

AGENDA

Environment and Economy Overview and Scrutiny Panel

Thursday, 29 October 2015 AT 10:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

****Briefing meeting for Members will be at 9.15 am in the
Flensburg Room****

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of Previous Meetings

5 - 14

To note the minutes of the meeting held on 17 September 2015
[Copy Minutes herewith]

PART A

To be considered when the Public and Press are present

A.1 CALL-IN OF DECISIONS

To consider any matter which has been the subject of call-in.

A.2 OVERVIEW REPORT AND WORK PROGRAMME

15 - 22

To consider a report providing an overview of matters related to the work of the Environment and Economy Overview and Scrutiny Panel, together with the latest version of the Work Programme and details of the Key Decisions items relevant to this Panel as set out in the Notice of Executive Key Decisions.(Copy Report OS.22/15 herewith)

A.3 MAJOR INFRASTRUCTURE PROJECTS IN CUMBRIA – IMPLICATIONS FOR CARLISLE

(Economy, Enterprise and Housing)

The Director of Economic Development to deliver a presentation on Major Infrastructure Projects in Cumbria – Implications for Carlisle

A.4 CLEAN NEIGHBOURHOOD ENFORCEMENT POLICY

23 - 40

(Environment and Transport Portfolio)

The Director of Local Environment to submit a report introducing a revised Enforcement Policy for tackling environmental crimes, including dog fouling, fly tipping, littering and graffiti. The matter is included in the Notice of Executive Key Decisions and was considered at the Executive on 19 October.

(Copy Report LE.27/15 herewith and Minute Excerpt to follow)

PART B

To be considered when the Public and Press are excluded from the meeting

B.1 CAR PARK BUSINESS DEVELOPMENT PLAN 2015 - 17

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Members of the Environment and Economy Overview and Scrutiny Panel

Conservative – Christian, Mitchelson, Nedved (Chairman), Bloxham (sub), Mrs McKerrell (sub), Mrs Mallinson (sub)

Labour – Bowditch, Caig (Vice Chairman), Dodd, Ms Franklin, Burns (sub), Ms Patrick (sub), Watson (sub)

Independent – Betton, Graham (sub)

Enquiries, requests for reports, background papers, etc to Committee Clerk: Jacqui Issatt - 817557

ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL

THURSDAY 17 SEPTEMBER 2015 AT 10.00AM

PRESENT: Councillor Nedved (Chairman), Councillors Bowditch (until 11.30am), Caig (until 12.30pm), Christian, Dodd, Ms Franklin and Mitchelson.

ALSO

PRESENT: Councillor Mrs Martlew – Deputy Leader, and Environment and Transport Portfolio Holder
Councillor Mrs Bradley – Economy, Enterprise and Housing Portfolio Holder
Councillor Mrs McKerrill – Member of Business Support Task and Finish Group
Councillor Ms Patrick – Member of the Rethinking Waste Cross Party Working Group
Councillor Burns - Observer

OFFICERS: Deputy Chief Executive
Director of Economic Development (for part of the meeting)
Director of Local Environment
Environmental Health Manager
Policy and Communications Manager
Overview and Scrutiny Officer

EEOSP.47/15 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Betton.

EEOSP.48/15 DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the business to be conducted.

EEOSP.49/15 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press had left the meeting.

EEOSP.50/15 MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings held on 25 June and 23 July 2015 were circulated for the Panels approval. In considering the minutes the Chairman raised the issue of poor weed control in the City Centre, in particular around the Citadel. He understood that weed control was no longer the City Council's responsibility but asked that the issue be raised as part of the Memorandum of Understanding with the County Council.

The Environment and Transport Portfolio Holder agreed that the County Council's weed spraying programme was not effective but informed the Panel that weed control was not part of the Memorandum of Understanding. She added that she was arranging a meeting to discuss the Memorandum of Understanding with the Chair of the Highways Committee and she would report back to the Panel after the meeting.

RESOLVED – 1) That the minutes of the meetings held on 25 June 2015 and 23 July 2015 be approved and signed by the Chairman as a true record of the meeting.

2) That the Panel look forward to an update at a future meeting from the Environment and Transport Portfolio on the Memorandum of Understanding with Cumbria County Council.

EEOSP.51/15 AGENDA

RESOLVED – That agenda item A.2 – Overview and Report Work Programme be considered at the end of the agenda.

EEOSP.52/15 CALL IN OF DECISIONS

There were no items which had been the subject of call-in.

EEOSP.53/15 BUSINESS SUPPORT TASK AND FINISH GROUP

Councillor Mrs McKerrell presented the draft Business Support Task and Finish Group report.

Councillor Mrs McKerrell reported that the Task and Finish Group consulted with a wide range of providers in Carlisle which offered business support and found that although there was a lot of support and advice available there was no correlation or signposting to find the support. The Task and Finish Group felt that the Council could act as a signpost to support via their website. Mrs McKerrell outlined the four recommendations as set out in the report.

The Chairman reminded the Panel that the Task and Finish Group had been commissioned because the Panel had concerns with regard to the available support in the District. He felt that the consultation had been excellent and the report provided background information to the support in Carlisle.

The Economy, Enterprise and Housing Portfolio Holder thanked the Task and Finish Group for the work and commented that the issue was cross cutting for the whole Council.

In considering the draft report Members raised the following comments and questions:

- A Member suggested that the draft report be circulated to the consultees who had contributed to the Task and Finish work to gather their views on the report. When their final contributions had been included the report could then come back to Scrutiny for approval before being referred to the Executive.
- Members asked for clarification with regard recommendation 2: Rebranding the Enterprise Centre. The Enterprise Centre had initially been established to provide low cost start up premises for businesses to give them the opportunity to grow before expanding and moving on. It was felt that a rebranding of the Enterprise Centre would mean that a business incubation centre would be lost for new businesses.

Councillor Mrs McKerrell responded that the Task and Finish Group had felt that the Enterprise Centre was not being used for new businesses and had become low cost workspace.

The Chairman suggested that the recommendation should have more substance to it and that the role and future of the Enterprise Centre be considered as a separate issue at a future point in time.

- Recommendation 3(b) finished with 'to enable local scrutiny of outputs and outcomes.' Members asked for more clarity with regard the sentence and for the use of simpler text.

