



Cheshire West  
and Chester

# Proposed changes to the Council's Enforcement Policy

**We want to know your views on the proposed changes to the Council's Enforcement Policy. This survey is in two parts.**

**Part A** - increasing delegation for enforcement to town or parish councils to build stronger communities.

**Part B** - general feedback on changes to the Enforcement Policy.

**Please complete this form by 4 November 2019.**

**Completing the questionnaire is voluntary and all the information you provide will be treated in the strictest of confidence. No information will be released that could identify an individual or household.**

**Please note**, to ensure that your response is submitted, please press the '**Finish Survey**' button on the last page of this questionnaire. If you have chosen to leave some questions blank, please make sure that you click through to the last page to press this button, otherwise the answers that you have given may not be included in our results.

Council information is also available in audio, Braille, large print or other formats. If you would like a copy in a different format, in another language or require a BSL interpreter, please email [equalities@cheshirewestandchester.gov.uk](mailto:equalities@cheshirewestandchester.gov.uk), telephone **0300 123 8 123** or textphone **18001 01606 275757**.

If you would like to know more about how we use and store the information you give us in this survey, you can find out by visiting <http://cheshirewestandchester.gov.uk/system-pages/privacy-notice/consultations-privacy-notice.aspx>

## **Our current policy**

Our current enforcement policy can be viewed on the Council website and via the consultation webpage.

[http://inside.cheshirewestandchester.gov.uk/get\\_involved/consultations/enforcement\\_policy\\_consultation](http://inside.cheshirewestandchester.gov.uk/get_involved/consultations/enforcement_policy_consultation)

Before completing Part B of this survey, please ensure you have read the new proposed policy, which can also be found on the consultation web page.

**Most of the changes we are proposing are for the following reasons:**

- Administrative changes
- Changes due to national laws or legal advice received
- To improve the understanding of the text

**Feedback is welcome on all aspects of the existing or proposed policies as well as the main change described below in Part A.**

**Part A**

We have been asked by some town and parish councils to delegate existing enforcement powers to them, so they can deal with low-level anti-social behaviour in their areas, principally relating to dog fouling. We think this could help strengthen local communities. This could include issuing fixed penalty notices for relatively low level offences. A fixed penalty notice is an administrative alternative to prosecution before the magistrates' court. Town or parish councils could be given powers to issue fixed penalty notices within their geographical area, for the following offences:

- Not cleaning up after a dog (keeping public areas clean and safe)
- Having more than six dogs under the control of one person (public safety and keeping areas clean)
- Allowing dogs into an enclosed children's play area (child safety)
- Not having means to pick up dog foul (keeping public areas clean and safe)
- Not putting a dog on a lead when asked to by an authorised officer (public safety)
- Smoking in an enclosed children's play area (reducing harm to children's health)
- Dropping litter (keeping public areas clean)
- Not switching off an idling engine when asked to do so by an authorised officer (preventing vehicles idling; reducing pollution)

**The current enforcement delegation position**

Trained and authorised Council employees are the only people who can currently issue fixed penalty notices to members of the public for environmental or anti-social behaviour offences such as littering or failing to meet the requirements of a Public Space Protection Order.

This is done currently as part of targeted enforcement patrols that are limited in number and focus principally on our city or town centres and, less frequently, other identified hot spot areas. These officers cannot always respond as quickly as required to the priorities of parish and town councils.

**The proposed change**

Community surveys regularly tell us that anti-social behaviour, such as allowing dog fouling and littering, is of great concern to residents. To help communities address these issues in their own known hot spot areas, it is proposed to delegate enforcement powers to parish and town councils, initially on a pilot basis. This would allow their own enforcement staff to issue fixed penalty notices.

This will need to be done with the necessary checks and balances in place to give communities confidence that these powers are being administered fairly and properly. The responsibility for training enforcement staff and making sure they follow the correct procedures will remain with Cheshire West and Chester Council.

**1. Below is a list of fixed penalty notice enforcement activities which are currently included within the Cheshire West and Chester Public Space Protection Orders. To what extent do you agree or disagree with the proposal to delegate the enforcement powers for the following activities to town and parish councils? Please select one option per row.**

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
a) Not cleaning up after a dog (keeping public areas clean and safe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Having more than six dogs under the control of one person (public safety and keeping areas clean)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Allowing dogs into an enclosed children's play area (child safety)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Not having means to pick up dog foul (keeping public areas clean and safe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Not putting a dog on a lead when asked by an authorised officer (public safety)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Smoking in an enclosed children's play area (reducing harm to children's health)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Please give the reasons for your answers to question 1 in the box below.

**3. Below is a list of other forms of current fixed penalty notice enforcement activities which are included in national laws or regulations. To what extent do you agree or disagree with the proposal to delegate the enforcement powers for the following activities to town and parish councils? Please select one option per row.**

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
a) Dropping litter (keeping public areas clean)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Not switching off an idling engine when asked to do so by an authorised officer (reducing pollution).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Please give the reasons for your answers to question 3 in the box below.

