

## Scrutiny Standing Panel Agenda



### ***Environmental and Planning Services Standing Scrutiny Panel Monday, 26th June, 2006***

**Place:** Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Democratic Services Officer:** Z Folley - Research and Democratic Services  
Tel: 01992 564532 Email: zfolley@eppingforestdc.gov.uk

**Members:**

Councillors Mrs P Smith (Chairman), D Kelly (Vice-Chairman), D Bateman, Mrs D Borton, Mrs A Cooper, D Jacobs, A Lee, G Mohindra, Mrs P Richardson, Mrs L Wagland and J Wyatt

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<p><b>PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND</b></p>
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**1. APOLOGIES FOR ABSENCE**

**2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Head of Research and Democratic Services) To report the appointment of any substitute members for the meeting.

**3. DECLARATION OF INTERESTS**

(Head of Research and Democratic Services). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

**4. NOTES OF LAST MEETING - 13 APRIL 2006 (Pages 5 - 8)**

Attached.

**5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 9 - 12)**

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

The OSC has asked the Panel to review policy on wheeled bins and the recycling of aluminium foil. A form on this is attached. The Panel now needs to consider how this is to be undertaken.

**6. NEIGHBOURHOOD WARDENS - DISCUSSION WITH POLICE AND EASTERN WARDEN RESOURCE CENTRE (Pages 13 - 52)**

**Recommendation:**

To receive a presentation from Inspector Glenn Mayes of Essex Police and Ms Jane Brooker - Wood of the Eastern Warden Resource Centre on the Neighbourhood Warden initiative.

(Joint Chief Executive Community/Head of Environmental Services). Members will recall that the Panel has previously considered the implications of the Clean Neighbourhood and Environment Act 2005 and the linked issue of Fixed Penalty Notices. This discussion has particularly focused on whether a Neighbourhood Warden Service should be implemented in the District and the measures they may carry out.

As requested at the last meeting on 13 April 2006, Glenn Mayes of Essex Police has been invited to this meeting to discuss Police experience with Neighbourhood Wardens, the scheme generally and any views that they may have on the Council employing wardens. His presentation will also report on the issue of Fixed Penalty Notices, the work of Community Police Support Offices and whether they could be used to issue notices and how such arrangements might work.

To report a further perspective, Ms Jane Brooker – Wood will be in attendance to advise on the views of the Eastern Warden Resource Centre. She will report examples of schemes elsewhere specifically in Essex, successes and failures, lessons learnt and some suggestions regarding schemes which may be visited to speak to elected Members and Officers, the Wardens themselves and local residents.

This session is designed to provide an insight into the issues and an opportunity to ask questions.

To support the above, attached is a report and scrutiny request form submitted by Councillor Mrs J Whitehouse. Also enclosed is background information on the Neighbourhood Warden Scheme. This information was circulated with the April 2006

agenda however has been reproduced for the benefit of those Members who are new to this Panel.

A copy of the related consultation document for the Clean Neighbourhood and Environment Act 2005 which was considered by the Panel in December of last year is available in the Members Room to place the review in context.

**7. WEST ESSEX AREA WASTE MANAGEMENT JOINT COMMITTEE - DECISION SUMMARIES (Pages 53 - 56)**

To consider the attached decision summaries for the meetings of the Joint Committee held on 26 April and 31 May 2006.

**8. RE - USE OF BUILDINGS IN GREEN BELT.**

To consider the information to follow.

**9. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

**10. FUTURE MEETINGS**

The next meeting of the Panel will be held on 29 August 2006 at 7.30 pm in Committee Room 1 and then on 30 October, 19 December 2006, 26 February and 26 April 2007.

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**EPPING FOREST DISTRICT COUNCIL**  
**NOTES OF A MEETING OF ENVIRONMENTAL AND PLANNING SERVICES STANDING**  
**SCRUTINY PANEL**  
**HELD ON THURSDAY, 13 APRIL 2006**  
**IN COMMITTEE ROOM 2, CIVIC OFFICES, HIGH STREET, EPPING**  
**AT 7.30 - 9.50 PM**

<b>Members Present:</b>	D Stallan (Housing Portfolio Holder) (Chairman), M Woollard (Vice-Chairman), Mrs D Borton, A Lee, T Richardson, Mrs M Sartin (Environmental Protection Portfolio Holder), Mrs P Smith and Mrs J H Whitehouse
<b>Other members present:</b>	(none)
<b>Apologies for Absence:</b>	Mrs M Boatman and P McMillan
<b>Officers Present</b>	J Scott (Joint Chief Executive), J Gilbert (Head of Environmental Services), J Preston (Head of Planning and Economic Development), Ian White (Senior Planning Officer) and Z Folley (Democratic Services Assistant)
<b>Also in attendance:</b>	K Lawson (Essex County Council)

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**1. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was reported that Councillor Mrs J H Whitehouse had been appointed to attend the meeting as a substitute for Councillor D Kelly.

**2. DECLARATION OF INTERESTS**

There were no declarations of interests made pursuant to the Council's Code of Member Conduct.

**3. NOTES OF THE LAST MEETINGS - 28 FEBRUARY AND 28 MARCH 2006**

Agreed.

**4. TERMS OF REFERENCE / WORK PROGRAMME**

The Panel were invited to allocate reporting deadlines where required to their work programme for the forthcoming year. Agreed the following deadlines be ascribed:

(item 5) Provision of Uniformed Wardens – September 2006

(Item 6) Traveller Policy – Ongoing

(Item 7) Planning Performance – monitoring of enforcement figures outcome – Ongoing

(item 3) Re use of buildings in Green Belt – decision deferred pending receipt of further information at next meeting.

Noted that information on Planning Performance would be reported in the Members Bulletin on a regular basis.

**ACTION:**

Democratic Services Assistant to update work programme.

**5. RE USE OF BUILDINGS IN THE GREEN BELT - PRESENTATION**

The Chairman introduced and welcomed Keith Lawson from Essex County Council who was in attendance to discuss policies for the reuse of farm buildings in the countryside and steps to ensure development in such areas was sustainable.

Mr Lawson referred to a recent newspaper article reporting action taken by residents in Broxbourne relating to the subject of the review and advised that the Area Office might offer to undertake work on the issues. He also reported that:

- (a) County Planning Officers/the Essex Planning Officer Association had carried out a study in response to central government efforts to encourage the diversification of farms. The study produced 12 years ago, explored planning, highways and environmental issues in view of the need to establish a county wide approach.
- (b) Commercial vehicle activity around farm buildings had increased arising from the increased economic activity in rural communities. There was a need to establish clear reasons for any actions to deal with the issues associated with such activities which was difficult to regulate.
- (c) The Council received a list of applications seeking changes to goods vehicle operators licenses which the District could make representations against if deemed necessary.

Mr Lawson reported a number of options for addressing the issues in the District:

- (d) The Panel could choose to update the County study/adapt it to suit local circumstances as it was still relevant.
- (e) Should the Panel wish to address specific site related issues such as those identified in the Nazeing/Roydon area, they might wish to undertake a study to scope to problems in the first instance.

The Principal Planning Officer reported that between 1 April 2001 and 31 March 2006, 146 applications had been submitted for change of use in rural areas. Only 6 of these related to sites in Nazeing. A further 5 concerned Roydon. The Head of Planning and Economic Development reported information indicating that the majority of cases for change of use was for residential development rather than commercial activity. He suggested that this information might not provide enough evidence to suggest that issues around the conversion of farm houses for business purposes was a growing significant trend and required a change in policy.

**Agreed** that further information be obtained on how many of the 146 consents reported had been taken up and the nature of them in particularly their size and whether they were for commercial purposes. **Agreed** that this also detail businesses operating without consent/breaches of planning conditions and cover the last 10-15

years. The Head of Planning and Economic Development/Principal Planning Officer undertook to collate this more specific information for the next meeting in June 2006.

A Councillor undertook to undertake her own research on problems concerning vehicle activity in the Nazeing area and report back to the next meeting. It was also agreed that the County study be made available for the next meeting.

Noted the benefits of carrying out a desktop study to identify the key issues regarding business activity in Nazeing and Roydon, for example concerning glasshouses/package houses, transport links, implications of the expanding industrial base of Broxbourne, issues generated by sites on which redundant agricultural buildings had been converted for use. Mr Lawson advised that the investigation might also seek information on the number of employees serving the businesses concerned, impact of conversions on 'areas of stress' and unauthorised sites. Feed back could be obtained from the Parishes.

**Agreed** that further consideration be given to the review at the next meeting following the receipt and consideration of the detailed information requested at this meeting.