- A Member felt that ‘signposting’ was passive and asked what ‘active’ promotion would take place.

The Policy and Communication Manager responded that information would be sent to all businesses with the first business rates letter.

RESOLVED – 1) That the Members of the Business Support Task and Finish Group be thanked for their considerable work and detailed report.

2) That the Panels amendments with regard to recommendations 2 and 3(b) as set out above be incorporated into the draft report.

3) That the draft report be circulated to the consultees who had contributed to the work of the Task and Finish Group for their input before being approved by the Panel.

EEOSP.54/15 CARLISLE PLAN 2015-18

The Policy and Communications Managers submitted report PC.17/15 presenting the draft Carlisle Plan. Attention was drawn to the draft Carlisle Plan 2015-18 (attached as Appendix 1) which set out the Council’s overall vision for Carlisle, supported by five priorities. The vision gave a clear direction and context for all of the Council’s activities. Opportunities to improve health, wellbeing and economic prosperity would be maximized through the five priorities that supported the vision.

The Deputy Leader, and Environment and Transport Portfolio Holder explained that a programme of ‘Listening Council’ events had been held from 24 August 2015 to give residents the opportunity to comment on the draft plans for Carlisle’s future. In addition to consultation with partners, community and voluntary groups’ consultation had also been carried out the Youth Council to seek their views on the plan.

In considering the Carlisle Plan Members raised the following comments and questions:

- A Member felt strongly that the priorities did not reflect the City’s rich heritage and history and felt that there should be a separate priority in the Carlisle Plan to ensure the Council made more of the heritage or the wording of the last priority to be amended to include the wording ‘and heritage’ at the end of it.
- A Member commented that Carlisle could not be promoted as a regional centre with the existing road and rail links. He suggested that lobbying take place to improve the road and rail infrastructure to the east and west and that the airport links be included.

The Deputy Leader, and Environment and Transport Portfolio Holder agreed that the transport links were vital to the economic wellbeing of the City and agreed that they needed to be upgraded. She added that any improvement works had to dovetail with links in Scotland to ensure connectivity to the North as well.

The Economy, Enterprise and Housing Portfolio Holder informed the Panel that that some lobbying was being undertaken for the A595 which was in need of upgrading. If Carlisle was to benefit from the Moorhouse Development it would need better transport links. She added that transport links were included in the Local Plan.

- How many people had provided feedback on the Carlisle Plan and how much of the feedback had been included in the Plan?

The Policy and Communications Manager explained that, at the end of the consultation period, the feedback would be incorporated into the Plan and the changes would be identified. The Plan would be circulated to all consultees who left their contact details; if the suggestion had not been incorporated the consultee would receive acknowledgment of the feedback.

RESOLVED – 1) That the Carlisle Plan 2015-16 (PC.18/15) be welcomed;

2) That the Panel receive quarterly updates on the actions and impact of the Carlisle Plan.

3) That the Government be lobbied for improved transport links in Cumbria, in particular east to west.

EEOSP.55/15 1ST QUARTER PERFORMANCE REPORT 2015-16

The Policy and Communications Manager submitted report PC.14/15 updating the Panel on the Council's service standards that helped measure performance. The report also included an update on key actions contained within the Carlisle Plan 2013-16.

The Policy and Communications Manager reported that the revised priorities contained within the Carlisle Plan 2015-18 would be reported from the 3rd quarter onwards following full Council in November. Details of each service standard were included in the report in section 1. To coincide with the introduction of a new Complaints Policy, Corporate Complaints had been included in the report as a new service standard.

In considering the report Members raised the following comments and questions:

- The 'Percentage of household waste sent for recycling' standard was very precise, was it sensible to have such an exact measure?

The Policy and Communications Manager explained that the standard was precise as this was the way the information was collated and submitted for the standard.

- A Member asked how many service standards were in place and whether it was possible for Members to receive a copy of all the performance figures for information.

The Policy and Communications Manager reported that there were five corporate Service Standards which had all been included in the report. The Service Standards were viewed to be the most important standards for customers.

The Deputy Chief Executive suggested that the Panel wait until after the finalisation of the new Carlisle Plan to look at performance as the service standards would be refreshed and Members would then have the opportunity to inform and influence the standards recorded.

- Why were business planning applications not recorded in the report?

The Deputy Chief Executive confirmed that business planning applications were recorded by the Directorate but were not included as a corporate service standard.

- How did the missed waste or recycling collections percentage tie in with the figures given in the rethinking waste report?

The Policy and Communications Manager responded that the figure in the performance report was for the quarter and the lower figure in the rethinking waste report was the annual figure.

The Director of Local Environment explained that recycling was seasonal and the 43% annual figure matched the national average. She added that there would need to be more investment on a national level to increase the figures.

RESOLVED – 1) That the 1st Quarter Performance Report 2015/16 (PC.14/15) be welcomed.

2) That the Service Standards and Performance Indicators of the Council be considered following the approval of the Carlisle Plan 2015-18.

EEOSP.56/15 CLEAN UP CARLISLE UPDATE

The Environmental Health Manager submitted report LE.23/15 reminding Members that Clean Up Carlisle had been a Corporate priority since 2012 because people were noticing and complaining about the deterioration in the tidiness of Carlisle's street and parks. Temporary additional funding was found for two years to improve enforcement and education and cleaning of the street.

Over the last two years many of the planned processes had come to fruition; the coming on line of improved mechanisation; new programmes of street cleansing; the development of the Enforcement and Education Team, and partnerships and procedures with groups such as the Police and Housing Associations. The Neighbourhood Enforcement Team was fully staffed and levels of enforcement had continued, details of which were set out in section 2 of the report. The report detailed a number of case studies relating to the three successful prosecutions which were in addition to fixed penalty notices.

The Environmental Health Manager drew Members attention to the We're Watching You Campaign which would be launched in September. Keep Britain Tidy worked with 17 land manager partners, across 120 dog fouling hot spot sites, to trial innovative glow in the dark eye posters. Keep Britain Tidy monitored dog fouling incidents both at the target sites where posters were displayed and as displacement sites up to 100m away and found a 46% reduction in dog fouling incidents. Carlisle City Council in partnership with Keep Britain Tidy had recently launched the campaign and placed the glow in the dark posters onto litter bins, replaced the Love Where You Live message with the campaign and placed the message on recycling wagons.

