

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Scrutiny Panel B

Date: **Thursday, 19th January, 2023**

Time: **7.00 pm**

Venue: **Committee Room, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Lynn Cain

lynn.cain@ashfield.gov.uk

01623 457317

Scrutiny Panel B

Membership

Chairman: Councillor Christian Chapman

Vice-Chairman: Councillor Trevor Locke

Councillors:

Dale Grounds

David Walters

Vacancy

Warren Nuttall

Caroline Wilkinson

FILMING/AUDIO RECORDING NOTICE

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SUMMONS

You are hereby requested to attend a meeting of the Scrutiny Panel B to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



Theresa Hodgkinson
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. To receive the minutes of the meeting of the Panel held on 20 October 2022. 5 - 10
4. **Scrutiny Review: Dog Fouling and Littering** 11 - 18

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SCRUTINY PANEL B

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Thursday, 20th October, 2022 at 7.00 pm

Present: Councillor Christian Chapman in the Chair;
Councillors Trevor Locke, Warren Nuttall,
David Walters and Caroline Wilkinson.

Apology for Absence: Councillor Dale Grounds.

Officers Present: Alastair Blunkett, Lynn Cain, Robert Docherty,
Mike Joy and Shane Wright.

In Attendance: Councillors Samantha Deakin and Helen-Ann Smith.

SB.5 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

SB.6 Minutes

RESOLVED

that the minutes of the meeting of the Panel held on 21 July 2022, be received and approved as a correct record.

SB.7 Scrutiny Review: Dog Fouling and Littering

The Chairman introduced the report and reminded the Panel that the 'Dog Fouling and Littering' review had been added to the Scrutiny Work Programme by the Overview and Scrutiny Committee in June 2022. Having already held one meeting to discuss the topic in July 2022, Members were now poised to gain insight into how littering and dog fouling issues were currently being addressed within the portfolios of the two Executive Lead Members in attendance at the meeting.

The Chairman welcomed the following Members/Officers to the meeting:

- Robert Docherty (Director of Place and Communities)
- Alastair Blunkett (Assistant Director for Neighbourhoods and Environment)
- Councillor Helen-Ann Smith (Deputy Leader and Executive Lead Member for Community Safety and Crime Reduction)
- Councillor Samantha Deakin (Executive Lead Member for Parks, Town Centres and Environmental Services.)

The Panel undertook a Question/Answer session and deliberated on a series of discussion topics as follows:

Question:	Response:
<p>What work is being undertaken to find a replacement service now the WISE pilot contract has ended?</p>	<p>The Council is looking at an internal solution following the end of the WISE contract. No Government funding is available so the Council will be seeing a budget deficit once a new system is in place. All options are being considered with one being the intermittent use of agency staff in hotspot areas (Cllr. Helen-Ann Smith)</p>
<p>Are we currently still issuing Fixed Penalty Notices (FPNs) in hotspot areas?</p>	<p>Yes, the Community Protection Officers (CPOs) are still undertaking this enforcement role amongst a vast array of other duties (Cllr. HAS)</p> <p>Residents are now reporting incidences of littering and dog fouling through the ADC online portal which has proved effective. Recent and comparative data in respect of this service will be submitted to the January 2023 meeting for consideration (Alastair Blunkett)</p>
<p>As the enforcement work undertaken by WISE was cost neutral to the Council, how can we replicate the service without additional cost?</p>	<p>Similar companies to WISE are on the market and other authorities are providing the service by covering the cost of agency staff with the income generated from fines but should an internal solution be preferred, there will almost inevitably be a growth in budget to cover costs (AB)</p>
<p>WISE were very efficient in their enforcement measures if not somewhat over-zealous at times and were also cost-neutral to the Council. This is what is needed to keep the streets/parks clean, and the Council should have continued with the contract. It is now going to cost the tax-payer money to provide another solution.</p>	<p>A service review of the Community Protection and Waste Collection Teams are underway at present and any potential savings/efficiency measures from this will be examined as part of all the options for a replacement service going forward. (Robert Docherty)</p>

