

COMMUNITIES OVERVIEW & SCRUTINY PANEL

TUESDAY, 10 NOVEMBER 2020

PRESENT: Councillors John Bowden (Chairman), Greg Jones (Vice-Chairman), Gurpreet Bhagra, Helen Price and Catherine Del Campo

Also in attendance: Councillors Baldwin, Baskerville, Davey, Cannon, Carole Da Costa, Wisdom Da Costa, Haseler, Knowles, Shelim, Singh, Taylor and Tisi

Officers: Shilpa Manek, David Scott and Neil Walter

WELCOME FROM THE CHAIRMAN

The Chairman welcomed all to the meeting.

APOLOGIES FOR ABSENCE

No apologies for absence were received.

DECLARATIONS OF INTEREST

No declarations of interest were received.

Councillor Davey referred to Part 4, A17 of the constitution and asked the Panel if any Member had been whipped. All Panel Members confirmed that they had not been whipped.

Councillor Cannon suggested that the Chairman take advice on the Council's Constitution on having to declare any Party Whip at the beginning of meetings.

Councillor Baldwin suggested that the Chairman may wish to take advice on the duty of Chairman's to ensure a fair and reasonable debate. The Chairman commented that if Councillor Baldwin had any issues with his Chairmanship, he should refer them to the Leader of the Opposition, the Conservative Leader, the Managing Director and the Monitoring Officer. Councillor Baldwin responded again to the Chairman and the host was asked to mute Councillor Baldwin.

UPDATE ON THE ENVIRONMENTAL ENFORCEMENT CONTRACT

Neil Walter, Parking Principal, gave a short introduction to the report. Neil Walter informed the Panel that earlier in the year, the council sought to obtain a solution to issues related mainly to environmental issues within the borough, namely littering, fly-tipping, dog fouling and a number of other offenses under the Environmental Protection Act and the Highways Act. The officers went out and sought recommendations from areas where enforcement had already taken place and discussions started with a company, District Enforcement Limited. During the course of this year, a range of meetings had taken place and it was agreed through procurement and council officers that a one-year pilot of a concession contract would be entered into with District Enforcement Ltd, which commenced on 5th October 2020.

To begin with, District Enforcement were asked to prioritise areas of littering, fly-tipping in commercial waste, duty of care and dog fouling, in the interim and to consider additional offenses under the Act at a later date. During October, six employees of District Enforcement had been working throughout the borough, in a range of areas and at various different times. As in the report, during the first month, 649 fixed penalty notices had been issued for a range

of offences. The offences ranged from the dropping of a cigarette butt through to large scale fly-tips.

During the same time, the council had received four formal complaints from members of the public, not all residents, in relation to the undertaking that District Enforcement had been doing. The four complaints had been reviewed and answers had been provided to the requesters and the complaints had officially been dealt with. During the same period, there had been issues raised by six councillors in relation to District Enforcement's work. These had ranged from working on private land to working in pairs, intimidation and a number of other issues. These issues have all been looked into and responses had been sent to the councillors. Most of the allegations were unfounded in reviewing video evidence and other evidence available to officers. It was clear that the District Enforcement employees were acting within the contract and in a manner that was normal for such enforcement reasons. Neil Walter commented that any form of enforcement would cause concern for those being enforced against.

The Chairman asked how long the operation had been going on and was advised by Neil Walter that the operation began on 5 October 2000 and was currently in its fifth operational week.

At this point the Chairman invited the Lead Member for Public Protection and Parking, Councillor David Cannon, to say provide an update to the Panel before questions from Panel Members would be answered.

Councillor Cannon commented that the contract had been brought in to address one of the major concerns that had been reflected in resident surveys of the anti-social behaviour of a small percentage of people in littering, fly-tipping, dog fouling and commercial waste. The fines that had been imposed were those fines that were already on the council's fees and charges, prior to District Enforcement coming in. They were not set by District Enforcement. District Enforcement had come in with a view to enforce what was already in force and items that were not being enforced as there was no enforcement team to do so. District Enforcement had only been in post for one month, the level of complaints had been remarkably low as with all these matters, this was a judicial function. If a person did not want to pay a fine, they would be able to take the matter to court. The objections that had been received by the council, had only been from people who had been caught and fined. It would be interesting to hear Members views on the policy, as District Enforcement were working for the council and then instructions to them could be refined. However, Councillor Cannon made it clear that if residents did not want to be fined, don not drop litter. Many residents were happy to see the Council taking strict action, like many other councils against this form of anti-social behaviour.