The Environmental Health Manager updated the Panel on the recommendation from the Litter Bin Task and Finish Group and the success of the introduction of Gull Sacks.

The Environment and Transport Portfolio Holder reported that, at full Council, Councillor Shepherd had highlighted the Wrigley Chewing Gum UK's school programme 'Bin It!' which was designed to educate secondary school children about responsible litter disposal. Discussions were now underway with Wrigley's to bring the scheme to Carlisle and the Environment and Transport Portfolio Holder thanked Councillor Shepherd for bringing the scheme to the Council's attention.

In considering the update Members raised the following comments and questions:

- Had the Neighbourhood Services Manager been appointed?

The Director of Local Environment confirmed that Neighbourhood Services Manager post had been appointed and would start on 5 October 2015.

- How was the data collated for the number of fixed penalty notices issued?

The Environmental Health Manager informed the Panel that each fixed penalty notice issue was inputted in a database. He explained that there had not been a reduction in the number of patrols but there had been targeted patrolling which had proved successful.

The Director of Local Environment reminded Members of the importance of education and enforcement and the impact they had on operational aspects. The litter statistics were confirmed with the street cleansing teams but any campaigns would raise the reporting of incidents and affect the data.

- A Member commented that she preferred the 'Love where you live' message as it was a more positive message and asked why the 'We're Watching You' campaign had been introduced.

The Environmental Health Manager responded that the 'We're Watching You' campaign was a Keep Britain Tidy Campaign which had proved very successful. Evidence showed that the educational message had been successful and people knew they had to pick up but they did not do it. He explained that the eyes in the campaign glowed in the dark so there was a perception of being watched that made people pick up.

The Environment and Transport Portfolio Holder added that several discussions had taken place regarding the launch of the campaign as the team were aware it would not be to everyone's taste, however, they could not ignore the success rate of the campaign. She reiterated that the team relied on information to target dog fouling and urged Members to keep the team informed of problem areas.

The Director of Local Environment reported that the 'We're Watching You' campaign had been based on psychological research which showed that on a subconscious level people modified their behaviour if they felt like they were being watched.

- The introduction of gull sacks had been successful but there was some concern that they were not being placed close enough to the properties once they were emptied and could cause an accident.
- The report detailed the enforcement which had taken place but had little information about the education that was being undertaken. Members asked that more detailed education information be included in the next report.
- There was less visible dog fouling on the streets but there had been an increase in the number of bagged dog fouling, was this due to a lack of litter bins or litter bins being in the wrong place?

The Environmental Health Manager reported that the bagged dog fouling was still an offence.

A Member added that the Tidy Britain Group had undertaken some work on the issue and the findings may prove useful to help build a campaign on the issue.

RESOLVED – That the Clean Carlisle Update (LE.23/15) be noted.

EEOSP.57/15 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

EEOSP.58/15 RETHINKING WASTE: BUSINESS CASE (Public and Press excluded by virtue of Paragraph 3)

The Chairman of the Panel highlighted differences between the report that had been submitted to the Panel and the report that would be considered by the Executive and was disappointed that they had not received the same report as the Executive which included options on procurement and financing the required new fleet of refuse and recycling vehicles.

The Director of Local Environment informed the Panel that the deadline for the Executive meeting was later and the report that was circulated to the Panel for consideration was the most up to date at the deadline for Overview and Scrutiny. The Executive report had been prepared later and was therefore more up to date.

The Director explained that the figures in the table were based on modelled figures and as such the figures for each option were relative to one another. A great deal of further work was needed to finalise actual budgets and they would be set I the annual Council budget process.

A Member asked that, in future, updated reports be circulated to the Panel as an addendum to the report they had initially received.

The Director of Local Environment presented report LE.24/15 setting out the detailed business case to support the proposals of the Rethinking Waste review.

The Director of Local Environment reminded Members that a review of the collection service had been carried out with the aim to improve efficiency of dry recycling collections and to enable the extension of the full kerbside service to new housing. The Executive, at their meeting on 29 June 2015, had agreed to proceed with Option 1 as was outlined in the review report subject to a full business case.

The Director summarised the details of Option 1 and drew Members attention to the Business Case attached to the report as appendix 1 which set out the expected benefits and dis-benefits of implementing Option 1.

The Director of Local Environment reported that a communication plan was being prepared for both internal and external audiences. The Cross Party Working Group had assisted greatly with the development of the Plan and would continue to work on the communication planning during the implementation of the project. Staff consultation would commence before Christmas on proposals and more detailed collection methodology.

In considering the Rethinking Waste Business Case Members raised the following comments and questions:

- Would all refuse vehicles be included the renewal of vehicles?

The Director of Local Environment responded that the modelling exercise had taken into account the whole service and as a result the whole fleet would be considered. She reminded the Panel that the Rethinking Waste Project had been established to fund replacement vehicles which were not currently financed through the revenue budget.

- Would the reconfiguration of rounds been carried out at the same time as the purchase of vehicles?

The Director of Local Environment confirmed that a round optimisation exercise would be undertaken in conjunction with the purchase of vehicles. Demonstration vehicles would be used on rounds to test and pilot rounds.

- The report stated that the roll out of the scheme would take place over 6 to 8 months, how would this happen and why would the changes be rolled out and not implemented together?

The Director of Local Environment explained that discussions had taken place as to how to implement the changes but due to the nature of the existing service providers it would not be possible to implement everything together. The roll out period of 6 to 8 months was due to the lead in period required for the purchase of vehicles. The changes would occur round by round and it was the intention that the impact on the public be kept to a minimum.

The Panel discussed the risks that were associated with option 1 and the benefits of working with contractors to phase the project in and the potential security which working with other District Councils could bring to the project.

Councillor Ms Patrick, Member of the Rethinking Waste Cross Party Working Group, informed the Panel that the Working Group had looked at the available options in some detail and felt that option 1 was the best option for the Council to maximise recycling and to provide the best service for the people of Carlisle. The Group wanted to ensure that the changes had the minimum impact on the public; she added that it was very important that members of the public were kept fully engaged in the changes and that Councillors were kept informed so they could provide advice to residents in their Wards.