**ACTION:**

Head of Planning and Economic Development/Principal Planning Officer to produce report for the next meeting in June 2006 and make available the Essex Planning Officer Association study.

**6. WEST ESSEX AREA WASTE MANAGEMENT JOINT COMMITTEE - MINUTES OF THE LAST MEETING HELD ON 22 FEBRUARY 2006.**

The Panel considered a summary of the decisions taken at the meeting of the Joint Committee held on 22 February 2006.

The Head of Environmental Services drew attention to the progress to date with the system design approach.

**7. REVIEW OF ENGLAND'S WASTE STRATEGY**

Members noted that following the discussions at the last meeting of the Panel, officers had formulated responses to the questions identified in the consultation document. The Head of Environmental Services invited Members to consider each response with a view to incorporating any changes made and submitting them to the consultation by the deadline of 9 May 2006. The following comments were made:

**Agreed** that the response to question 2 state that this matter was best dealt with by disposal authority.

**Agreed** that it be made clear that the response to Question 7 covered question 6 as well.

**Agreed** that the word 'results' substitute 'affects' in the answer to Question 9.

**Agreed** that Question 10 refer to the attitude of many residents towards managing household waste.

**Agreed** that the response to Question 29 have regard to the desire to see an increase in the amount of commercial waste recycled and that consideration would need to be given to how such waste was managed carefully.

**ACTION:**

Head of Environmental Services to amend the responses as indicated.

Responses as amended to be placed in the Members Bulletin for comment prior to submission.

**8. NEIGHBOURHOOD/COMMUNITY WARDENS**

The Panel considered information on Community/Neighbourhood Wardens in connection with the review to be undertaken on this subject. Noted that Councillor Mrs J Whitehouse had agreed to produce a report for the next meeting in June 2006.

**Agreed** that Glenn Mayes of Essex Police and a representative from the Eastern Warden Resource Service be invited to the next meeting.

**Agreed** that an officer report be submitted on existing powers.

Noted that the Panel might wish in the new year to set up an informal smaller sub-group to undertake fact finding visits which would be open to any Member who wished to attend. Noted the need to formulate a work plan with a deadline of September 2006 for the 2007/08 budget.

**Agreed** that a general invitation to the next Panel meeting be placed in the Members Bulletin nearer the time.

**9. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no reports to be made to the next meeting of the OSC on 25 May 2006.

**10. LAST MEETING OF THE YEAR**

The Chairman thanked the members of the Panel for their regular attendance at its meetings over the last year and contribution to the discussions. He also thanked the officers involved in supporting the meetings for all their hard work and looked forward to the forthcoming year.

**11. FUTURE MEETINGS**

Noted that the next meeting of the Panel would be held on 26 June at 7.30p.m in Committee Room 1.



## Environmental and Planning Services Standing Panel

As at 26 May 2006

(1) Essex County Joint Waste Procurement Process	Ongoing	<b>Underway</b> – Panel to receive minutes of the Joint Committee for the process as and when they become available	<b>Next mtgs:</b> 29 August, 30 October, 19 December 2006, 26 February, 26 April 2007.
(2) New Local Development Scheme	Ongoing		
(3) Re use of buildings in the Green Belt – transport study on vehicle movements	TBA	Historical Information on applications dealt with for change of use and other issues to be submitted to this mtg.	
(4) East of England Plan	Ongoing	<b>Underway:</b> Panel currently focusing on Examination in Public	
(5) Provision of Uniformed Neighbourhood Wardens	September 2006.	Essex Police and Neighbourhood Renewal Unit to attend this meeting to contribute to the review	
(6) Traveller Issues	Ongoing	<b>New item for Panel</b> – added by OSC on 16 March 2006	
(7) Planning Performance – monitoring of enforcement figures/outcomes	Ongoing	<b>New item</b> – added by OSC on 16 March 2006	
(8) Review of Policy on Wheeled Bins and the recycling of aluminium foil.		<b>Allocated to Panel by OSC on 25 May 2006</b>	

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## Request by Member for Scrutiny Review



Please complete the form below to request consideration of your issue by the Overview and Scrutiny Committee

<b>Proposers Name:</b>	<b>Date of Request</b>
<b>Councillor S Metcalfe</b>	<b>24 April 2006</b>
<b>Supporting Councillors (if any):</b>	
<b>Councillor D Stallan and the majority of members of the Council as a result of adopting a motion at the Council meeting on 24 April 2006 (Minute 93(b)).</b>	
<b>Summary of Issue you wish to be scrutinised:</b>	
<b>A review of the current policy of issuing wheeled bins for refuse collection, including consideration of the recycling of aluminium foil.</b>	
<b>NOTE: ENTRIES BELOW RELATE TO ISSUE CATEGORIES OF THE PICK PROCESS. PLEASE REFER TO THE EXPLANATORY NOTES TO THIS FORM FOR FURTHER INFORMATION</b>	
<b>Public Interest Justification:</b>	
<b>There is considerable public concern about the size of the standard wheeled bin being delivered to residents. Many residents are stating that they are recycling as much as possible but continue to have too much residual waste top fit into the 180 litre wheeled bin. Account should be taken of the views being expressed rather than simply continuing to issue this size of bin.</b>	
<b>The review should include consideration of the introduction of recycling of aluminium foil which if achieved would be likely to reduce substantially the amount of residual waste.</b>	

**Impact on the social, economic and environmental well-being of the area:**

**Excess residual waste results in side waste which is detrimental to the amenities of an area and a potential health hazard.**

**Recycling of aluminium foil will improve the Council's performance and is likely to impact on the standard size of wheeled bin.**

**Council Performance in this area (if known: Red, Amber, Green):**

**The level of recycling in those parts of the District in which wheeled bins have been introduced has been increased significantly.**

**Keep in Context (are other reviews taking place in this area?)**

**No**

<b>Office Use:</b>	
<b>Pick score:</b>	<b>Considered By OSCC:</b>

## **Report to Environmental and Planning Services Standing Panel**

**Date of meeting: 26 June 2006**

**Report by Cllr Mrs J. Whitehouse**

**Subject: Community/Neighbourhood Wardens**



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During the years I have been a district councillor for Epping I have received many complaints about litter, pavement parking and dog fouling. I have taken these up with the relevant officers and with the police but they reoccur.

When I heard that the parking contract would be coming up for review it seemed an opportunity to consider if the responsibilities of the parking wardens could be widened to include dealing with litter, pavement parking and dog fouling so transforming the parking wardens into community wardens. However, I was told that the parking wardens could deal only with parking. This led on to the need to consider other ways of dealing with the litter, pavement parking and dog fouling.

Since I first discussed my idea of community wardens the Clean Neighbourhoods and Environment Act 2005 has come into effect. This provides for fixed penalty notices for a wide range of offences. These can be issued by authorised employees of various local authorities including parish councils and by Police Community Support Officers (PCSOs). The Government expects that local authorities will use these powers.

This panel needs to decide which powers should be enforced by the Council's existing officers and to discuss with the police which powers the PCSOs will enforce. The panel may decide that new officers, possibly called community wardens, should be employed to enforce all or some of the powers. If new officers are employed there will be budget implications.

Many local authorities have community/neighbourhood wardens. Research carried out in 2001-2003 on behalf of the ODPM's Neighbourhood Renewal Unit concluded that 'in successful schemes wardens can and are having an impact'. The research also showed that successful schemes have a number of common features. These included resident participation and the involvement of a wide range of stakeholders, active and representative steering group, high quality wardens with high visibility, and consistent scheme management.

The aim of this task for this scrutiny panel is to find a way to give the residents of Epping Forest a cleaner, safer, more attractive environment. This may be by the introduction of community wardens or through alternative methods. My request to the Overview and Scrutiny Committee for a scrutiny review is attached for information.

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## **Request by Member for Scrutiny Review**

**Proposer's Name :** Janet Whitehouse      **Date of request:** 21/9/05

**Supporting Councillors:** Jon Whitehouse, Bob Goold, Fergus Maclaine

### **Summary of issue to be scrutinised**

The provision of uniformed neighbourhood wardens to help keep the district's streets cleaner and safer.

The contract with Vinci Park will soon be due for reconsideration and members should have an input into this. That contract deals only with the enforcement of parking. We think the council needs wardens with wider enforcement powers to deal with parking on pavements, litter, flyposting, etc. I understand that there are a number of such powers which councils can choose to exercise.

We would like a panel to look at the possible powers and recommend to Cabinet which EFDC should take, possibly by employing neighbourhood wardens in place of exclusively parking wardens. This would probably involve a reduction in time spent on parking enforcement in order to include the new powers – or there may be other ways.

### **Public interest justification**

Residents, especially those in mobility vehicles or with prams, have complained about vehicles parked on the pavement and blocking pedestrian access. The police are not willing to deal with this and have told me that councils have powers to do so.