Mr John Webb, Windsor resident, addressed the Panel. Mr Webb started by thanking the Panel for allowing him to attend and speak. Mr Webb told the Panel that as a long-term resident of Windsor, he wanted it to be clean and tidy and hoped that other residents felt the same way too. Mr Webb objected to people wilfully fly tipping their rubbish and costing council taxpayers an absolute fortune clearing it up, objective dog owners not clearing up their dog mess on fields and pathways, objecting to car drivers emptying out their rubbish from their cars on the roadways or in car parks, objecting to thoughtless people emptying their pockets onto the pavements and disposing of food on the streets and not using litter bins that were provided. However, Mr Webb objected even more with the exception of fly-tipping to having an enforcement regime that appeared to almost focus almost entirely on finding people for dropping cigarette butts.

According to RBWM, the stop smoking service update published in 2017, smoking prevalence in the borough stood at 13%. This was better than the England average. Whilst cigarette butts were a nuisance, Mr Webb felt it was disproportionate to focus virtually all District Enforcements litter prevention resources to one of the least visible causes of litter in Windsor. Mr Webb showed the Panel what 600 cigarettes looked like in a bag and what 600 cigarette butts looked like in a bag.

Mr Webb continued and asked why the council were not bringing the activity in-house so that the revenues raised could be recycled in the borough and they could be used to fund schemes to help smokers quit or other more effective schemes. Mr Webb read out some guidelines from DEFRA. Mr Webb gave some suggestions to dealing with the issue without having to give fixed penalty notices.

The Chairman felt that Mr Webb should have disclosed he was a smoker. He also reminded everyone that the borough had many visitors and they littered too, including cigarette butts, therefore the figures given by Mr Webb could be incorrect.

Mr Webb asked the following questions:

What were the enforcement objectives of the District Enforcement and how well did they marry with the objectives of RBWM?

What appeal process was in place for those who felt unfairly treated by District Enforcement? And were RBWM happy with the process?

Were councillors happy to take so much money out of the local economy and give it to a private contractor from such a small subsection of the community especially when such groups included manual workers and persons with severe mental health?

How did RBWM propose to get District Enforcement focused on more volumetric issues of littering when only 24 fixed penalty notices were issued to non-business/domestic offenders, only 3.7% of offenders were not in a cigarette category, when it can be clearly seen when looking around Windsor and Maidenhead that the general litter, excluding cigarette butts, makes up the larger proportion?

The Chairman informed Mr Webb that the answers to his first couple of questions one and two were available in the contract specification. The Chairman handed over to the Officer and Lead Member to answer the remaining questions.

Neil Walter informed the Panel that the amount of fixed penalty notices that had been issued that were related to cigarette litter, all of the officers were out walking the streets of the borough, if they saw a member of the public littering, obviously they would deal with that matter. It was quite clear that that the majority of litter that they saw members of the public depositing on to our streets were cigarette butts. With respect to looking at other areas, as pointed out, this scheme was a pilot scheme and would allow officers and councillors to look over the period of a year at what areas were most in need to concentrate on and what areas need the main focus from DE. Clearly, it had been proved with the notices issued that there was a littering issue in relation to cigarette butts. With respect to fly tipping, the council relied on information from members of public, other council officers, by councillors and by council contractors to report fly tipping so they could be acted upon as quickly as possible. Where there was evidence on an individual who had created the fly tip, DE were able to act otherwise other evidence was looked for including photographic or video evidence.

Councillor Cannon felt that Mr Webb's comments were very emotive. The problem in hand was that there was a group of people who were wilfully littering in our streets. If these people littered in front of a DE officer, they would be fined. If that was smokers, then they would also be fined.