- Would the project be included in the Corporate Risk Register?

The Director of Local Environment responded that Council would have to allow some 'buffering' in relation to risks from changes in market price and fuel prices. There were both opportunities and risks.

- A Member asked for confirmation that the new recycling vehicles enabled all residents to receive all recycling services.

The Director of Local Environment confirmed that residents would receive full dry recycling services as result of the new vehicles and collections. This was not in relation to green waste.

The Environment and Transport Portfolio Holder commented that the Cross Party Working Group had been invaluable. She felt that, despite other options being considered, option 1 was the future proof and flexible option for the Council. She added that the Communications Policy had to be exact and that it was essential that all the relevant information as available to public along with details of their responsibilities.

The Director added that one of the responsibilities of users would be the need to separate recycling at home which would reduce the need for crew members to put themselves at risk of injury and enable safer faster collections.

RESOLVED – 1) That the Panel supported the proposals as detailed in report LE.24/15 – Rethinking Waste: Business Case.

2) That the Environment and Economy Overview and Scrutiny Panel receive regular updates on the progress of the Rethinking Waste project.

The meeting moved back into public.

EEOSP.59/15 OVERVIEW REPORT AND WORK PROGRAMME

The Overview and Scrutiny Officer presented report OS.19/15 which provided an overview of matters that related to the work of the Resources Overview and Scrutiny Panel.

The Overview and Scrutiny Officer reported that the Notice of Executive Key Decisions had been published on 21 August 2015. Key Decisions KD.28/15 - Carlisle Plan and KD.31/15 – Rethinking Waste: Business Case fell within the item in the remit of the Panel and had been included on the agenda.

Members did not raise any questions or comments on the items contained within the Notice of Key Decisions.

The Overview and Scrutiny Officer highlighted the suggested Task and Finish Groups detailed in the Work Programme along with a suggestion from the Director of Economic Development for a joint piece of work with Community Overview and Scrutiny Panel on Housing Delivery and Challenges and asked Members to give consideration to the work they would like to move forward on. Members discussed in some detail each of the suggestions and felt that the Nuclear New Builds would be better as a presentation and regular agenda item rather than a Task and Finish Group. They discussed the potential of an Enterprise Zone Task and Finish Group but felt that this could be covered in the Skills Audit work.

RESOLVED – 1) That the Overview Report incorporating the Work Programme and Key Decision items relevant to this Panel (OS.19/15) be noted.

2) That a presentation on the Nuclear New Builds be given at a future meeting of the Panel.

3) That a scoping document be prepared on the Skills Audit Task and Finish Group to be considered at the next meeting of the Panel.

(the meeting ended at 12.30pm)

Environment & Economy Overview and Scrutiny Panel

Agenda
Item:
A.2

Meeting Date: 29th October 2015
Portfolio: Cross Cutting
Key Decision: No
Within Policy and
Budget Framework
Public / Private Public

Title: OVERVIEW REPORT AND WORK PROGRAMME
Report of: Overview and Scrutiny Officer
Report Number: OS 22/15

Summary:

This report provides an overview of matters related to the Environment and Economy O&S Panel's work. It also includes the latest version of the work programme.

Recommendations:

Members are asked to:

- Decide whether the items on the Notice of Key Executive Decisions should be included in the Panel's Work Programme for consideration.
- Note and/or amend the Panel's work programme.
- Agree that the Business Support Task and Finish Group report, with recommendations, is forwarded to the Executive on the 16th November.

Contact Officer: Sarah Mason

Ext: 7053

Appendices attached
to report:

1. Environment and Economy O&S Panel Work Programme 2015/16

1. Notice of Key Executive Decisions

The most recent Notices of Key Executive Decisions were published on 18th September and 16th October 2015. These were circulated to all Members.

The following items fall into the remit of this Panel:

KD.35/15 Purchase of ex demonstration vehicles

The Executive (on 19th October 2015) will be asked to approve the supply of an ex demonstration vehicle from one supplier.

KD.33/15 Budget Process 2016/17

On the agenda of this Panel 26th November.

KD.32/15 Clean Neighbourhood Enforcement Policy

On this meeting's agenda for pre-decision scrutiny.

2. References from the Executive

There are no references from Executive following their meeting on 21st September. Any relevant references received from 19th October Executive meeting will be circulated to Members.

3. Work Programme

The Panel's current work programme is attached. Members are asked to note and/or amend the Panel's work programme and in particular consider the framework for the next meeting.

The following items are scheduled for the next meeting on 26th November:

- Public Realm - Update on the proposed city centre orientation improvements (including signage and car park renaming).
- Local Enterprise Partnership - Updated report Cumbria LEP ED 19 14 and presentation by Graham Haywood, LEP Director
- Budget proposals for 2016/17
- Quarterly Performance Monitoring report

4. Business Support Task and Finish Group

Those businesses and individuals consulted during the Review have been invited to give feedback on the draft report. Feedback is due back on Monday 26th October and this will be given verbally at the Panel meeting. It is proposed that the final report will go to the Executive on 16th November.

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME 2015/16

Issue	Type of Scrutiny					Comments/status	Meeting Dates							
	Performance Management	Key decision Item/Referred from Executive	Policy Review/Development	Scrutiny of Partnership/External Agency	Monitoring		25 Jun 15	30 Jul 15	17 Sep 15	29 Oct 15	26 Nov 15	21 Jan 15	3 Mar 15	14 Apr 15
Contact Officer														
CURRENT MEETING - 29Oct 2015														
Major Infrastructure Projects in Cumbria - Implications for Carlisle Jane Meek						Presentation on the major infrastructure projects in Cumbria and the implications for Carlisle				✓				
Car Parking Development Plan Angela Culleton			✓		✓	Scrutiny of car parking development plan				✓				
Clean Neighbourhood Enforcement Policy Scott Burns		✓	✓			Scrutiny of revised Enforcement Policy				✓				
TASK AND FINISH GROUPS														
Business Support						Panel to consider the T&F Group's recommendations.			✓	✓				
Skills Audit						Topic suggestion from the Chair. Panel to consider outline scope				✓				

ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME 2015/16

Issue	Type of Scrutiny					Comments/status	Meeting Dates							
	Performance Management	Key decision Item/Referred from Executive	Policy Review/Development	Scrutiny of Partnership/ External Agency	Monitoring		25 Jun 15	30 Jul 15	17 Sep 15	29 Oct 15	26 Nov 15	21 Jan 15	3 Mar 15	14 Apr 15
Nuclear new builds What does this mean for Carlisle? How should the City Council respond?						Presentation on 29 th Oct. Further scoping to follow.								
Gender Pay Gap						Timing of T&F group to be decided.								
FUTURE ITEMS														
Tourism Jane Meek					✓	Update on Tourism – Hadrian’s Wall/funding/TIC/1 st floor service review						?		
Update on Public Realm Mark Walshe					✓	Update on the proposed city centre orientation improvements (including signage and car park renaming).					✓			
Local Enterprise Partnership Sarah Mason				✓		Updated report Cumbria LEP ED 19 14 and presentation by Graham Haywood, LEP Director					✓			

ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME 2015/16

Issue	Type of Scrutiny					Comments/status	Meeting Dates						
	Performance Management	Key decision Item/Referred from Executive	Policy Review/Development	Scrutiny of Partnership/ External Agency	Monitoring		25 Jun 15	30 Jul 15	17 Sep 15	29 Oct 15	26 Nov 15	21 Jan 15	3 Mar 15
Budget Steven Tickner		✓	✓			To consider budget proposals for 2016/17				✓			
Performance Monitoring Reports Gary Oliver	✓					Monitoring of performance relevant to the remit of Panel	✓		✓	✓		✓	
Update on Clean Carlisle Scott Burns					✓	6 monthly update report			✓			?	
Scrutiny Annual Report Sarah Mason			✓		✓	Draft report for comment before Chairs Group							✓
Carlisle Economic Potential Darren Crossley		✓	✓			Update of projects following March 2015 report		✓			✓		
City Centre Development Framework (Citadel Devt) Mark Walshe						Panel to decide purpose of scrutiny of the issues and where focus should lie in order to gain maximum value.					?		
Carlisle South Masterplan Garry Legg												✓	

ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME 2015/16

Issue	Type of Scrutiny					Comments/status	Meeting Dates							
	Performance Management	Key decision Item/Referred from Executive	Policy Review/Development	Scrutiny of Partnership/External Agency	Monitoring		25 Jun 15	30 Jul 15	17 Sep 15	29 Oct 15	26 Nov 15	21 Jan 15	3 Mar 15	14 Apr 15
Rethinking Waste Project Angela Culleton					✓	Update of progress							✓	
COMPLETED ITEMS														
Work Planning Session							✓							
Contaminated Land Strategy		✓				Scrutiny of Executive report	✓							
Enterprise Zone						Verbal update		✓						
Rethinking Waste		✓				Rethinking Waste Business Case and Vehicle Procurement (pre-decision Scrutiny)			✓					
Carlisle Plan		✓				Pre-decision consultation on the draft Carlisle Plan 2015-2018			✓					

**Environment and Economy
Overview and Scrutiny
Panel**

Agenda
Item:
A.4

Meeting Date: 29th October 2015
Portfolio: Environment and Transport
Key Decision: Yes: Recorded in the Notice Ref:KD.32/15
Within Policy and Budget Framework NO
Public / Private Public

Title: CLEAN NEIGHBOURHOOD ENFORCEMENT POLICY 2015
Report of: Angela Culleton, Director Local Environment
Report Number: LE 27/15

Purpose / Summary:

The report introduces a revised Enforcement Policy for tackling environmental crimes including dog fouling, fly tipping, littering and graffiti.

Recommendations:

That the Committee

- 1) Consider the revised Clean Neighbourhood Enforcement Policy

Tracking

Executive:	19th October, 16th November 2015
Overview and Scrutiny:	29th October 2015
Council:	NA

1. BACKGROUND INFORMATION AND OPTIONS

- 1.1 A good enforcement policy benefits both the regulator and those subject to potential enforcement. It clearly states what can be expected from the Council's regulatory service, in this case the regulation of environmental crimes such as dog fouling, waste disposal and graffiti. Proportional, fair and consistent enforcement is important to ensure that the Council retains the support of the community in under taking its regulatory responsibilities.
- 1.2 Appendix.1 contains the draft Enforcement Policy for environmental crimes enforced by Local Environment. This Policy is an updated version of one that was considered by the Executive on the 6th August 2012. This revised version incorporates the Community Protection Notice options brought in through the Anti-Social Behaviour and Policing Act 2014.
- 1.3 The Principles of Good Enforcement are set out in the following guiding documents:
- Enforcement Concordat 1998
 - The Regulators Code April 2014, a code issued under the Legislative and Regulatory Reform Act 2006 in respect of certain specified Council regulatory functions
 - The Code for Crown Prosecutors January 2013 issued by the Director of Public Prosecutions under the Prosecution of Offenders Act.
- 1.4 The Policy outlines the principles of good enforcement and considers appropriate enforcement options. The issue of fixed penalty notices is covered and special consideration given to action against juvenile offenders. The key change in this version of the Enforcement Policy is the use of the Community Protection Notice process to deal with offenders in the 16 and 17 age range.
- 1.5 The policy will be available to interested parties in order to help ensure that the Council's approach to enforcement is as open and fair as possible. It will be published on the corporate website and copies made available upon request.

2. PROPOSALS

2.1 That the Committee:

- 1) consider the revised Clean Neighbourhood Enforcement Policy

3. CONSULTATION

3.1 The revised Enforcement Policy has been circulated within the City Council and with Cumbria Constabulary.

3.2 The revised Enforcement Policy was referred to the Overview and Scrutiny Committee by the Executive on the 19th October 2015.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 The recommended key actions have been identified following consultation and reflect the resources available to the Environmental Health Service in the financial year 2015 to 2016.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 **Priority** Continue to improve the quality of our local environment and Green spaces so that everyone can enjoy living, working in and visiting Carlisle

The published enforcement policy provides clear guidance for officers and the community on how the Council's environmental crime enforcement powers will be applied in deterring those whose actions spoil the quality of the local environment.