**It is proposed that, if powers are delegated to town and parish councils, they are subject to the same controls as the local authority. The aim of these controls is to give communities confidence in their town or parish council's enforcement activities.**

**We think the list of controls should include the following a) to h), as a minimum:**

- a) Town and parish councils will need a robust selection process in place for their enforcement staff.
- b) Their enforcement staff are trained to the same level as local authority officers and able to satisfy the local authority manager responsible for fixed penalty patrols that they are competent in this area prior to being authorised.
- c) Authorised enforcement staff are subject to regular refresher training.
- d) Authorised enforcement staff will be trained in and bound by the principles of the Council's enforcement policy.
- e) The parish or town council should publish its enforcement powers, and publicise the introduction of fixed penalty notice powers in hot spot areas with affected communities prior to their use.
- f) Parish or town councils will need their own complaints procedure in place. (Please note that, the formal appeal route for any fixed penalty notice issued is through the magistrates court.)
- g) Responsible use of these powers shall be subject to an audit by the delegating authority on a regular basis, and if there is evidence of misuse, the delegation would be removed or suspended.
- h) A system of removing authorisation should be in place if parish or town councils' actions fall outside of the terms above.

**5. In addition to the controls listed above, do you have any further suggestions which would give communities confidence in town or parish councils' enforcement activities? If so, please tell us in the box below.**

**6. Who do you think should be authorised to carry out enforcement activities for the town or parish council? Please select all that apply.**

- Parish or town council members
- Parish or town council employees
- Any person who lives within the geographical area of the parish or town council appointed by them, for the purpose of enforcement
- Any person appointed by the town or parish council for the purpose of enforcement not necessarily from the local area
- Other (please specify):

**7. Please give the reasons for your answer to question 6 in the box below.**

**8. If you have any other comments about the delegation of enforcement powers to town and parish councils, please tell us in the box below.**

**In a similar way, it is proposed that enforcement powers should be delegated to other agencies, for example, Registered Social Landlords (RSLs), to allow them to better manage their tenancy agreements to reduce anti-social behaviour. For example, this could allow RSLs to issue Community Penalty Notices (CPNs) to tenants to reduce noise or require rubbish to be cleared.**

**9. To what extent do you agree or disagree with this proposal to delegate powers to other agencies? Please select one option only.**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

**10. Please give the reasons for your answer to question 9 in the box below.**

**Part B**

**11. If you have any general feedback on any aspect of the proposed Enforcement Policy, please insert your comments or suggestions in the box below and explain the reason for any suggested change. It would be helpful if you can include reference to the clause in the policy document that your statement relates to.**

## **About you**

**Completing this section is voluntary and all the information you provide will be treated in the strictest of confidence. No information will be released that could identify an individual, household or organisation.**

**12. Have you received a fixed penalty notice for any anti-social behaviour in the last five years? Please select one option only.**

- Yes
- No
- Don't know

**13. To what extent are you concerned about the levels of anti-social behaviour of the type referred to above in your community? Please select one option only.**

- Very concerned
- Fairly concerned
- Neither concerned nor unconcerned
- Fairly unconcerned
- Not at all concerned
- Don't know

**14. In what capacity are you completing this questionnaire? Please select all that apply.**

- I am a resident of Cheshire West and Chester
- I have a business interest in Cheshire West and Chester
- I am an elected Member of Cheshire West and Chester Council
- I am a local town or parish councillor
- I am a representative of a voluntary or community organisation
- I am a member of a local group with a specific interest in the service
- I regularly walk dogs
- Other (please specify):



**15. If you are responding on behalf of a group or organisation, please name it in the box below. You do not have to complete the rest of this section.**

**16. Please tell us your postcode - this information will only be used to understand where responses have come from and how views differ.**

**17. Which age group do you belong to? (Please note that if you are aged under 16 you need the permission of a parent, guardian or teacher to take part in this survey).**

- Under 16 (please provide the name or email address of your parent/guardian/teacher below)
- 16 - 24
- 25 - 34
- 35 - 44
- 45 - 54
- 55 - 64
- 65 - 74
- 75+
- Prefer not to say

**Name/email address:**

**18. Are you...?**

- Male
- Female
- Prefer not to say
- Prefer to use own term:

**Please complete this consultation;-**

**on line** at: <https://www.cheshirewestandchester.gov.uk/enforcementpolicyconsultation>

Or by marking your response "Enforcement Policy" and sending; -

**by email to:** [RegulatoryServices@cheshirewestandchester.gov.uk](mailto:RegulatoryServices@cheshirewestandchester.gov.uk)

**by post:** FAO Lyn Collins, Council Offices, 4 Civic Way, Ellesmere Port. CH65 OBE

**THANK YOU FOR YOUR INTEREST AND HELP WITH THIS CONSULTATION**