Cllr Jon Whitehouse and I receive frequent complaints about litter and dog fouling in Epping.

Research has shown that the presence of uniformed wardens make residents feel safer.

### **Impact on the social, economic and environmental well-being of the area**

The result of the wardens' work should be a cleaner, more attractive district which would be more likely to satisfy residents and attract visitors and businesses to the area.

Unimpeded access along footpaths would also help the independence of elderly or disabled people. I know of at least one person who has lost confidence in going out in his mobility vehicle after an incident involving the pavement being blocked.

### **Council performance in this area**

Performance is not known but this topic relates to the Epping Forest District Community Strategy as follows –

***Green and Unique*** – Improve the cleanliness of our streets and open spaces and encourage a culture that does not tolerate litter.

***A Safe Community*** – Ensure that high visibility uniformed patrols, including police officers, Community Support Officers and other uniformed officials such as forest rangers, are regularly present on the streets and other public spaces.

It also relates to the Epping Forest Best Value Performance Plan 2005/6 as follows –

***Medium Term Priorities*** –

(a) To maintain the special character and advantage of the district, and address local environmental issues

(c) To create safer communities.

***Street scene (p12)*** We recognise that our residents would like to see a cleaner environment in our towns, villages and countryside. The Government is proposing changes to the law which should enable councils to do more to control litter and fly-tipping.

BVPI 199 relevant but not yet available

**Keep in context**

No other reviews relevant to this issue are known.

**For office use:**

**Pick score:**

**Considered by OSCC:**



# Report to Environmental and Planning Services Scrutiny Standing Panel



SCRUTINY

 Epping Forest District Council

**Date of meeting: 13 April 2006**

**Subject: Neighbourhood/Community Wardens**

**Officer contact: John Scott (Joint Chief Executive (Community) (ext4050)  
John Gilbert (Head of Environmental Services) (ext 4062)**

**Committee Secretary: Zoe Folley 4532**

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## Recommendations:

- (1) To note the attached information on Neighbourhood/Community Wardens;
- (2) To agree the steps to be undertaken to determine the review including the suggestion to:
  - (a) delegate the topic to a smaller sub group of the Panel's Membership for consideration;
  - (b) pursue discussions with the Police and the Eastern Warden Resource Committee including fact finding visits;
  - (c) formulate a work plan with a completion date of September 2006 for the 2007/08 Budget.

## Introduction

1. (Joint Chief Executive (Community))/(Head of Environmental Services). In considering matters in relation to the Clean Neighbourhoods and Environment Act 2005, the Scrutiny Panel has requested information to enable them to consider issues around the provision of uniformed Neighbourhood/Community Wardens.
2. Councillor Mrs Whitehouse has offered to prepare a paper for the Scrutiny Panel setting out her ambitions in relation to this topic.
3. Information has been put together to introduce the topic and enable Members to plan how they wish to carry out the investigation. The papers are:
  - **Appendix 1** – A briefing note prepared by the Government Office for the East of England (GO East) which sets out some brief explanations around the Warden concept.
  - **Appendix 2** – A research summary issued by the ODPM which sets out the keys lessons and findings from a national evaluation of the Neighbourhood Warden's Programme.
  - **Appendix 3** – A statement of fundamental principles issued by the Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO).
  - **Appendix 4** - Copy of a speech given by Jim Fitzpatrick (a Government Minister) on 13 February 2006.

- **Appendix 5** - Copy of a newsletter issued by the ODPM in February 2006; and
- **Appendix 6** – Page 126-135 from the draft guidance on the Clean Neighbourhoods and Environment Act 2005 which deal with fixed penalty notices.

### **Fixed Penalty Notices**

4. The Council has yet to decide whether it wishes to use these new powers and if so the circumstances in which the powers are to be used. Ben Bradshaw, the Environmental Quality Minister in a recent speech to the Keep Britain Tidy conference, expressed concern about Local Authorities “failing to use powers given to them in the Clean Neighbourhoods and Environment Act”, that 40% of fixed penalty notices (FPNs) for environmental crimes issued in 2004/05 have never been paid and said “far too many local authorities are treating FPNs as some kind of voluntary pricing scheme”. The Minister reminded Councils that extended powers should be taken seriously, particularly as they asked for them in the first place.

### **Enforcement**

5. Whatever recommendations the Panel wishes to put forward, it will be seen from Appendix 6 that some of the Fixed Penalty Notices can be issued by Police Community Support Officers. There are twenty Police Community Support Officers operational in the Epping Forest District at the current time of which six are part funded by the District Council (£90,000 per annum). The Service Level Agreement provides for those officers to issue FPNs on behalf of the Council and the Panel may wish to meet with Police Management to see what arrangements can be agreed.

### **Eastern Warden Resource Centre**

6. The Eastern Warden Resource Centre is based in Thurrock and was set up in 2004 with funding from the ODPM for its first year of operation. The Centre has recently submitted its business plan to Government which sets out its proposals to be a fully sustainable facility by 2009. It plans to achieve this largely via the sale of commercial training schemes to support the Warden Service.
7. The Centre is able to arrange various support processes and has offered to meet with the Panel if Members so wish. Their Director, Jane Brooker-Wood says she can arrange to take Members through the different Warden formats that exist in the Eastern Region, visits to existing schemes, specialist presentations, training processes and invites to their Steering Group or Network meetings.

### **Conclusions**

8. The Panel is invited to consider the information supplied and decide how it wishes to take this work forward. The Panel may wish to take forward the project itself or to delegate the task to a smaller group of its Membership. If the Panel wishes to pursue the idea of discussions with the Police and the Eastern Warden Resource Committee then a timetable and work plan will need to be established.

### **Resources**

9. No resources have been provided for within the Council's budget for 2006/07. Therefore if Members wish to put forward any recommendations which will need funding, the Panel should aim to report by the end of September in time for the budget round for 2007/08.

### **What are Neighbourhood Wardens?**

Wardens are the eyes and ears of a community, they identify problems and are able to suggest, and often implement, solutions (for example cleaning up litter and graffiti, better surveillance and promoting a stronger community spirit). The idea of Wardens originally came from Holland, but Wardens are found across the world. The USA has Wardens in their Business District areas and they are funded directly by business rather than through the state. Town Centre Wardens have been in this country since the early 90's (for example Cambridge, Ipswich, Bury and Gt. Yarmouth have had town centre Wardens or rangers for many years)

- A Neighbourhood Warden provides a uniformed, semi-official presence in a residential area with the aim of improving quality of life.
- Wardens can promote community safety, assist with environmental improvements and housing management, and also contribute to community development.
- Wardens should be supervised by a scheme manager and have the support of local residents and key agencies like the police.
- Wardens may patrol, provide concierge duties or act as 'super caretakers'.

### **What are Street Wardens?**

- Street Wardens programme began on 1 August 2001. They provide highly visible uniformed patrols in town and village centres, public areas and neighbourhoods.
- They will build on the Neighbourhood Wardens Programme, currently funding 85 schemes which are showing promising early results.
- Street Wardens are similar to Neighbourhood Wardens, but their emphasis is on caring for the physical appearance of the area. They tackle environmental problems such as litter, graffiti and dog fouling and have the power to produce on the spot fines in relation to this.
- They also help to deter anti-social behaviour; reduce the fear of crime; and foster social inclusion.

### **Why have Wardens?**

Over the years, communities have lost many semi-official people from their areas such as Park Wardens, Milkmen, rent collectors etc. These people often provided a reassuring presence on the streets. In many areas of the Country, the fear of crime and anti-social behaviour has stopped many people being able to live full lives, in particular the elderly and BME groups. Wardens are able to reduce not only the fear of crime, but actual crime by providing a physical presence on the streets.

Schemes are tailored to meet the needs of each area with the community being involved right from the start of the project. Schemes need to develop robust implementation plans detailing their objectives. Government Office provides support and guidance (along with technical consultants) to all schemes and assesses implementation plans.

### **Is this just policing on the cheap?**

No. Wardens have no powers above any other citizen (except those relating to on the spot fines). However, working in close relationships with the Police, Wardens can have a significant effect on reducing crime, the fear of crime and deterring anti social behaviour. Although Wardens have a highly distinctive uniform, schemes have gone to great lengths to ensure that it does not resemble Police uniform.

### **How are Wardens funded?**

- Most schemes are run by the local authority who fund up to 50% of costs. The remaining funding is from ODPM. Schemes will be funded from ODPM until March 2004 when schemes are then expected to be mainstreamed within Council budgets.