Councillor Cannon continued, with respect to the monies being paid to an external company, that obviously, everyone would like the income to come into the borough but unfortunately, the fines had been in place for a number of years but there were no officers to enforce them, it would cost the borough a lot to put enforcers in place. This was a pilot scheme for one year, after the year, it would be reviewed and if the generated income was high, then it would be considered to bring in-house. This was only four weeks into a new contract. It would be good

to see more people prosecuted on fly tipping as this was a council performance indicator that was not met every year and a nuisance for the council. Out of the six Officers, two were concentrating solely on fly tipping. It was more difficult to witness fly tipping than littering. Littering was just more likely to be seen by Officers.

Mr Ed Wilson, resident of the borough, addressed the Panel and informed them that he regularly cleaned up with other volunteers in the borough. Mr Wilson welcomed the fact that the council were actually taking some action against the people who littered the borough streets.

Mr Wilson had three questions:

Were residents able to contact the new enforcement team to raise suspicions of littering or would they need to continue to go through the customer service route, which was very cumbersome and time consuming?

Would the council be producing some kind of ongoing breakdown on the reports rather than what had happened after four weeks?

Would the council be displaying signs where enforcement officers were operating? This was something that other councils did and this would also reassure people that enforcement was taking place in the area and deter those who were littering.

Mr Wilson said this was long overdue and this was really needed in the borough to clean up all the mess.

Neil Walter responded to the questions raised by Mr Wilson. Residents could use the reporting system on the council's website to report fly tipping and littering. This would go through to the Highways department and then they would be put through to DE. This would soon be changed so that the form would go directly to DE for them to action. The contract had KPIs within it and reports were required to be produced monthly and quarterly. There were also monthly contract management meetings which would produce statistics that would be reviewed. Neil Walter informed the Panel that at this time, there were no decisions to put up signs other than those that were already up in relation to littering and fly tipping. These signs had been previously put up where there was historically a problem. This could be considered if the pilot became a full-term contract at the end of the year whether it was necessary to put the additional signage across the borough or in specific areas.

Mr Webb put forward an additional question, the focus of the DE Officers in their way of doing things, seem to be waiting for smokers and then pound on them. Mr Webb felt this was disproportionate. Mr Webb asked if there was any persuasion that could be given to DE to follow round dog fouler's or other people who may be littering, then there may be other similar results.

Neil Walter commented that within the pilot, he would be speaking with DE to inform them of the borough's priorities and what resident priorities were. Neil Walter highlighted that the DE Officers were walking around and enforcing what they saw. The DE Officers were currently finding their feet in a new borough. It was crucial that residents, councillors and everybody else reported the issues so that they could be resolved.

Councillor Cannon added that the DE Officers did not target smokers, there was no evidence of this. If evidence was produced that there had been inappropriate activity, then everyone was advised to report it to Neil Walter and then the Officers could be educated better to what the expectations were of the council. The DE Officers all had cameras and all evidence they provided was of court standard. This applied to anybody approaching them, challenging them, abusing them or the offense taking place.

Councillor Del Campo started by requesting that Democratic Services add something to the Member Update that week on encouraging councillor and residents to report their hot spots so that DE Officers could be placed in the correct areas.

Councillor Del Campo asked about the tendering process and how DE were chosen in the first place and also how many other providers were considered. Neil Walter informed the Panel that RBWM Officers spoke to three or four different councils to find out what they were doing in relation to littering and fly tipping. The majority were not really doing much for these issues, some had internal processes in place and some external contracts in place. The market was researched, and DE were approached and invited as they were working across the UK and had relatively good results. DE provided the council with a proposal that the council looked at and due to this only being a pilot and there being no cost to the council, no tendering process was undertaken. DE were selected to carry out the pilot, however, if the council decided to carry on with the enforcement, then a full tendering process would be carried out.