<p>What were the issues surrounding the enforcement methods used by WISE?</p>	<p>Many complaints were received that WISE employees were persistently following people (oftentimes women) and making them feel vulnerable and uncomfortable. They were failing to have their camera equipment operational at all times and were causing reputational damage to the Authority (Cllr. HAS)</p> <p>They were also reluctant to patrol the Council's parks and open spaces as requested because these areas, as opposed to town centres, were not as lucrative for them. (Cllr. Samantha Deakin)</p>
<p>Was there any educational campaign running alongside the WISE enforcement pilot scheme?</p>	<p>Efforts were made but there is still a long way to go. The Council are currently looking at bin wraps, stencilling on pavements, volunteer litter picks. Engaging the community in such events has a positive impact and increases resident's pride in their areas. (Cllr. SD)</p> <p>Some very positive and rewarding educational work with primary schools came out of the Spring Clean Campaign and the Council is currently revisiting its processes for recruiting volunteers to provide a more flexible approach.</p> <p>As part of recent consultations for the Government's Waste Strategy Review, there are proposals for larger food outlets choosing to pay local authorities to clean around their premises or it becoming the responsibility of their staff to undertake the work. Longer term this option could bring in more revenue for the Council as early indications from external retail providers revealed a desire for the Council to facilitate the process. (Cllr. HAS)</p>

<p>Derbyshire City Council were currently undertaking targeted jet washing and cleaning of streets which had been well received. Is this something the Council could look at?</p>	<p>Yes, all initiatives are considered to improve the standards of the environment that we live in. The information is noted.</p>
<p>It is imperative that the Council continues to keep accurate locational data in relation to hotspot areas that need targeted action.</p>	<p>Agreed. The Council does already facilitate continuous data capture in relation to hotspot areas across the District, but this is more for incidences of dog fouling than littering which is more random by nature (Cllr. HAS)</p> <p>There are many good practices out there for reducing incidences of dog fouling and littering but the Council does not have enough officers or hours to do them all. The Council has to find a balance within the financial parameters available. (RD)</p>
<p>The CPOs undertake a lot of different types of work, can you say how much time they spend on enforcement work for dog fouling and littering?</p>	<p>Yes, I can provide that information at the next meeting but just to reiterate, the CPOs undertake a variety of different roles and once they are out on patrol, a reactive approach is adopted dependant on what they are faced with on that particular day. (Cllr. HS)</p>
<p>Is there any correlation between incidences of dog fouling and the number of bins provided in any particular area?</p>	<p>No, unfortunately there isn't. Bins are often vandalised in hotspot areas and whether dog foul is picked up by a dog owner is often down to their own particular standards and not whether they have bins easily available to them. (Cllr. SD)</p> <p>The Council no longer has dedicated dog bins as concentrated amounts of dog foul are classified as hazardous waste and need to be disposed of differently. If the dog foul is mixed up with general waste then it can be disposed of in the normal manner.</p> <p>The Council is always trying different ways of reducing incidences of dog fouling with campaigns, bin wraps, informational dog poo trees, enforcement measures, education etc. (AB)</p>

<p>In respect of targeted campaigns, does the Council analyse the data to see if incidences of fouling are reduced?</p>	<p>Yes, analysis is always undertaken, and the Council is getting better at sharing information across Council services rather than working in isolation (Cllr. SD)</p>
<p>Do Council staff who work within the parks and open spaces also report additional issues as well as undertaking their assigned tasks?</p>	<p>Yes, we ask all staff to be aware of the surroundings they are working in and to report back to the offices wherever possible in relation to any separate incidences of littering/fly tipping etc.</p> <p>There is a review of the Waste Collection service being undertaken at present and the Council is definitely moving away from a system thinking approach and more towards a more encompassing cleaner, greener methodology (Cllr.SD)</p> <p>The Council will definitely be keeping all the good bits of the service and updating any methods of working that are outdated. The team will then be able to be more proactive, flexible and resilient (RD)</p>
<p>Did the Council used to sell dog poo bags?</p>	<p>Yes, it did but the provision of such bags, even with advertising income, proved to be too expensive and unable to compete with cheaper bags being sold in shops. (Cllr. SD)</p> <p>The bags were also heavily subsidised by the Council and this was an ongoing cost to the Authority. (RD)</p>
<p>Is the constant reduction in funding and monies available to the Council an issue for tackling littering and dog fouling in the District?</p>	<p>Yes, it is. Years ago, we had much larger budgets which enabled the Council to employ many more staff to undertake the job. The Council however continues to do a magnificent job of keeping its towns, parks and open spaces clean and tidy for residents, with fewer staff and fewer resources. (Cllr. HAS)</p>

Is primary school education in relation to littering and dog fouling awareness a job for the County Council?