### **How many schemes are there?**

- Nationally, there are now around 200 schemes employing approximately 800 Wardens.
- Within this region, there are 3 Neighbourhood Wardens schemes and 13 Street Warden Schemes (with Government funding) at the following locations:

Dacorum (NW)  
Huntingdon (NW)  
Norwich (NW)

Basildon (SW)  
Bedford (SW)  
Bury & Lowestoft (SW)  
Cambridge (SW)  
Colchester (SW)  
Huntingdonshire (SW)  
Ipswich (SW)  
Luton (SW)  
Norwich (SW)  
Peterborough (SW)  
Thurrock (SW)  
Welwyn Hatfield (SW)



# Research Summary 8

## Neighbourhood Wardens Scheme Evaluation

### Key findings and lessons

This report summarises the findings of the national evaluation of the Neighbourhood Wardens Programme, carried out between June 2001 and May 2003. The evaluation was undertaken by Social Development Direct (SDDirect), in collaboration with NOP and Crime Concern, on behalf of the Neighbourhood Renewal Unit at the Office of the Deputy Prime Minister.

- Wardens have a unique role to play in neighbourhood renewal. They are a new generation of officials who know the problems, face the people and take the action. Wardens' success lies in their accessibility and ability to link people and agencies together.
- The overriding message from the evaluation is that in successful schemes, wardens can and are having an impact nationally. Key impacts include: increased resident satisfaction; reduced fear of crime, particularly for older people; considerable decline in the overall rate of residents experiencing crime; perceived improvement in environmental problems such as graffiti, fly-tipping, litter and dog fouling; a small decline in residents perceiving youth anti-social behaviour (ASB) as a problem.
- Schemes that are working well have a number of common features: tailored and flexible approaches; involvement of a wide variety of stakeholders; resident participation; active and representative steering groups; consistent scheme management; ability to develop and nurture partnerships; ability to maximise wardens' visibility; targeted approach to the vulnerable; high-quality wardens; and ongoing practical training.



## Key findings and lessons continued

- Neighbourhood Wardens schemes represent value for money. Even assuming that only 10 percent of the reduction in crime rates can be attributed to wardens, there is still an overall saving. There are also important, but uncoded, additional benefits: improved quality of life; reduced fear of crime, improvements in environmental problems and anti-social behaviour.
- The most important policy message arising from the evaluation is that wardens schemes are effective and their further promotion should be encouraged. Other policy implications include: support flexible, tailored responses; share good practice between Government departments; provide assistance to schemes requiring additional support; and help managers improve the recruitment and retention of women and BME wardens.
- Of the 84 schemes funded, over 70 percent have sustainable funding in place and 20 percent fully expect to do so. Of the five schemes that may not continue beyond March 2004, two are converting to Police Community Support Officers (PCSOs).

## Neighbourhood Wardens Programme

The neighbourhood wardens programme was launched as a joint DETR/Home Office initiative in 2000 with £18.5m initially made available on a competitive and matched funding basis in England and Wales. A total of 84 schemes were funded to March 2003. Funding was subsequently extended to March 2004. Sole responsibility for wardens' funding now lies with schemes themselves.

Neighbourhood wardens are a neighbourhood level uniformed, semi-official patrolling presence. Schemes are located across England and Wales and predominantly in deprived urban areas. There is no typical wardens scheme. Schemes vary in the problems they aim to tackle, their objectives and the way in which they are managed and operate. Most, however, have reduction of crime, fear of crime and anti-social behaviour (ASB) and environmental improvements as core objectives. The majority of schemes are located in areas that are subject to other neighbourhood renewal initiatives, for example, Neighbourhood Renewal Fund (NRF), Single Regeneration Budget (SRB) and Drug Action Teams (DATs), providing opportunities for wardens to work with and complement other programmes.

# The Evaluation

This is the summary of the national evaluation of the initial Neighbourhood Wardens Programme. It draws together the findings of various strands of research, which were designed to complement each other:

- baseline and endline postal surveys of managers and wardens of all 84 schemes;
- baseline and endline household surveys of a sample of residents in 15 scheme areas; and
- in-depth case studies of seven areas, using qualitative and quantitative methods but with a particular emphasis on participatory approaches.

# What value do Wardens add to Neighbourhood Renewal?

The most distinctive feature of the neighbourhood wardens programme is that, unlike many neighbourhood renewal activities, wardens are community based in and about the streets and estates in which they work. Their advantage lies in their accessibility to people, allowing information sharing about activities and resources and enabling them to listen to problems, worries and news from local residents. Wardens form a 'soft' rather than 'hard' interface between people and agencies. They are a new generation of neighbourhood officials that know the problems, face the people, and take the action.

Individual neighbourhood wardens schemes are hugely diverse. The programme as a whole represents a raft of bottom up approaches that are designed around local issues. This move towards 'home grown' responses to national initiatives demands and has benefited from flexibility and understanding from central Government, as well as a system that supports community driven initiative.

The overriding message from the evaluation is that wardens can and are having an impact nationally. There is considerable variation in achievements across schemes with most having some degree of success.

Key impacts include:

- Quality of life in scheme areas has improved since the introduction of neighbourhood wardens. The residents survey found that over 25 percent of residents report an increase in satisfaction with their neighbourhoods since the baseline. There was a six percent increase in residents saying that warden areas had got better as a place to live in the last 18 months and an overall increase in the number of residents who think their area is a good place to bring up children. Comparisons with control areas show a greater increase in satisfaction than non-warden areas. There is a significant correlation between residents reporting that 'wardens make me feel safer' and improved perceptions of neighbourhood problems generally.
- Wardens have reduced fear of crime (FOC) on deprived estates, particularly for older people. Evidence of impact comes from all strands of the evaluation. The residents survey found that reductions in the level and number of worries about crime for residents as a whole were greater than in control areas. The greatest gains have been made for fear of mugging and street robberies: a ten percent decline compared to a small increase in areas without wardens. Residents who 'see wardens' are less worried about being mugged or robbed in the area that they live in than residents as a whole.
- Wardens have been particularly successful at reducing fear of crime among older people. Worry in the over-55s age range has declined more than the overall residents survey sample. This improvement tallies with the targeted action that wardens have been taking with older people, for example, on bogus callers (distraction burglaries) where we see a 6.5 percent decline in worry about bogus callers in warden areas but a 4.9 percent increase in comparator areas.
- Wardens are helping to tackle environmental problems. Evidence of perceived improvements in the local environment emerged from all strands of the evaluation. Residents' perceptions of their environment had improved more in warden areas than comparator areas. Particular improvements have been noted in terms of graffiti, fly-tipping (Evaluation groups), litter and dog fouling (Residents Survey). The greatest impacts were seen in schemes where wardens have a good relationship with agencies responsible for the environment. Residents in these same areas reported improved perceptions of various environmental services. Again, older residents are particularly positive about environmental improvements.



- Youth anti-social behaviour (ASB) remains one of the most serious issues in warden areas and continues to be the main reason for resident dissatisfaction. However, there are positive signs that the perceptions of ASB are changing. The residents survey found a small decline (0.7 percent) in residents perceiving ‘teenagers hanging around’ as a problem, particularly significant when compared to a 5.4 percent increase in non warden areas. Case studies found that where wardens are targeting youth ASB, residents have identified indications of change: ‘fewer gangs’, ‘things have quietened down’ and ‘less intimidation’. Again, older residents were particularly positive about reductions in ASB.
- The link between wardens and ASB improvements is clear. People who say that wardens make them feel safer are more likely to say the problem of teenagers has got better.
- In relation to impact on crime, residents survey evidence suggests that there has been a considerable decline (27.6 percent) in the overall rate of crime in warden areas. This compares to a slight increase (4.7 percent) in crime in the comparator areas. Although residents living in wardens areas appear to be doing relatively well in terms of improvements in crime, they remain at a higher risk of being a victim of crime than the national average.
- Police in case study areas were generally positive about warden’s role in crime reduction, for example, encouraging residents to report crime, improving residents’ perceptions of the police, freeing up police time by dealing with minor incidents, working collaboratively on crime prevention initiatives, and improving intelligence.
- Although few wardens schemes have community development as an explicit objective, the most successful have adopted a community based approach to increase their effectiveness. Wardens have been particularly successful in their role as a ‘linker’ between residents and service providers. Wardens’ almost unique position as the ‘soft’ face of regeneration could be further utilised by local agencies.