Contact Officers: **Scott Burns Environmental Health Ext: 7328**
 Manager
 Angela Culleton Director Local
 Environment

Appendices **The revised Enforcement Policy is attached to this Report.**
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Community Engagement –

Economic Development –

Governance –

Local Environment –

Resources -

Appendix.1.

Carlisle City Council

Clean Neighbourhoods Enforcement Policy

2015

CLEAN NEIGHBOURHOODS ENFORCEMENT POLICY

1.0 INTRODUCTION

Our aim is to ensure Carlisle is a clean, safe, healthy and welcoming place to live, work and visit. We are committed to ensuring regulatory compliance and this policy sets out what individuals, businesses and the community can expect from Carlisle City Council when enforcement becomes necessary.

- 1.1 The Council uses an 'Educate, Engage, Enforce' approach to delivering its Clean Neighbourhood objectives. In the first instance, the emphasis is on information, encouragement and support but if the Council is to have a realistic chance of achieving its aims then it will, in some circumstances, have to use its enforcement powers to fulfil this ambition. Environmental legislation has been introduced over the years to ensure that people can live together without adversely affecting one another or the environment. This policy seeks to ensure a fair, open, proportionate and consistent enforcement for individuals, businesses and the community.
- 1.2 This policy relates to offences in relation to: -
- a) Dog fouling
 - b) Dog off a lead either: in a designated area (generally within residential and shopping areas or within 5 m of a children's play area) or if asked to put a dog on a lead in any public area by an authorised officer.
 - c) Dog without a collar and tag
 - d) Depositing or contributing to litter
 - e) Inadequate trade and household waste disposal
 - f) Fly tipping
 - g) Fly posting
 - h) Graffiti
 - i) Abandoned Vehicles
- 1.3 Enforcement action taken against an individual or organisation will be proportionate and consistent with the Council's commitment to equality and diversity.
- 1.4 This enforcement policy has been produced having regard to DEFRA guidance on the use of fixed penalty notices under the provisions of the Clean Neighbourhoods and Environment Act 2005. Enforcement and the use of Fixed Penalties follow the guidance within the Enforcement Concordat, the

Regulators Code and the Code of Practice for Crown Prosecutors (as applied by the Council's Legal Department).

- 1.5 The policy is available to interested parties in order to help ensure that the Council's approach to enforcement is as open and fair as possible. It will be published on the corporate website and copies made available upon request.

2.0 GENERAL PRINCIPLES OF ENFORCEMENT

- 2.1 Enforcement is any formal or informal action taken to prevent or rectify infringements of legislation. The enforcement options may differ where different areas of legislation are used, but the principles of application should remain constant and consistent.
- 2.2 The Council aims to implement its Clean Neighbourhoods Enforcement policy in a firm but fair manner. The principles underlying firm but fair include;

1. Proportionality

The concept of proportionality is described as a balance of action to protect the public or the environment against the risks and costs. Any enforcement action taken or remedial action taken must be proportionate to the risks. The enforcement action taken by Carlisle City Council will be proportionate to the risks posed to the public or environment and the seriousness of any breach of law.

2. Consistency

Consistency means taking a similar approach in similar circumstances to achieve similar results. Whilst Officers exercise discretion, the Council will endeavour to ensure that enforcement decisions are consistent, balanced and fair and relate to common standards. Variables taken into account when making enforcement decisions include the seriousness of the offence, past history, confidence in management, the consequences of noncompliance, evidence of remorse, consideration of the offender and the likely effectiveness of the various enforcement options.

3. Transparency and Openness

Transparency is vitally important in maintaining public confidence in the ability to regulate. It means helping those regulated and others to understand what is expected of them and what they should expect from the Council. It also means making clear why an Officer intends to or has taken enforcement action.

Information and advice will be provided in plain language without abbreviations or jargon and widely distributed as possible.

4. Targeting

Targeting means making sure that regulatory effort is directed primarily towards those whose activities that give rise to the most serious risks or community concern. Action will be primarily focused on those that break the law or those directly responsible for the risk and who are best placed to control it as set out in the appropriate legislation.

In respect to clean neighbourhoods the Council considers that dog fouling, littering and fly tipping generate the greatest level of community concern.

2.3 Enforcement Options Available

- i. Informal action and advice – written or oral (where appropriate)
- ii. Anti-Social Behaviour Contracts: Restorative Justice Options.
- iii. Simple caution
- iv. Formal statutory notice
- v. Execution of work in default i.e. required by a statutory notice where the recipient has not complied with a notice
- vi. Fixed penalty notices for specific offences
- vii. No action where there is insufficient evidence to pursue action, or where it may not be cost effective to continue, or in the public interest.
- viii. Prosecution

The method of enforcement used should be balanced to produce the highest reasonable standards of compliance within the least time.

3.0 CLEAN NEIGHBOURHOOD INFORMAL ENFORCEMENT

- 3.1 The Council is conscious that some members of the public and the business community who have knowingly caused a problem for which they are responsible may be anxious to comply with their statutory obligations.
- 3.2 The Council will undertake educational campaigns to raise awareness of what constitutes offences for which enforcement action can be taken. **For most offences listed under section 1.2 the Council will progress formal enforcement**, however, If formal action is deemed not appropriate then suggestions or requirements will be given and the guidance stated will clearly identify the nature of the offence and any remedial action that is required. Officers will, with due regard to technical accuracy and scientific convention,

express requirements or suggestions in a manner that is clear and readily understandable.

- 3.3 Any requirements made verbally or in writing will clearly identify whether they are mandatory or advisory in nature. If the requirements are mandatory, a timescale for compliance will be specified.
- 3.4 Informal written warnings may be issued to support messages that further breaches of legislation will be treated seriously and that these may be subject to formal enforcement action. Written advice on good practice, industry guidance or technical information may be provided where there is a need to assist the person in meeting these requirements.