No, the Council works very hard to have a presence in local primary schools and educate young children. Litter pick packs and wormeries were provided to schools earlier in the year and Ashfield's primary schools definitely want to be involved. Also, Ashfield School have ambassadors who take the protection of their climate and local environment very seriously indeed. (Cllr. SD)

On conclusion of the question and answer session, the Scrutiny Research Officer thanked everyone for their comments, input and ideas. The discussion had been extremely useful and would inform the review going forward.

RESOLVED

that the Scrutiny Research Officer be requested to undertake the following in readiness for the next meeting of the Panel:

- a) to ascertain the current process for recruitment of volunteers by the Council;
- b) to obtain current data in relation to hotspot areas, number of reported incidences of dog fouling and littering across the District and maps outlining the location of bins within the Council's parks and open spaces;
- c) to provide an overview of the Council's efforts to raise awareness of environmental issues (including the implications of littering and dog fouling) with young children through primary school visits and campaigns;
- d) to submit a progress update, if available, in respect of how the Council is intending to provide an enforcement service in relation to incidences of dog fouling and littering by individuals and the issuing of Fixed Penalty Notices (FPNs) as required.

The meeting closed at 8.28 pm

Chairman.



Report To:	SCRUTINY PANEL B
Date:	19 JANUARY 2023
Heading:	SCRUTINY REVIEW: DOG FOULING AND LITTERING
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to provide Members of Scrutiny Panel B with a recap of the evidence and information considered through the course of the Scrutiny Review: Dog Fouling and Littering with a view to formulating a final report including recommendations to be presented to Cabinet.

Recommendation(s)

Scrutiny Panel B Members are recommended to:

- a. Discuss and formulate recommendations for the Scrutiny Review: Dog Fouling and Littering.

Reasons for Recommendation(s)

Dog Fouling and Littering was added to the scrutiny work programme 2022/23 by the Overview and Scrutiny Committee in June 2022.

Alternative Options Considered

No alternative options have been considered at this stage of the review.

Detailed Information

BACKGROUND

Dog Fouling and Littering was added to the scrutiny work programme 2022/2023 by the Overview and Scrutiny Committee at the June 2022 meeting. Members agreed that dog fouling and littering

offences remain key issues for the Council to focus on, being the source of a high number of complaints reported to Councillors.

TERMS OF REFERENCE

At the first meeting of the Panel on this review topic, Members agreed the following terms of reference:

Review Topic	Dog Fouling and Littering
Review Group	Scrutiny Panel B
Officer Support	Scrutiny Research Officer, Service Manager – Scrutiny and Democratic Services, Democratic Services Officer
Rationale	Dog fouling and littering issues make up a large number of complaints received by Elected Members.
Purpose/Objectives	To understand the scale of dog fouling and littering issues in Ashfield, how the Council undertakes preventative and enforcement action, and to understand the success of various recent targeted dog fouling and littering campaigns.
Indicators of Success	Panel Members will focus on the following key areas to achieve success through the review: <ul style="list-style-type: none"> • Education/Responsibility/Engagement • Prevention/Enforcement
Methodology/Approach	<ul style="list-style-type: none"> • Examining any relevant Council policy documents such as the Corporate Plan • Up-to-date statistics for dog fouling and littering enforcement action in Ashfield • Site visits across the District • Involvement in the development of any emerging policy documents relating to dog fouling and littering
Witnesses/Experts	<ul style="list-style-type: none"> • Council Officers working to tackle dog fouling and littering issues • Executive Lead Members • Organisations that offer support to local authorities tackling these issues • Residents
Sources of Evidence	<ul style="list-style-type: none"> • Policy documents/Statistics/Hotspot maps/Site visits/National context/Legislation
Site Visits	Panel Members have indicated that following the identification of dog fouling and littering hotspot locations, several site visits may be beneficial to better understand the scale of any issues and the actions the Council is taking.

PREVIOUS SCRUTINY WORK

Members agreed that a good starting point for the review would be to consider any previous scrutiny work around similar issues.

Scrutiny has undertaken numerous reviews of dog fouling and littering over past years, particularly regarding the issue of dog fouling.