Councillor Del Campo clarified that the value of the contract was high to the contractor. This was confirmed by Neil Walter saying that this was a pilot concession contract. This had been dealt with in accordance to council rules under a waiver scheme as it was a pilot scheme and it was of no cost to the council. If the council were paying for the service, then it would have been part of a tendering process. Councillor Del Campo commented that even though the council were not paying for the service, it was still coming from residents to a service provider to provide a service that was the responsibility of the council. Councillor Del Campo asked if this service would become a victim of its own success, hopefully this would assist to change behaviour and littering would be reduced but what would then be the role of DE, would they go away and then come back when the litter got bad again? What was the long-term plan? Councillor Cannon suggested that the efforts of six DE Officers and the areas covered, there would always be work. It could be a leaner contract in the future but currently the borough had a culture of littering, so work was cut out for them. Neil Walter added that 100% compliance would be the ultimate goal, however, a degree of compliance better than what there was now was where the goal should be set. Councillor Del Campo asked about the specification document and it seemed to be in a draft format as parts were missing in the appendices and there was no mention of covid safe working which seemed quite important at the present time. Councillor Del Campo asked how people interacted in the street and also how the school and community events twice a month were due to take place. Councillor Del Campo asked about the KPIs and was pleased to see them in the appendices very clearly in a table. Could the Panel see performance against the KPI's at the next update. Councillor Del Campo gave some general feedback from residents to the Panel, that they agreed with the need to clear up the towns and issue fines but they were set too high.

The Chairman stated that it was the employer's responsibility, with respect to covid, about interaction with individuals and that they had to be at a distance when they were speaking to them. The Chairman thought the covid point post-dated the signing of the contract. Neil Walter commented that with regard to covid, all staff were required to adhere to all government guidelines and current legislation. With any kind of enforcement, it was virtually impossible to maintain safe social distancing at all times due to the showing of identification, but as a whole all guidelines should be followed. Councillor Del Campo asked when the contract was signed, before or after covid? If it was not, then it very important for it to be incorporated into the contract and if the contract had already been signed then it should have been varied to detail the pandemic. The council should not assume that safe practices were in place and insist on it being in the contract. Councillor Cannon added that the Officers were performing a legal function during their work and were not going to be able to deal with everybody at a two-meter distance. The legislation allowed them to do this. Councillor Cannon suggested that we could get more clarification on what their processes were.

Councillor Greg Jones commended the council on the excellent zero cost pilot scheme. Councillor Jones felt that there was never a reasonable excuse for littering, dog fouling or fly tipping so the council had to be tough on those doing it. Councillor Jones pointed out that in his opinion giving people a warning was not going to work. The Officers were wearing body

camera's so both sides were protected. Councillor Jones felt it was a great scheme and hoped that it would go beyond the pilot and tidy up the borough.

Councillor Price addressed the Panel. The points raised included Equality Duty, Councillor Price informed the Panel that there was a policy that was agreed in 2018 that a screening assessment would be taken on every policy decision that was made and that decision would be signed off and put on the public RBWM website. The Equality assessment for this decision could not be found on the website. Councillor Price asked if the assessment had been done. Neil Walter confirmed that an equality impact assessment had been done and it would be put on the website.

Councillor Price asked about local employment and commented that the report stated that the Officer positions would be local employment opportunities for six posts. Councillor Price understood that this was not the case and wanted to know why this was the case when there was increasing unemployment locally. Neil Walter responded that the contract was due to start in September 2020 but it did not due to a number of reasons. District Enforcement were conducting further interviews in the local area to employ more people. Neil Walter informed the Panel that two of the six Officers were local residents. This would continue and eventually all, except the contract lead would be local residents employed by the contract. Councillor Cannon added that it may be the anti-social comments on social media that was preventing local people from taking part in this. Councillor Cannon said that it was local hostility that was being encouraged by local councillors.

Councillor Price took the opportunity to reflect on Councillor Del Campo's excellent suggestions of improving communication. As a scrutiny panel, there had been no mention that this was happening, it was presented to a different panel. And residents were not aware of this too. Councillor Price said that better communication to councillors and residents, explaining the benefits and how it would work would go a long way. Councillor Price was glad to hear that that the Lead Member also felt that the results were skewed a little towards cigarette butts, whereas residents were concerned by general litter, dog fouling and fly tipping the most. Councillor Cannon reiterated that the Officers reacted to what happened in front of them and if they saw someone littering, they would react, whether it was a cigarette butt, crisp wrapper or anything else. If someone feels that there was an entrapment, let the council know and it could be dealt with as Officers were wearing body cameras. Councillor Cannon commented that the Officers would be working their way through the borough, this was their first month into the role in the borough. The comments from the Committee would be fed back to DE and their work would be adjusted accordingly.