# What are the critical elements of a good scheme?

Throughout the process of evaluation, schemes have demonstrated different strengths and weaknesses. However, schemes that are achieving results have a number of common features:

- Tailored and flexible approaches which are responsive to context, and able to respond to lessons as they are learnt. Such schemes demonstrated cultures of learning, where wardens, managers and partner agencies communicated well with one another from the outset.
- Involvement of a wide variety of stakeholders in scheme design, including police, local authority and housing authority staff and residents to ensure that schemes are based on a sound understanding of the problems and shared objectives.
- Resident participation, from scheme design, through implementation, and in monitoring and evaluation. Adequate support and a variety of techniques are essential, for example, ensuring that residents are active partners in steering groups, maintaining consultation throughout implementation, and residents' participation in monitoring and evaluation.
- Active and representative steering groups. These should include key stakeholders and residents, have adequate support to be able to function effectively and meet on a monthly or bi-monthly basis.
- Consistent scheme management, with attention paid to reducing turnover of managers and staff, and with mechanisms to ensure the smooth running of the scheme in the event of such turnover. Supportive management is highly valued by wardens and is key to maintaining morale and scheme success in terms of impact.
- Ability to develop and nurture partnerships which are productive for all partners. Features of case study schemes with strong partnerships include regular contact, good reporting and feedback systems between partners, information sharing, joint initiatives between partners and grassroots contact.
- Ability to maximise wardens' visibility, using their resources effectively, and recognising that visibility is not just a matter of the intensity of patrolling, but of patrolling where and when the warden is likely to be seen and to provide a reassuring presence. Perceived visibility was enhanced by ongoing awareness campaigns, high profile publicised activities and targeted action in some case study schemes.

# Costs and benefits of the Neighbourhood Wardens Programme

- Targeted approach to the vulnerable. The residents survey and case study results demonstrate the clear benefits of targeting the elderly and youth. Such an approach could be effectively applied with other groups, particularly BME groups and asylum seekers.
- In the better case study schemes, wardens were community focused, interested in young people and had negotiating and mediating skills.
- Support to wardens through ongoing, practical training and exposure to other schemes and wardens through study tours and networking events. It is important that wardens feel valued by managers and residents, given the nature of the difficult, demanding and often low paid job.

The evaluation found that neighbourhood warden schemes represent value for money. An illustration of the costs and benefits are as follows:

- Costs of the Neighbourhood Wardens programme. Total programme costs (including funding from the NRU, matched funding from partners, and in-kind contributions) are estimated at £29.2m over the two-and-a-half years of the Neighbourhood Warden programme. Other possible costs to partner agencies are offset by the savings that wardens make (for example, picking up litter or removing graffiti).

# What are the policy implications?

- Benefits of the Neighbourhood Wardens programme are difficult to quantify (for example, expressing the benefit of improved satisfaction with the neighbourhood or being less worried about being mugged in monetary terms). However, it is possible to calculate the monetary costs of crime and look at crime impacts in warden areas relative to comparator areas. The residents survey suggests that there were over 286,000 fewer offences over the two-and-a-half years of the Neighbourhood Wardens programme. Home Office figures suggest the 'average' offence has a cost to society of about £2,000. While this calculation represents something of an over-simplification, it does at least provide a single figure to use in the analysis of costs and benefits. Using this figure, we have been able to calculate that the Net Present Value (present value of benefits minus present value of costs) is equal to £575.5 million<sup>1</sup> over the two-and-a-half years of the programme. Even assuming that only ten percent of crime reduction can be attributed to wardens, there is still an overall saving. Taking account of the important, but uncoded, additional benefits (e.g. improved quality of life, reduced fear of crime, improvements in environmental problems), the evaluation concludes that Neighbourhood Wardens schemes represent value for money.

The most important policy messages arising from the evaluation are as follows:

- Wardens schemes are effective and are shown to make a distinctive contribution to neighbourhood renewal. Their further promotion is therefore encouraged as a key component of neighbourhood renewal. They are relevant in a wide range of contexts and could be promoted in other programme areas seeking similar impacts.
- Flexible, tailored responses should be encouraged and supported. 'Home grown' responses to national initiatives demand flexibility and understanding from central government and a system that supports, not stifles community-driven initiative.
- Continued central support by the Neighbourhood Management and Wardens Team (NMWT) is encouraged. Technical support and good practice materials are valued by many schemes. New guidance should be developed to incorporate the lessons emerging from this evaluation (and others) for schemes to adapt and adopt as relevant to their particular context.
- The NMWT could further publicise their work and the options of wardens schemes to other Government departments, sharing good practice and lessons learnt. Key departments which should be taking a particularly close view of wardens, and to which the NMWT could be especially promoting themselves include the Home Office, Department for Transport, DEFRA and DfES.

- More attention and support is required from the NMWT to help improve the recruitment and retention of women and BME wardens. Two workshops were organised by NMWT (an awareness-raising event for BME interest groups in November 2003 and a women wardens event in March 2004) to involve wardens, managers and other practitioners to help develop guidance and support in these two areas.
- With the increased policy emphasis on community cohesion, there has been much interest in wardens' potential role in this area. Wardens are almost uniquely placed to interface with BME communities. Extra central support could be provided in this area.
- There are certain schemes which may require additional support in order to be effective: those which are small; those stating community development as a primary objective; those recruiting a significant proportion of staff who are long-term unemployed; and those that are not managed by a local authority.

Finally, two key indicators of programme success are sustainability and replication. As of March 2004, 73 percent of schemes had sustainable funding in place. Of the remaining 23 schemes, 16 have yet to confirm whether they have been sustained. Most of these are still in discussion with funding partners or are continuing to investigate long term funding. Schemes have found funding from various sources. These include being mainstreamed into local authority or housing association services and funding through other sources such as SRB, ERCF (Estates Renewal Challenge Fund), HMRF (Housing Market Renewal Fund), ERDF (European Regional Development Fund) and NRF (Neighbourhood Renewal Fund). Scheme expansion has also occurred in a number of areas with substantial increases in numbers of wardens and areas covered.

# Web links and contacts

## **Neighbourhood Wardens Team**

[www.neighbourhood.gov.uk/nswardens.asp](http://www.neighbourhood.gov.uk/nswardens.asp)

## **Neighbourhood Wardens Web Community**

[www.ecommunities.odpm.gov.uk](http://www.ecommunities.odpm.gov.uk)

## **International Wardens website**

[www.cleansafeworldwide.com](http://www.cleansafeworldwide.com)

## **Neighbourhood Renewal Unit**

[www.neighbourhood.gov.uk](http://www.neighbourhood.gov.uk)

## **Social Exclusion Unit**

[www.socialexclusionunit.gov.uk](http://www.socialexclusionunit.gov.uk)

## **Renewal.net**

[www.renewal.net](http://www.renewal.net)

## **Social Development Direct**

[www.sddirect.org.uk](http://www.sddirect.org.uk)

## **Crime Concern**

[www.crimeconcern.org.uk/](http://www.crimeconcern.org.uk/)

## **NOP**

[www.nop.co.uk](http://www.nop.co.uk)



**NRU hotline: 08450 82 83 83**  
**Website: [www.neighbourhood.gov.uk](http://www.neighbourhood.gov.uk)**  
**Email: [neighbourhoodrenewal@odpm.gsi.gov.uk](mailto:neighbourhoodrenewal@odpm.gsi.gov.uk)**

Further copies of this research summary, and the full report can be obtained from:  
Office of the Deputy Prime Minister  
PO Box 236, Wetherby,  
West Yorkshire, LS23 7NB  
Telephone: 0870 1226 236  
Fax: 0870 1226 237  
Textphone: 0870 1207 405  
E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)  
[www.neighbourhood.gov.uk](http://www.neighbourhood.gov.uk)

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Published by the Office of the Deputy Prime Minister.  
Printed in the UK, April 2004 on paper comprising 75% post consumer waste 25% ECF pulp.

April 2004

**Product code: 04NRU02111**





**STATUS:** ACPO's fundamental principles on Neighbourhood Wardens was endorsed by Chief Constables Council on 21 July 1999 for use by forces.

**ASSOCIATION OF CHIEF POLICE OFFICERS OF ENGLAND,  
WALES AND NORTHERN IRELAND**

**NEIGHBOURHOOD WARDENS: ACPO'S FUNDAMENTAL PRINCIPLES**

<b>Establishment of Schemes</b>	Schemes should be established on a locally expressed need to allow to be tailored to that need.
<b>Powers</b>	There should be no diminution of the powers of police officers. In respect of Neighbourhood Warden and similar schemes there should be no enhancement of the powers of others beyond that of the ordinary citizen.
<b>Intervention</b>	The police must remain the only body with powers to intervene in situations without consent. Other persons may only intervene with consent or under whatever arrangement lies between the employer of the warden/patrol and the citizen.
<b>Government</b>	Local authority patrols must be accountable to local authorities but, since their employment should arise from the community safety proposals of the Crime and Disorder Act, joint work with the police should give rise to joint accountability for outcomes.
<b>Regulation</b>	Regulation of the security industry must be vigorously pursued; in the interim the police should seek an active role in such matters as vetting and quality control to ensure that schemes are operating to an agreed acceptable standard.
<b>Appearance</b>	The appearance of non-police warden and patrol personnel must be distinct from that of the police in terms of uniform, livery and corporate image.
<b>Standard Operating Procedure</b>	Specimen standard operating procedures should be developed for a range of different locations (residential, town centre), circumstances (interventions, patrol), relationship (local authority, private security) and purposes (information exchange, call response). This must include references to such matters as recruitment, training, managing processes and facilities management.
<b>Funding</b>	Complementary patrols and neighbourhood warden schemes be funded from identifiable sources which do not involve any diminution of police budgets.