A review titled ***The Effectiveness of the Dog Fouling Control Service in Ashfield*** concluded in February 2004 presented Cabinet with the following set of recommendations:

- Continued work on the introduction of responsible dog ownership education packages into schools.
- The implementation of the proposed anti dog fouling slogan/cartoon competition during 2003/04.
- Statistical information in respect of the dog control service being reported via the 'Members Room' (or equivalent) on the Council's internet site and the expansion, if successful, of the current trial using the 'FLARE' complaints software system to allow members to track progress in removing abandoned vehicles, to cover progress in dealing with dog control complaints.
- The continuation of joint dog control officer / park ranger patrols to allow park rangers and other staff to gain practical experience of issuing fixed penalty notices.
- Investigation of the appropriateness of training the neighbourhood wardens to issue fixed penalty notices.
- The Continuation of investigations into the feasibility of CCTV evidence being incorporated into the Council's range of dog fouling/dog control measures.
- A monitoring report of the Dog Control Services being submitted to this Panel (or a replacement Panel) in 12 months' time.
- A representative from the Nottinghamshire authority with the highest score in the Benchmarking scheme be invited to talk to this Panel (or a replacement Panel) in 12 months' time.

A review titled ***Dog Fouling Scrutiny Review*** concluded in April 2010 presented Cabinet with the following set of recommendations:

- An information pack be produced for dog owners advising them of the dangers of dog fouling (to be made available on the website and hard copy on request);
- When a clean-up operation is carried out in 'hot spot' areas the surrounding neighbourhood is informed of this activity. Individuals also be given an avenue to report persistent offenders confidentially;
- Dog fouling education be included as part of the Clean Neighbourhoods Charter encouraging schools to sign up to it. Furthermore, appropriate signage warning people that dog fouling is an offence be provided around the District;

- When a person is prosecuted or issued with a fixed penalty notice a press release be prepared to highlight the message that this kind of act will not be tolerated;
- Dog owners found to be not in possession of a 'poop scoop bag' be issued with a warning that the Council will take action if that person is identified as an offender;
- Free promotional material from the 'Keep Britain Tidy' charity be acquired and distributed throughout the community;
- A central point for the recording and handling of dog complaints be established.

REPORTING MECHANISMS FOR DOG FOULING AND LITTERING

Members have worked to understand the mechanisms Ashfield residents can use to report dog fouling and littering offences to the Council.

As set out on the Council's website, it is an offence if a dog owner doesn't clean up after their dog immediately in public places and dispose of it responsibly. A fixed penalty notice can be issued to anyone caught failing to clean up after their dog's waste.

Furthermore, forgetting bags to dispose of dog waste is not an acceptable excuse. Dog waste bags are available at the entrance of various parks and green spaces in the District.

Dog fouling incidents can be reported to the Council through the Ashfield 24/7 portal.

The Council has a duty to clear litter and waste, as far as possible, from public land and places which the Council is responsible for. Litter that hasn't been collected can be reported to the Council through Ashfield 24/7.

Areas that the Council is responsible for mainly includes:

- Public highway (verges, pavements, and to some degree the road itself)
- Council owned car parks
- Play areas
- Pedestrian areas
- Parks and open spaces

NATIONAL AND LOCAL CAMPAIGNS

Panel Members have also gained further knowledge of the various campaigns targeting dog fouling and littering that have run both nationally and locally. These have included, amongst others:

Keep Britain Tidy – Dog Fouling Policy

Keep Britain Tidy support and develop campaigns and initiatives with the aim to see dog fouling all but eradicated by 2030. They focus on dog owners' responsibility and supporting the concept of 'any bin will do'.

Keep Britain Tidy support local authorities in incentivising action or implementing new rules under PSPOs requiring dog owners to carry waste bags. Keep Britain Tidy also lobby for sufficient finance to support local authorities in effective investigation and enforcement.

Keep Britain Tidy want all local authorities to provide an effective network of bins in known dog walking areas and dog fouling hot-spots, capable of receiving dog waste and ensure they are serviced regularly. Furthermore, Keep Britain Tidy want local authorities to maintain an effective enforcement service and make full use of current controls, such as PSPOs, to ensure that dogs and dog waste are effectively controlled.