Councillor Price highlighted the DEFRA Code of Practice that mentioned litter and refuse, it appeared that the council had decided not to follow the code of practice. This was followed by the wardens so why not the DE Officers? Councillor Price asked why a blanket approach was being used, which was different from the approach used by wardens. Councillor Price also said that the Code of Practice read that enforcement action needed to be appropriate for the offence and then referred to a case where a vulnerable person who had received a fixed penalty notice and was unable to pay it but still had to. Councillor Cannon commented that if you could not afford to pay a fine, then don't litter. Councillor Cannon said this was not the place to discuss individual cases and the particular case that Councillor Price was referring to was being investigated by Neil Walter as another councillor had reported it.

Councillor Knowles raised a point of order. Councillor Knowles was finding that shouting down another councillor absolutely unimpressive. Councillor Knowles asked why it was combative and confrontational sort of behaviour being displayed. Legitimate questions were being asked and they needed to be answered.

Councillor Price continued about going on to private land, Officers were obliged to engage and consult the landowners and occupiers to obtain their consent before going on to the private land. Councillor Price gave many examples of how the DEFRA's Code of Practice was not being followed and asked why it was not being followed. Neil Walter responded that the

council had been following the Code of Practice for a number of years in that the councils warden or anyone in environments enforcement had been working in that way, clearly with no success as there are still large numbers of people littering, fly tipping and everything else. The Code of Practice was guidance. The enforcement Officers had the right to go on to private land, if the private land owners did not want them to then they needed to inform the council in writing, discussions would then take place about the issues and come to a mutual agreement. If this was not possible then the council would refrain from enforcing on their land.

Councillor Price requested that it would be useful for the Panel to see the full specification as the document sent to Panel members had missing appendices.

Councillor Carole Da Costa addressed the Panel, she absolutely did not support littering, she supported the enforcing, however, Councillor Da Costa had concerns about the way the enforcement officers were behaving. The main concern was about the most vulnerable in the community where in certain wards, the fixed penalty notice was a significant amount of money. She thought it was worth asking if the punishment was fitting to the crime, which she thought it was not. Councillor Da Costa asked for clarification on what was littering, was it when somebody purposefully dropped litter, left it there and walked away with no intention of picking it up. If somebody dropped something, not walked away and were willing to pick it up, was it not a crime? Councillor Da Costa had spoken to an officer at TVP after having concerns about the way that the Officers were presenting themselves to members of the public. The Officers were asking for names and addresses, which they were at the liberty of doing, but are also demanding to see some form of identification, which TVP have confirmed that they cannot do. As a council we need to get right the way the Officers were behaving as it was this that were causing the issues.

Neil Walter responded to the comments made by Councillor Da Costa and said that in all the reviews that he had carried out, so far, the Officer has had to follow after the person who had committed the offence. There is no evidence that the Officers are pouncing on the people. With respect to asking for identification, the Officer could ask for proof but cannot demand it. In all reviewed cases, the identification had been given freely when asked. Councillor Da Costa asked if some sort of payment scheme could be implemented for people who could not pay the fine in full but could manage paying it in instalments. Neil Walter was not sure if DE provided payment schemes, but Neil Walter would ask and was positive that something could be sorted out. There are exemptions for this scheme. Councillor Da Costa felt that it was good to take this on board as a council to help those who could not pay the fine in full.

Councillor Knowles supported the enforcement, so many councillors went out for organised litter pick-ups or just went out and came back with a bag of rubbish. The procedures and how to complain needed to be clearly on the website to stop confusion amongst residents. Councillor Knowles was concerned about the contract and felt that it would have better if the contract and all these questions would have been addressed before the contract started at cabinet or council. It was unfortunate that the council were trying to do a good thing for residents and the borough, but all this bad communication was now being had. Councillor Knowles was concerned that there was no reference to the current circumstances in the contract, with respect to covid and social distancing. Councillor Knowles pointed out that within the policies and training, there was no reference on dealing with vulnerable people, people with disabilities or people with learning disabilities. The equalities impact assessment, if it had been done at the proper time, would have highlighted these points and fed into the contract. There was no mention of DBS checks anywhere and Officers would be often dealing with the most vulnerable in society. He asked if this please be reviewed in the future to reassure residents. Councillor Knowles was very interested in getting more information on the council's data and GDPR policy and DE data retention policy. Once again could this be put into a future review as an urgent matter. These were a number of suggestions raised by Councillor Knowles that could be reviewed.