4.0 CLEAN NEIGHBOURHOOD FORMAL ENFORCEMENT

- 4.1 Formal enforcement includes legal proceedings through the Magistrates Court (or for Civil offences the County Court), the issuing of Statutory Notices or the offer of a Fixed Penalty Notice or a simple caution. The Council would consider formal enforcement action where;
- a) An informal approach has already failed, and / or
 - b) The nature of the offence warrants the offer of a Fixed Penalty Notice and / or
 - c) The nature of the offence warrants legal proceeding being implemented.
- 4.2 Where there are rights of appeal against the issue of a notice, the service will, at the time the Authority takes action, issue clear written advice on how to appeal. Whenever possible, the type of advice or information will be issued with the enforcement notice.

5.0 FIXED PENALTY NOTICES

- 5.1 In certain circumstances it may be appropriate to offer a fixed penalty notice for the relevant offence. The fixed penalty will allow the offender to discharge responsibility for the offence and avoid action through the Courts.
- 5.2 Fixed Penalty Notices shall be issued in accordance with relevant legislation such as the Environmental Protection Act 1990, Control of Pollution Act 1989, Clean Neighbourhoods and Environment Act 2005 and the Anti-Social Behaviour and Policing Act 2014.

Carlisle City Council has three Dog Control Orders adopted in 2007, one relating to dog fouling and two relating to dogs being kept on leads. Fixed Penalty Notices can be offered for offences of these Orders. Dog Control Orders and their offences will be moved onto Public Space Protection Orders

before October 2017.

5.3 Levels of Fixed Penalty Fine

Table 1 contains a list of all the various fixed penalty notices available for use by the Council in relation to Clean Neighbourhoods offences. It includes details of the particular fixed penalty notice and present levels of fine.

TABLE 1			
Offence	Legislation	What is the Council trying to achieve by using fixed penalty powers?	Level of Fine
Depositing litter	S 87/88(1) Environmental Protection Act 1990	Cleaner streets and public places and increasing public awareness by publicity associated with fixed penalty scheme.	Up to £80
Failure to comply with a Community Protection Notice	Anti-Social Behaviour and Policing Act 2014 (S43 – 58)	Cleaner streets and public places. Preventing activities that are persistent and detrimental to the area. Can be used for a variety of offences including flyposting and graffiti.	Up to £100
Failure to produce authority to transfer waste	S 5B(2) Control of Pollution (Amendment) Act 1989	Reduce illegal waste disposal by targeting illegal waste carriers who may fly-tip their load or dispose of it unlawfully thereby preventing harm to the environment.	£300
Failure to produce waste documents	S 34A(2) Environmental Protection Act 1990	Identifying business operators and the public who transfer their waste irresponsibly which may lead to unlawful disposal or fly-tipping	£300
Failure to comply with a waste receptacles notice	S46 & 47ZA(2) Environmental Protection Act 1990, as amended by the Deregulation Act 2015.	Attempting to resolve waste storage and collection issues on domestic and commercial premises which can give rise to complaints. In the domestic situation encourage participation in the Council's recycling service	Up to £80
Abandoned Vehicle	Refuse Disposal (Amenity) Act 1978: S3ss2A,	As the cost of clean-up can also be recovered the fixed penalty option can reduce the work involved by	£200

	B & C The Clean Neighbourhood & Environment Act 2005 s.10	the City Council in instigating legal proceedings whilst enabling recovery of costs and deterring the abandonment of vehicles.	
Failure to comply with a dog control order*	Dog Control Order Regulations 2006	Increase awareness of the problems caused by dog fouling. Reduce the number of incidents of dog fouling in the district resulting in cleaner streets and public places. Reduction in serious health risk. Preventing nuisance and dangerous dogs by ensuring dogs are controlled on leads in public places.	Up to £80

*See orders at :http://www.carlisle.gov.uk/environment_and_waste/environmental_health/dog_control_orders1.aspx or request a copy from 01228 817559

5.4 Where satisfactory evidence exists Fixed Penalties will be used for routine offences covered in Table 1 in this policy. In cases where the nature or extent of the offence is serious and that the issuing of a fixed penalty would bring the system into disrepute, then prosecution will be considered. Examples could include cases where there is evidence of widespread and systematic offending, non-co-operation or obstruction with enquiries, intimidation of witnesses or aggressive or violent conduct.

5.5 Defra have offered guidelines, for dealing with young offenders. These include keeping parents or guardians involved throughout the process and letting them know as soon as possible when an offence has been committed. Defra advise working closely with the Police and schools, including going into schools to talk to pupils about litter, dog fouling etc.

Issuing fixed penalty notices to young people under the age of 15 is difficult. Primarily, this is because it is hard to ensure payment as the Fixed Penalty Notice's do not have any parental liability, if a fine is not paid the matter would be referred through the youth courts, which can be difficult, time consuming and not always in the public interest.

5.6 The Council does not wish to subject young people to criminal proceedings unnecessarily. Fixed Penalty Notices will not be served on juveniles aged 15 or under, instead we aim to use an holistic approach to the problem of young offenders, including education, work through the schools and on the streets, use of young volunteers e.g. litter picking, and the use of civil remedies such as acceptable behaviour contracts which will be carried out in partnership with

Cumbria Constabulary. We will endeavour to adopt reparation and restorative justice approach in appropriate circumstances.

- 5.7 Appendix.1. details the process for dealing with young offenders aged 15 or under. Initially a warning letter will be sent to the individual and their parents, should the juvenile be in school uniform a letter will also go to the school. The Police and Youth Offending Team will be copied the letter for them to decide if the matter should be dealt with under the “It’s Your Choice” programme. A repeat offence will receive another warning letter and the matter referred to the Local Problem Solving Group for further action within the existing Juvenile structure.

The Anti-Social Behaviour and Policing Act 2014 introduce the Community Protection Notice process. Under this process if an individual’s conduct is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and that this conduct is unreasonable a warning letter can be served. Failure to comply with a warning letter can lead to the issuing of a Community Protection Notice and then the issuing of a fixed penalty notice. **This process will be used for juveniles aged 16 to 17** for those offences such as dog fouling and littering which would otherwise attract an immediate fixed penalty. It is hoped that the formal warning process will encourage immediate and future compliance.

- 5.8 If there is any doubt in the enforcements officer’s mind that the person who has committed an offence is not capable of understanding what they have done, or are seriously mentally impaired, clearly unable to pay e.g. homeless, or otherwise the issue of a fixed penalty would not be in the public interest, then on-the-spot education will be considered. This could include asking the person to rectify their actions or explaining the consequences of their actions. In any event, the evidence should be brought to a line manager for discussion before a decision on issuing a fixed penalty is made.

