 year olds should be either a letter sent to parents and/or a verbal, unofficial warning. This would provide an explanation to the offender and their parents of what they should and/or should not be doing. This would help ensure their actions have minimal impact on the wider community.

The young people of the borough must be educated on the harmful impact that littering and dog fouling cause on the environment, health and wellbeing. The group understand that Wyre currently has a Cleaner Greener Project Officer who undertakes recycling and the effects of littering, and talks at schools and community groups on request. They believe that this programme should be fully endorsed by the council and that sufficient resources are available. Education does not just inform young people, but it has the potential to deter and even inspire them to do better.

The task group sees the importance of encouraging the residents of Wyre to report incidents of dog fouling on public land within the borough. This will help patrol officers monitor the situation. Therefore, the group sees the advantages of more residents being aware of procedures for reporting incidents on the council's website and this can be achieved by Wyre's Communications team sending out additional messages on social media platforms, for example.

During the review, the group gained a better understanding of the harmful impact of littering on the environment and health, particularly with the rising issue of Climate Change. They additionally understand the difficulties regarding the enforcement of these offences. Therefore, they believe it is vital that the council consider lobbying partners such as the Local Government Association (LGA) to lobby the government on the tightening of littering legislation to allow for more enforcement powers for local authorities.

The task group concludes that the following recommendations be made to the Cabinet:

RECOMMENDATION ONE

That the current agreement with District Enforcement is extended for a further two years, for example from March 2022 to March 2024, with the intention for an additional Overview and Scrutiny review of the service within this two-year period.

RECOMMENDATION TWO

That there is the provision for District Enforcement to issue an official warning system, in addition to fines, for the following offences:

- **Failing to have the means to pick-up dog fouling**
- **Dogs entering an exclusion zone**
- **Dogs not on leads in Public Places**

To facilitate this, the group recommends that an update to the IT system be needed to allow warnings to be lodged electronically.

RECOMMENDATION THREE

That Wyre should take action against under 18 year olds and that officers could explore the options for penalties. However, the task group would recommend looking at options such as letters sent to parents and/or verbal, unofficial warnings.

RECOMMENDATION FOUR

That the council continue to support and endorse their current programme for educating young people of the borough on the harmful impact of littering.

RECOMMENDATION FIVE

That Wyre Council's communications team should send out more messages to residents regarding the reporting of dog fouling incidents.

Councillors' attendances

There were seven meetings of the task group.

Name	Meetings attended (maximum)
Councillor Tom Ingham	7
Councillor Ian Amos	4
Councillor Rita Amos	3
Councillor Lady Dulcie Atkins	3
Councillor Emma Ellison	2
Councillor Rob Fail	7
Councillor Colette Fairbanks	4
Councillor Phil Orme	5
Councillor David O'Neill*	4
Councillor Mary Stirzaker	3
Councillor Holly Swales	5
Councillor Lynn Walmsley	6

*Cllr O'Neill ceased his membership on this group following its recommissioning.

List of Appendices

Appendix A - District Enforcement Pilot Task Group – Revised Scoping Document – FINAL

Appendix B – District Environmental Pilot report

Appendix C – Dog fouling and FPN data on a ward-by-ward basis

Appendix D – Parish Council responses

Appendix E – Public Consultation

Appendix F – Estimate/ Approximation costing for bringing the environmental scheme in-house

Appendix G – Local Authority responses

District Enforcement Task Group – Revised Scoping Document

Review Topic	District Environmental Enforcement Pilot	
Chairman	Councillor Tom Ingham	
Deputy Chairman	Councillor Emma Ellison	
Other Members	<ol style="list-style-type: none"> 1. I Amos 2. R Amos 3. D Atkins 4. Fail 5. Collette Fairbanks 6. O'Neill 7. Orme 8. Stirzaker 9. Swales 10. L Walmsley 	
Officer Support	Marianne Unwin, Democratic Services Officer	
Purpose of the Review	Evaluate the effectiveness of the environmental enforcement pilot to tackle cleaner and greener issues	
Role of Overview and Scrutiny in this Review (mark all that apply)	Holding Executive to account – decisions <input type="checkbox"/> Existing budget and policy framework <input type="checkbox"/> Contribution to policy development <input checked="" type="checkbox"/> Holding Executive to account – performance <input checked="" type="checkbox"/> Community champion <input checked="" type="checkbox"/> Statutory duties / compliance with codes of practice <input type="checkbox"/>	
Aims of Review	<ol style="list-style-type: none"> 1) Evaluate the effectiveness of the environmental enforcement pilot 2) Make recommendations regarding future service provision 3) Consider opportunities to expand on the offences covered by the pilot within any future services 4) Review the Council's approach for under 18's 	

	(Currently the Council policy is not to issue Fixed Penalty Notices to under 18 year olds; the task group could look at the issues related to reducing the age limit or consider other means of addressing littering / environmental offences by minors)
Methodology	Interview witnesses at task group meetings Benchmarking with other local authorities Consider relevant reports and documentation Public Consultations
Scope of Review	The review will include: <ul style="list-style-type: none"> • Offences covered • Results across offence types / areas (Numbers issued / payment rates) • Location of offenders – proportion of borough residents offending/regional/national • Approach taken • Added value • Improvement on cleanliness
Potential Witnesses	Street Scene, Parks and Open Spaces Portfolio Holder Corporate Director Environment Head of Public Realm and Environmental Sustainability District Enforcement Manager Waste Management Officer Legal Services Manager Head of Finance Town and Parish Council representative(s)
Documents to be considered	<ul style="list-style-type: none"> • Overview and Scrutiny Report • Portfolio Holder Executive report (to follow) • Cabinet reports
Risks	None
Level of Publicity	Medium
Indicators of a Successful Review	Clear recommendations to the Cabinet about the way forward
Intended Outcomes	A cleaner greener Wyre
Approximate Timeframe	3 months (3/4 meetings)
Projected Re-Start Date	August 2021