**N.B.** The ACPO Fundamental Principles were incorporated into the final report of the Home Office, Police Action Team 6 Report, published March 2000 (pages 17-18)

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# NEIGHBOURHOOD WARDEN SCHEME

## Checked against delivery

1. To my mind, neighbourhood wardens sum up what it means to build safer and stronger communities. And that goes a long way towards making them sustainable. They can make neighbourhoods places where people want to live and enjoy living.

2. Neighbourhood wardens have been a great success story so far. They are popular with residents, with local agencies and partners, and with elected members. In fact, a quarter of residents are more content with their neighbourhoods when there are wardens. Independent evaluation found that there was a 28 per cent reduction in crime and 10 per cent reduction in the fear of street robberies in areas with wardens.

3. As many of you know a quarter of our pilot programme was led by Housing Associations. Well over 80 per cent of the pilot schemes have carried on, and expanded, since pilot funding ended. That is a clear indication of how much they are valued.

4. Those are some of the facts and figures. Of course warden schemes are much more than that. Many wardens are using their knowledge and understanding of their patch to improve their communities in other ways. They are keeping people informed, getting people involved in community activities and generally acting as the catalyst for residents to help change their neighbourhood. They are dealing with small problems and larger problems on the street. They are bringing people together and helping very vulnerable groups.

5. There are lots of examples of good practice emerging. You will be seeing some of these later and I hope you will take the opportunity of talking to colleagues from Southwark, Camden and Thamesmead for example, about what is going on in their neighbourhoods.

6. At the end of March the pilot warden programmes come to an end. The benefits are clear and I believe we must spread this approach. The Government will still support wardens through the neighbourhood part of the Safer and Stronger Communities Fund within Local Area Agreements. The other way we will provide support is through regional warden resource centres.

7. There are three in London at the moment – in Camden, Southwark and Merton – and one just outside in Thurrock covering the Thames Gateway area. They can help design and manage warden services, set up sharing

arrangements, organise study visits – you'll be hearing more about those later, give funding advice and so on.

8. An important part of their work is providing training for wardens and warden managers. This comes in a variety of forms including a range of free support materials and the assessment and verification of NVQ level 2 for wardens.

9. In many areas the problem is not winning people like you over to the idea of wardens, it is in recruiting people to be wardens. Southwark I know is having difficulty recruiting fast enough.

10. Perhaps one solution is to look at attracting young people into the job. Tameside in the North West region, for example, is running an apprenticeship scheme. Young people are given an opportunity to experience various different jobs around the council and within local partners, including as wardens. They receive an apprentice wage during their two-year training. Whatever direction they chose to go in, they know more about all the other jobs that are done by many people with years of experience in one area.

11. Modern apprenticeships are another way of opening the door to local young people who might think of becoming a warden. We are hoping to pilot these in the near future. For even younger people there are examples around the country of junior warden schemes. Some have been on 'grumble walks', finding out what is really bothering or worrying people locally, and doing what they can to help. This encourages good junior citizenship and is the kind of involvement and engagement that is vital for the long-term health of our communities.

12. It makes sense too when you consider that in neighbourhood renewal areas there tend to be more people aged under 24 than in the population as a whole. Around 40 per cent are in this age group.

13. As well as 'thinking wardens' at the early stages of career choices, we also need to persuade people to 'think wardens' at the early stages of major developments. Here in London we have several but around the Thames Gateway and the plans for the Olympics there are some great opportunities to factor in wardens near the beginning. In the five Olympic boroughs there are already 70 wardens.

14. The wardens are in a good position to keep local communities up to date with what is happening, to encourage young people to help build the Olympic legacy and to keep an eye on half-built and empty buildings. When the building is finished or the Olympic village is converted to housing, for example, the wardens are already in place and familiar with the locality. This is, and will be, a real plus both for people coming to the area as well as for developers and landlords with property there.

15. We recognise and indeed applaud the role social landlords play in preventing and tackling anti-social behaviour. Many are working closely with warden schemes and some are already sponsoring schemes. A recent survey for the Housing Corporation by MORI showed that nearly three-quarters [74 per cent] felt that wardens were the best response to anti-social behaviour.

16. We are introducing a new Respect Standard for housing management. We will develop this with the sector. It will establish a benchmark of effective performance in tackling anti-social behaviour quickly and effectively. This is the assurance every tenant wants. We will encourage landlords to sign up and we see wardens playing an important role in supporting this standard. They can do this not only by enforcing measures to stop antisocial behaviour – and they can do that. But also by making the links between people of different ages and of different backgrounds. This is where mutual respect begins to take root.

17. Wardens have other advantages to offer social landlords. They can take care of tenants and the housing stock by reducing damage, removing graffiti and reporting what needs to be done quickly. This can result in efficiency savings for Housing Associations.

18. Wardens are a win:win:win all round. They are really making a difference and improving the quality of places and people's lives. They are building confidence, building relationships and building a future for our communities.

**Speech by Jim Fitzpatrick on 13 February 2006**

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# Wardens bring peace of mind to r



left: Neighbourhood wardens patrol on foot or with bicycles and vans.  
below: Elderly people feel less vulnerable with wardens visiting them to see if they need help.



### How neighbourhood wardens can help improve housing estates

Neighbourhood wardens have been a success in bringing peace of mind to many residents and saved money for housing estate managers.

Here we show how wardens have helped to reduce crime and anti-social behaviour and for those housing associations wanting to start new schemes, how to raise funds and manage new warden services.

Neighbourhood wardens have been recognised as a key element of the Government's neighbourhood renewal programme. They improve the quality of life of residents and contribute to clean and safe improvements. Wardens encourage local people to respect one another and show respect for the area in which they live. An independent national evaluation of wardens found them to be a 'renewal intervention that works'. The success of wardens is further illustrated by 84 per cent of the first two phases of warden schemes being retained by their parent organisations after the government's contribution to their funding ended.

*"The warden programme is a gem! Neighbourhood wardens provide a highly visible local presence that is reassuring and valuable to local communities. They can provide a vital early warning system about the overall health of a neighbourhood. This can enable housing providers such as housing associations to prepare and implement a specific range of interventions that will ensure the continued attractiveness of the neighbourhood, which ultimately benefits their own financial bottom line."*

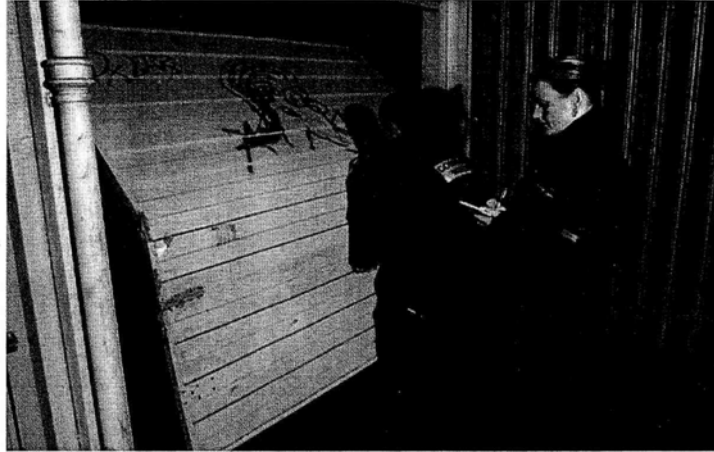
**Angus Kennedy OBE, Chief Executive, Community Regeneration Partnership Ltd.**

### What wardens can do for you

- Helping to manage housing estates through identifying voids, providing new resident introduction packs about the neighbourhood and responding to vandalism and anti-social behaviour.
- Increasing community safety by patrolling an area and conducting security inspections in homes.
- Improving the environment, by removing litter and graffiti, reporting abandoned cars and dog fouling, reporting and disposing of drug paraphernalia.
- Linking local residents and key agencies such as the local authority and the police. They help develop and manage Acceptable Behaviour Contracts (ABC's) and Anti-Social Behaviour Orders (ASBOs) in liaison with local landlords and the police.
- Engaging young people, running after school clubs, sports projects and developing junior warden schemes that promote good citizenship and respect for individuals and the community.
- Assisting the elderly and vulnerable people, helping with household maintenance, shopping, advice and bringing peace of mind.
- Bringing the community together, as they are recognised and trusted by local people as the 'eyes and ears of the community'. They can contribute to community cohesion by making agencies aware of tensions and problems at an early stage, helping to prevent their escalation. Wardens can help refugees and asylum seekers become part of their new community.



right: Neighbourhood Wardens on patrol in Hull report a vandalised garage.  
 below: Funded by Greets Green NDC, and managed by the Accord Housing Association, wardens teach 'kerb craft' skills to young residents.