Council Campaign

The Council launched the 'don't drop litter' campaign in early June 2022. The campaign aims to highlight the amount of litter and dog fouling that the Council picks up that has been dropped and left by the public, with the overall aim of encouraging a positive change in behaviour and attitude towards making decisions on what to do with litter and dog foul.

As part of the campaign, four dog fouling trees have been created and placed in Brierley Forest Park, Kingsway Park, Selston Country Park, and Titchfield Park. The trees have been placed to raise awareness of the problems associated with people failing to pick up dog waste or hanging waste bags on trees.

FIXED PENALTY NOTICES

Members also looked to understand how the Council utilises Fixed Penalty Notices in response to dog fouling and littering offences.

Council Officers investigating incidents of anti-social behaviour or environmental crime may issue a fixed penalty notice for a number of offences, which include, amongst other things, dog fouling, littering, and fly tipping.

The amount of a fixed penalty notice is set using guidelines for penalty notice levels. The fixed penalty notice amount for littering is £100.00, £75.00 if paid within 10 days of the notice being issued.

Failure to pay a fixed penalty notice within 14 calendar days from the notice being issued may result in legal proceedings.

The legal powers that enable Ashfield District Council to issue fixed penalty notices are from a number of areas:

- Clean Neighbourhoods and Environment Act 2005
- Environmental Protection Act 1990
- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Control of Pollution Act 1989
- Refuse Disposal Act 1978
- Environment Act 1995

QUESTION AND ANSWER SESSION

At the previous meeting, Panel Members welcomed attendance from the Council's Director of Place and Communities, Assistant Director for Neighbourhoods and Environment, Executive Lead Member for Community Safety and Executive Lead Member for Parks, Town Centres, and Environmental Services who all took part in a question and answer session.

During this session, Panel Members and attendees discussed a wide array of issues relating to dog fouling and littering, including:

- The Council's previous use of Environmental Enforcement Contractors
 - Is the Council considering a replacement for the previous service?
 - How can the Council replicate the service without cost?
 - What were the key issues with the methods used by previous contractors?
- Street washing and cleaning
- The importance of collecting and maintaining data for hotspot areas in Ashfield
- The role of CPOs in dog fouling and littering offence enforcement
- Is analysis carried out after targeted campaigns to understand usefulness?
- Funding opportunities
- Educating through primary and secondary schools

AREAS FOR RECOMMENDATIONS

At the meeting, Panel Members are asked to consider formulating recommendations for the Scrutiny Review: Dog Fouling and Littering. This will involve reflecting the evidence and information considered throughout the review, including the question and answer session held with key witnesses, to identify where recommendations can be put forward with the aim of improving the Council's service delivery and quality of life for Ashfield residents.

Some of the key lines of enquiry raised by Members throughout the review have been:

- **Environmental Enforcement Contractors**
 - Understanding the positives and negatives of previous experiences
 - Should the service be replaced? Internally or externally?
 - Cost effectiveness of a potential replacement service
- **Persistent Problem**
 - Members have acknowledged that dog fouling and littering are perennial issues that will continue to arise, and the Council must ensure it continues to dedicate resources to manage the associated problems
- **Education**
 - Members have discussed the importance of consistent messaging and education to prevent dog fouling and litter issues. Members have learned how the Council works with primary and secondary schools in the District to ensure children are educated on the subject. Panel Members agree that it is vitally important the Council continues to have a presence in Ashfield's schools.

Implications

Corporate Plan:

Cleaner and Greener is a key priority for the Council set out within the Corporate Plan.

Legal:

There are no direct legal implications resulting from the recommendations within this report.

Finance:

There are no direct financial implications resulting from the recommendations within this report.

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Any risks identified by Members through the Scrutiny Review: Dog Fouling and Littering will be presented to Cabinet within a final report.

Human Resources:

There are no direct human resources implications resulting from the recommendations within this report.

Environmental/Sustainability:

There are no direct environmental or sustainability implications resulting from the recommendations within this report.

Equalities:

There are no direct equalities implications resulting from the recommendations within this report.

Other Implications:

None.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

Report Author and Contact Officer

Shane Wright
Scrutiny Research Officer
shane.wright@ashfield.gov.uk
01623 457318

Sponsoring Director

Ruth Dennis
Director of Legal and Governance
ruth.dennis@ashfield.gov.uk
01623 457009