Councillor Bhangra informed the Panel that he welcomed enforcing against littering and anti-social behaviour. He thanked Officers for tackling this issue in the borough. Councillor Bhangra commented that the scheme had been welcomed by residents in Boyn Hill.

Councillor Davey started by saying that nobody in the borough wanted to see litter all over the place and let people get away with it, it was the process that all were concerned about. Councillor Davey took the Panel on a journey, the first that he had heard of this was at the Infrastructure Overview & Scrutiny Panel on 17 September 2020, then whilst at work, a customer had come inside the store and said they had received a fixed penalty notice(FPN) in early October. The management of the store were not pleased that somebody had issued a FPN issued on land that they managed. On 10 October, Councillor Davey shot a video and shared on social media for clarity. The store officially wrote to the Managing Director. Other stories of receiving FPN's were put on social media. Councillor Davey spoke to the trainer in the store car park and he did notice that their identity/warrant card was not signed, was it valid if it had not been signed? Councillor Davey saw the Officers driving around the car park on 23 October after being advised that they were there for hours. Councillor Davey had asked Neil Walter for a report on actually where the fines had been issues but had not yet received anything.

Councillor Cannon raised a point of order that Councillor Davey had quoted a number of various cases, the meeting was not the place to discuss individual cases. This was an opportunity for Members to gain oversight and scrutinise the contract and policies around this. It was not an opportunity to rant about what had been heard. Councillor Davey asked about the cost to residents whilst there was no cost to the council, he understood that it was DE that dealt with disputes as well as giving out fines, Councillor Davey felt that the disputes would be better dealt with by the council. Councillor Davey asked what DE had done to educate children in the borough, the contract stated that there were two programs to be undertaken, was there something in place at the present time? Councillor Davey asked what had been done to educate the public before the program started to inform them that if they littered, they would be fined?

Neil Walter responded to the points raised by Councillor Davey, with respect to the identity/warrant card, on day one, on 5 October, all DE employees who were employed on the contract were issued with an unsigned warrant card. The reason for this was the electronic signatures of David Scott and Ben Smith, the officers in the council that have delegated authority to allow DE to act on behalf of the council under the Environmental Protection Act and the Highways Act. The warrant cards were all now electronically signed. The warrant card was legally required to provide proof of who the individual is. As long as the photo of an individual with their name was on the card then that was proof. The cards would not be invalidated if they were not signed and therefore the FPN were not invalidated. With respect to FPN's issued on private land, within legislation, private landowners have the right to give permission to give people the permission to litter and fly tip on their land. If they had given that permission then they would need to inform the council and the FPN would be cancelled. With respect to the Officers driving around in the car park, had spoken with Councillor Davey and then had contacted Neil Walter, were actually working on fly tipping, they were not covering litter enforcement. The education program was currently being put together, the borough were working with DE to identify where the programs should take place, what schools and areas should be covered. Neil Walter asked members to suggest any specific schools and areas that would benefit.

Councillor Davey wanted to know what fines were issued on the day that the two Officers were driving around in the car park and felt that they should be null and void. Councillor Davey would discuss this further with Neil Walter. Councillor Davey felt that he was accused of being a liar and not very happy.

Councillor Haseler addressed the Panel and informed them that a car park on private land was public space and any enforcement officer was allowed on that land unless forbidden to do so by the landowner. Councillor Haseler welcomed the DE process, both Councillors Haseler and McWilliams conducted a litter pick in the Cox Green area and it had a great following and was a great educational tool for young children from the local schools. Councillor Haseler felt it was completely impractical to put up notices. Councillor Haseler suggested that if other

members had issues about the scheme, to speak directly to Neil Walter or Councillor David Cannon to discuss the issues. It was wholly inappropriate to discuss individual cases in a public meeting. Councillor Haseler had highlighted some hotspot areas and would like DE to act there, especially for fly tipping. Councillor Haseler informed the panel that Buckinghamshire Council showed positive hits they had had and court convictions on social media, he hoped that this would be possible in RBWM.