*"Working closely with RSLs has resulted in improved quality of life for residents in Walsall. RSLs have realised the benefit of the wardens and have galvanised their resources to take advantage of this new public service, in creating sustainable and cohesive communities where people want to live and thus contribute to their localities."*  
**Bashir Ahmed, General Manager, Walsall Housing Regeneration Association**

*"The Wardens play a crucial role in continuing to make Castle Vale a safe place to live. They are part of the core service delivery team at CVCHA, providing support to the community and reducing the amount of money once spent on criminal damage and vandalism."*  
**Pete Richmond, Chief Executive, Castle Vale Community Housing Association, East Midlands**

#### Independent evaluation and evidence of success

Neighbourhood warden pilot schemes started in 2000 and 250 schemes were set up employing some 1500 wardens. These schemes were part-funded by central government for three years and thus subject to a rigorous independent evaluation.

The evaluation of the pilot schemes. (Evaluation of neighbourhood warden programme, SDD 2003) identified a number of significant changes that could be attributed to having warden schemes in the area:

- the overall crime rate in warden areas had declined by 28 per cent compared with a slight increase in comparator areas;
- wardens had reduced fear of crime particularly amongst older people, with a 6.5 per cent decline in worry about bogus callers in warden areas but a 4.9 per cent increase in comparator areas;
- 25 per cent of residents reported an increase in satisfaction with their neighbourhoods, particularly with the reduction in the level of graffiti, fly-tipping, litter, dog fouling and abandoned cars.

Warden schemes also represent real value for money. Even assuming that only ten percent of crime reduction can be attributed to wardens, that's still an overall cost saving. And there are uncoded benefits such as improved quality of life, reduced fear of crime and environmental improvements.

About 25 per cent of the 250 pilot warden schemes part-funded by ODPM were run by housing associations and so they too benefited from these improvements.

#### What's in it for housing associations?

Housing associations have a number of responsibilities including day-to-day and long term property management functions as well as contracts with their residents, the local authority and statutory responsibilities. Wardens can support housing associations and registered social landlords in the discharge of their duties in a number of ways.

Like Government, housing associations have to comply with Gershon efficiency savings – requiring efficiency savings year on year without reducing services - through reductions in damage, removal of graffiti etc. Wardens can certainly help achieve those savings.

Wardens also help housing associations discharge their duty of care to their tenants of all ages and their housing stock, including responding to and helping to prevent anti-social behaviour.

All housing associations are required to have a strategy for tackling anti-social behaviour. Recent research independently carried out by MORI for the Housing Corporation found that 72 per cent of housing association tenants felt wardens were best placed to reduce and prevent anti-social behaviour.

The current round of Audit Commission inspections of housing associations will be looking for links to local renewal strategies and checking if they are meeting tenants' needs – dealing with anti-social behaviour is always a significant concern of tenants.

Wardens are most successful when they work in their own neighbourhood. Housing association wardens model good citizenship and respect to their neighbours as well as providing local job opportunities for housing association tenants. This helps build vital local social capital and bridges the gap between 'officialdom' and residents.





left: Wardens working with young residents on a 'litter pick up' making them aware of environmental responsibility. below: Greets Green NDC warden shows residents how to set personal alarms.



### Where does the money come from?

There are many funding streams that can be used to fund warden schemes as demonstrated by the large number of warden schemes set up that have never received any central government ring-fenced funding and the 84 per cent of warden schemes that were sustained when government pump priming ended.

Areas that already have neighbourhood management find that wardens provide them with both the quick wins on crime and grime as well as longer term solutions to some of the neighbourhood's problems. Wardens can therefore be funded through a neighbourhood management approach.

Some housing associations like Wyre Forest have provided wardens by allocating a percentage of their service charges towards funding a warden scheme.

Stock transfers and the development of new housing provides a real opportunity to factor wardens into service charges from the beginning. For example, Castle Vale set up neighbourhood management at the end of their Housing Action Trust and as part of their forward plans they costed wardens in for the next 10 years.

There are a number of other sources of funding available that can be used to set up and run warden schemes. These include mainstream local authority budgets, Neighbourhood Renewal Fund (NRF) through the Local Strategic Partnership, and the Safer and Stronger Communities Fund (SSCF) neighbourhood element.

For further information on these see the ODPM website [www.odpm.gov.uk](http://www.odpm.gov.uk)

More specifically for housing associations there is also the Housing Corporation Innovation and Good Practice Grants. More information about this scheme can be found at <http://www.housingcorp.gov.uk/resources/IGP/igp.htm>

### Possible sources of funding:

- Neighbourhood Renewal Fund
- Safer Stronger Communities Fund (SSCF) neighbourhood element
- Local Area Agreements
- Local authority and housing association mainstream budgets
- A Neighbourhood Management partnership
- New Deal for Communities
- Service charges
- European Regional Development Fund (ERDF)
- Business sponsorship

### Warden resource centres - How they can help

ODPM funds regional warden resource centres across England to support existing warden schemes and help develop new services. They deliver comprehensive training and guidance to wardens and managers much of which is heavily subsidised or free.

#### Warden Resource Centres

- Eastern (Thurrock)  
Tel: 01375 413768
- East Midlands (Nottingham)  
Tel: 0115 915 1922
- London (Camden)  
Tel: 0207 974 5194
- London (Merton)  
Tel: 0208 545 4028
- London (Southwark)  
Tel: 0207 928 5897
- North East (Middlesbrough)  
Tel: 01642 877 450
- North West (Knowsley)  
Tel: 0151 443 4509
- North West (Stockport)  
Tel: 0161 474 2501
- South East (Portsmouth)  
Tel: 0239 275 2002
- South West (Swindon)  
Tel: 01793 464 001
- West Midlands (Walsall)  
Tel: 0121 526 8080
- Yorkshire & Humber (Hull)  
Tel: 01482 387482

Resource centres are well placed to help housing associations set up a warden service as they are experts in designing, supporting and evaluating new schemes. They have links to other regeneration initiatives and they could organise awareness raising events for staff and residents working with the Tenant Participation Advisory Service (TPAS).

For housing associations that have stock spread across wide geographic areas, the resource centre may be able to broker the creation of a shared warden operation between several housing associations, including design and management services.

### The resource centres can offer advice and support including:

- how to demonstrate the need for a warden service and make a case for funding;
- professional qualifications assessment of NVQ level 2 in community wardening;
- achieving the NRU Quality Standard (an ODPM quality mark for wardening);
- facilitating good practice study tours;
- signposts to particular services regionally or nationally;
- free membership of regional warden practitioner networks;
- subsidised training for wardens and managers;
- funding advice;
- how to set up volunteer wardens;
- creating warden modern apprenticeships;
- free good practice materials including a comprehensive managers' guide;
- how to set up a junior warden scheme;
- recruitment advice for warden project staff; and
- how to involve residents in evaluating wardens and other renewal activities.



Above: Telford Community Warden, Rupert Weeden, arranges regular 'street soccer' tournaments

*Jim Fitzpatrick MP, Minister in the Office of the Deputy Prime Minister:*

*"In ODPM our job is to help to create sustainable communities, places where people want to live, bring up their children, work and invest. Neighbourhood wardens are a proven success and uniquely placed to prevent anti-social behaviour and provide the necessary support and guidance so that people act with consideration and respect for their neighbours, creating real lasting change."*

### 10 steps to setting up a warden scheme

1. Develop an outline project plan – these key points should help.
2. Collect information. Contact the regional warden resource centre. Visit other schemes in the region to find out how they operate and identify best practice. Collect baseline data, statistical information such as crime figures and identify the challenges for your area.
3. Identify potential funding sources and key stakeholders, eg. police, fire service, local authorities, voluntary and community groups.
4. Set up a stakeholder group. Decide on key scheme objectives and project management team.
5. Develop a detailed business plan focussing on your organisation's and the communities needs. Include: objectives, costings, resources and staffing needs, income and outgoings, communication needs, success criteria, timescales and consider sustainability.
6. Identify accommodation for wardens HQ, assess health and safety requirements.
7. Implement recruitment campaign and process including Criminal Records Bureau checks.
8. Implement communication plan so that residents and wider community know of wardens service and develop appropriate corporate identity, including clothing for wardens so that they are easily recognisable.
9. Develop standard procedures and train your wardens. Set up monitoring, evaluation and feedback systems. Begin patrolling.
10. Don't forget to market your services and publicise achievements. Continue planning for the future.