6.0 FORMAL ENFORCEMENT– PROSECUTIONS

- 6.1 A decision to prosecute is a serious matter which we will only take after full consideration of the implications and consequences. The decision will have regard to the evidential and public interest tests set down by the Director of Public Prosecutions in the Code for Crown Prosecutors.

Prosecutions will not be commenced or continued unless we are satisfied that there is sufficient, admissible and reliable evidence that the offence has been committed and that there is a reasonable prospect of conviction. Where a case does not pass this evidential test, it will not go ahead, no matter how important

or serious it may be. Where there is sufficient evidence, a prosecution will not be commenced or continued unless it is in the public interest to do so. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the offender. Where it is considered that the public interest test may not be satisfied but sufficient evidence of the offence exists to instigate legal proceedings the Council may consider the option of issuing a Simple Caution to the offender.

We will consider the following public interest factors in deciding whether or not to prosecute.

- **Effect** of the offence or action – **for offences listed in 1.2 the presumption is in favour of formal enforcement.** Community Impact Assessments will be used to support prosecutions so that Magistrates and the media are aware of the consequences of environmental crimes.
- **Foreseeability** of the offence or the circumstances leading to it
- **Intent** of the offender, individually and/or corporately – for offences listed in 1.2 the presumption is in favour of formal enforcement.
- **History** of offending– for offences listed in 1.2 the presumption is in favour of formal enforcement
- **Attitude** of the offender– for offences listed in 1.2 the presumption is in favour of formal enforcement.
- **Deterrent** effect of a prosecution, on the offender and others– for offences listed in 1.2 the presumption is in favour of formal enforcement.
- **Personal** circumstances of the offender

These factors are not exhaustive and those which apply will depend on the particular circumstances of each case.

Criminal proceedings will be taken against those persons responsible for the offence. Where the offence has resulted from the Company's activities we will usually prosecute the Company. We will also consider any part played by the officers of the Company and may take action against those officers as well as the Company. This will usually be where it can be shown that the offence was committed with their consent, due to their neglect or that they 'turned a blind eye' to the offence or the circumstance leading to it.

Where there is sufficient evidence we will normally recommend prosecution in any of the following circumstances.

- Incidents which have significant consequences – e.g. fly tipping related offences.
- Failure to pay a Fixed Penalty Notice

- Carrying out operations without a relevant licence
- Excessive or persistent breaches of regulatory requirements
- Failure to comply or to comply adequately with formal remedial requirements
- Failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information
- Obstruction of officers in the course of their work

7.0 TRAINING AND QUALIFICATIONS OF ENFORCEMENT OFFICERS

- 7.1 No officer will carry out enforcement duties unless suitably trained, experienced and authorised under the Council's delegated powers.
- 7.2 Prosecution will only be authorised by the legal department following review of the case prepared by the Investigating Officer/appropriate Senior Manager.
- 7.3 Training will be provided for all enforcement officers, as required, to meet changes in legislation and enforcement procedures. Officers will always show their City Council Authority Cards when instigating formal enforcement action.

8.0 COMPLAINTS ABOUT THE SERVICE

- 8.1 Carlisle City Council has an effective complaints procedure and will endeavour to resolve any complaint as quickly as possible via its official complaints procedure. Complaints can be made by:

Telephone – 01228 817000

In writing – Free post YGCX – YEYB – Carlisle City Council, Civic Centre, Carlisle, CA3 8QG

Email – complaints@carlisle.gov.uk

9.0 EQUAL AND FAIR TREATMENT

- 9.1 Enforcement practices will be constantly monitored and reviewed to ensure that they are fair, equitable and in accordance with the Equality Act 2010. The Enforcement Policy will not be adopted differently for race, gender, religion or beliefs. A variation to formal action against juveniles is outlined in section 5. Subject to any specific statutory exemptions, a person's disability will be considered for each individual circumstance when deciding whether to pursue formal action or to pursue other means to seek corrective behaviours or practices.

- 9.2 The policy will be available on the City Council's website and at the Civic Centre offices and copies of the policy will be available upon request. On request, this policy will be made available on tape, in Braille, large type, or in a language other than English.

10.0 MONITORING OF POLICY

- 10.1 The implications and effectiveness of the performance of this policy will be constantly monitored and the policy reviewed every two years.
- 10.2 Enforcement decisions that warrant exception from the policy will be recorded and considered during future reviews of the policy.
- 10.3 This will also be true of new legislation coming into effect, which may introduce new types of powers and possible actions which enforcement officers may be able to take.
- 10.4 All cases resulting in a decision to prosecute will be reviewed both by the investigating officer and the nominated officer in charge of the investigation prior to any file being referred to the Legal department. A further review of the file will take place by the Council's Solicitor when further evidence, or advice, may be sought or given.

10.0 HUMAN RIGHTS

- 10.1 All enforcement action and investigations will be carried out in a manner that complies with the requirements of legislation and codes of practice governing the collection of evidence and investigatory powers.
- 10.2 This will include any surveillance activity which will comply with both the Regulation of Investigatory Powers Act 2000 (as amended) and also the Data Protection Act 1998. The Council will comply with the recommendations of the Local Government Association and only consider the use of covert surveillance for fly tipping offences. Covert surveillance is not permitted and considered disproportionate for littering and dog fouling investigations.
- 10.3 Consideration will be given to ensure that any actions do not contravene rights conferred by The Human Rights Act 1998 or any other legislation.

11.0 REFERRALS AND JOINT ENFORCEMENT

11.1 The Council will routinely consult and work with other agencies in respect of this policy, including:

- Cumbria Constabulary on issues concerning, littering, fly tipping and dog fouling offences.
- The Environment Agency on issues concerning fly tipping, waste management and a range of other environmental issues.
- The County Council in respect of littering and waste management
- Other Council departments

11.2 Information or allegations outside the remit of this service may be referred to other Local Authorities or Enforcement Agencies which will include written statements, evidence, background information and witness contact details (if the witness agrees), to enable that agency to investigate the allegation.

Appendix.1.

Process for Dealing With Juvenile Enviro-Crime