Councillor Wisdom Da Costa quoted the DEFRA guidance of the Code of Practice about giving skills and effectively training staff. Councillor Da Costa asked the following questions, was training given to the Officers in relation to vulnerable people? How does the council know that the Officers were acting appropriately when engaging with vulnerable people? When were the warrant cards actually signed? Councillor Da Costa continued to say that the public had little confidence and respect in the service. To gain the confidence and support, more work was required in other areas such as fly tipping, obstruction in the highway and public space protection orders. Neil Walter commented that training was given to Officers on how to engage with vulnerable people and he was happy to get the extract from the training in relation to this from DE and share with Councillor Da Costa. The signed warrant cards were issued on 10 October 2020. Councillor Da Costa asked if the training covered entering people's houses but Neil Walter was not aware of exactly what was covered in the training.

Councillor Tisi had reported a particular issue on 13 October 2020 and hadn't yet received a response, please could she have a response. Councillor Tisi asked about the payment of fines and the online system, had this been resolved and could people pay their fines now? The contract mentioned positive things that could be done, what had been done about giving the positives about not to litter as well as enforcement. Councillor Tisi would like to see more data on this going forward. Councillor Tisi was in support of this. Neil Walter responded and apologised for not yet responding to her email and would do so as soon as possible. With regard to the payment issue, fines could also be paid using the council's website if there was an issue with the payment system. Neil Walter would look into the incentives question and report back to Councillor Tisi. Councillor Tisi suggested spreading the information about being able to pay fines using the council's website to members and residents.

Councillor Shelim informed the Panel that a few years ago, the town warden issued pocket ashtrays to those littering with cigarette butts.

Councillor Davey wanted clarification on what Buckinghamshire Council were doing with putting video clips up on social media. Both Councillors Bowden and Haseler clarified that the clips were only of people convicted at court.

Councillor Baskerville asked if additional bins could be added in hotspot areas, with stickers highlighting the fines if the bins were not used. The Chairman pointed out that this would be at the cost of the council.

Councillor Cannon and Neil Walter explained the dispute, appeals and complaints process. Neil Walter clarified that under law, there was no right of appeal against a fixed penalty notice. The FPN was issued to prevent a person going to court. If you paid the FPN, then that was fine. If you wished to appeal and not pay the fine, then the appeal would be heard in court. District Enforcement would accept representations from members of the public who had been issued FPNs and they would decide based on the information provided, whether they would give regard to the representation provided. Councillor Cannon thanked everyone for their contributions and reminded all that it had only been a month that the scheme had been in place.

Councillor Baldwin raised a point of order but had been previously muted by the Chairman for disrupting the meeting. The Chairman refused to hear the point of order and continued with the meeting.

Councillor Singh asked if this enforcement could have been done in-house by people who had better skills in dealing with our residents. Neil Walter informed the Panel that community wardens were able to deal with environmental crimes but were not able to do the issues under the Highways Act. Going forward, if this was looked at again, bringing the service in-house would always be considered. Councillor Singh asked what would the Officers be concentrating on next as many fines had been issued for cigarette butts? Neil Walter responded that DE had been contracted to concentrate on littering, fly tipping and dog fouling. The fines would be issued for what was witnessed, whether that be littering, dog fouling or fly tipping.

The clerk had to take advice from the Head of Governance about the point of order that had been raised by Councillor Baldwin. The clerk clarified that Councillor Baldwin was not a panel member but was a member and advised that the point of order was heard. Councillor Baldwin decided to reserve his point of order and comments for the Monitoring Officer.

Councillor Davey read out guidance from DEFRA's code of practice for disputes. The Chairman requested that the guidance read by Councillor Davey be sent to the Chairman and the Head of Services to be looked in to.

Councillor Price requested that the rather fractious meeting, end on a positive note with a summary of the next steps. Councillor Cannon would produce this and circulate to panel members.

Councillor Taylor asked if the efforts of the enforcement officers could be concentrated in different areas to get good coverage all over the borough. Neil Walter held a lot of information from DE and this could be used to find the hotspot areas and direct enforcement officers to these areas.

The meeting, which began at 6.15 pm, finished at 9.00 pm

CHAIRMAN.....

DATE.....