### Buying into an existing warden service

The Moat Housing Group invests £20,000 annually into the London Borough of Merton Safer Merton Warden Scheme to employ a warden in Pollards Hill. As a result there has been a discernable reduction in crime which is down nearly 24 per cent. Specifically, residential burglary has reduced nearly 36 per cent, street crime by 37 per cent and vehicle crime is down over 6 per cent.

A survey of residents in June 2005 found that 91 per cent of the residents in Pollards Hill believe it is important to have a neighbourhood warden scheme in their area, showing a real depth of support for the warden service.

The role of the warden scheme extends beyond reducing crime, anti-social behaviour and improving the local environment. Warden Enyi Njoku developed a football league for 5-13 year-olds.

Such has been the success that further funding has been received from the Safer Merton Youth Champions Group. There are now over 100 young people aged 5-13 years in the league, and additional funding has been used to purchase more kits and equipment and to start working with young people of 14 years and over.

*Enyi Njoku commented:*  
*"It is important for the players and young people to develop a culture of friendship, team spirit and competition. If this is done on the field and in the streets, it will create community cohesion and help to make Pollards Hill a safer place to live and work."*

### Residents at the heart of renewal and working in partnership

In 2003 the Ocean New Deal for Communities (NDC) warden scheme in east London extended its service to two housing associations, Bethnal Green & Victoria Housing and Circle Anglia Housing. More housing associations have approached the NDC warden scheme with a view to contracting with the service owing to its success.

MORI poll data shows that in the area that the wardens operate fear of crime has fallen 37 per cent, crime has fallen and perception of environmental problems has also gone down.

This resident led warden scheme is staffed by residents who live on the Ocean estate

providing a real link between the community and the warden team. There is a warden specifically for older and vulnerable people.

In response to huge demand from local young people the scheme is setting up a junior warden programme. The wardens have also undertaken youth leadership training to support their interaction with younger residents.

Wardens also work to combat the problems of drug abuse having been trained by Ocean Parents Against Drugs to develop communication skills for speaking to drug users, young people and parents about substance abuse.

The wardens have assisted and been trained by the London Fire Brigade to reduce the number of household fires in Tower Hamlets by educating

residents about fire safety. Wardens now conduct risk assessments and fit smoke alarms in homes.

This all round service has brought numerous benefits including linking the community, helping to reduce vandalism, graffiti and anti-social behaviour and being a constructive influence on young people.

Wardens can be particularly effective for housing associations because they can reach out to the community, building trust and respect. They are on the frontline serving the community they know. They have the credibility to make new relationships and new partnerships successful, really improving all residents' quality of life."

### Part 11 Fixed Penalty Notices

#### Introduction

11.1 This guidance covers fixed penalty notices issued for environmental offences under the Environmental Protection Act 1990, the Anti-Social Behaviour Act 2003 and a number of other pieces of legislation, as amended and extended by the Clean Neighbourhoods and Environment Act 2005. This Act makes significant changes to the fixed penalty notice regime. It widens, in some cases, the scope of persons or bodies that may issue fixed penalties. It also allows, also in some cases, for the fixed penalty amount to be specified at the local level. Furthermore, discounts may also be offered for early payment of fixed penalties.

11.2 The guidance also covers the detailed implementing provisions contained in the proposed Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 and the Environmental Offences (Use of Fixed Penalty Receipts) Regulations 2006. An index of fixed penalty provisions is provided at Annex A. Drafts of these proposed regulations are to be found in Appendix E of this document.

#### 1 General Principles

11.3 Fixed penalties can provide enforcement agencies with an effective and visible way of responding to low-level environmental crimes, and the Government wishes to encourage their use by local authorities and other agencies. Experience has shown that the public generally welcome the use of fixed penalties, provided that they are issued sensibly, enforced even-handedly and are seen as a response to genuine problems. It is important that the following principles are followed.

#### Enforcement Strategy

11.4 Fixed penalties should be part of a wider enforcement strategy, designed to address all aspects of environmental crime. This should be used to ensure that resources are focused on priority areas and an appropriate balance is struck between resources devoted to fixed penalties and those spent on prosecutions, both for non-payment of fixed penalties and for more serious incidents. The strategy should also be used to develop standardised fixed penalty procedures to be followed by all those with powers to issue fixed penalties, with guidance on the circumstances in which a fixed penalty notice should be issued. It is good practice to consult the public on the contents of an enforcement strategy, particularly if fixed penalty notices have not previously been used, or used widely, and make the adopted strategy available to the public by publishing on the website of the authority.

11.5 Strong inter-agency partnerships will be central to any successful enforcement strategy. Authorities should consult with any other agency dealing with enforcement in the area and agree working protocols, including

the local authority's capacity to deal with fixed penalties issued by Police Community Support Officers and persons accredited under Community Safety Accreditation Schemes, both under the Police Reform Act 2002.

#### **Non-Payment of Fixed Penalties**

11.6 Fixed penalty notices may be issued when an enforcing officer believes that an offence has been committed, and give the putative offender an opportunity to avoid prosecution. **It is essential, therefore, that they are only issued where there is adequate evidence to support a prosecution if a notice is not paid, and that unpaid notices are followed up.** Failure to pursue unpaid notices through the courts will discredit the use of fixed penalties in the locality, and will lead to declining rates of payment. The need to pursue unpaid fixed penalty notices needs to be considered in the development of an enforcement strategy, and will be a key element in the strategy. It is not acceptable for an authority to decide after a fixed penalty notice has been issued that it does not have the resources to prosecute if the notice is unpaid.

#### **Appropriate use of fixed penalties for litter and waste offences**

11.7 The availability and level of fixed penalties for environmental crimes reflect the severity of the offences, and it is important that the correct fixed penalty is used for an offence. In particular litter fixed penalties should not normally be used to deal with illegal waste or fly-tipping offences; due to the severity and impact on the environment those responsible should normally be prosecuted (and upon conviction, punished) in the courts. The only exception is for small-scale fly-tipping incidents, such as disposing illegally of a single plastic sack of rubbish, where a litter fixed penalty may be appropriate for a first offence. However, litter fixed penalty notices should not be issued for waste left out at the wrong time. Fixed penalties for this have been specifically introduced under the new section 47ZA(2) of the Environment Protection Act 1990, and these should be used rather than litter fixed penalty notices where a business or householder has failed to meet the requirements of a local authority notice in relation to the placement of waste.

#### **Starting to issue fixed penalty notices**

11.8 It is recommended that authorities considering issuing fixed penalty notices for the first time allow a well-publicised lead-in period before any notices are issued. This should help ensure public support for fixed penalties. During this time, when an offence is committed, enforcement officers should not issue any fixed penalties; if the offence is serious they should report the offender with a view to prosecution; in other cases they should issue a warning that in future similar offences may lead to fixed penalty notices (or prosecution). This will help raise awareness amongst the community and should help manage the public's perception.

11.9 Authorities should also develop a communication strategy designed to raise awareness and also to keep public expectation realistic. Such a strategy

could make use of local media, and authorities with websites could publish enforcement statements, details of the legislation and what powers the authority intends to use, and explain why. Officers and members of the authority could get out into the community by, for example, visiting schools, colleges and community meetings and leaflets could be distributed to households.

### Parish Councils

11.10 The points above apply equally to parish councils that decide to issue fixed penalty notices. In particular, they must ensure that they have adequate resources to pursue unpaid fixed penalties.

## 2 Offences for which fixed penalties are available

11.11 The table below lists the fixed penalty notice issuing powers covered by this guidance, including who can issue fixed penalty notices for each offence and the amount (or where appropriate, the default amount) of each fixed penalty.

Table 1:

Section and legislation <sup>9</sup>	Description of offence	Who can issue FPNs	Amount
s. 6(1) Clean Neighbourhoods and Environment Act 2005	Nuisance parking	Local authority authorised officers	Amount fixed at £100.
s. 2A(1) Refuse Disposal (Amenity) Act 1978	Abandoning a vehicle	Local authority authorised officers	Amount fixed at £200
s. 88(1) Environmental Protection Act 1990	Litter	Litter authority <sup>10</sup> authorised officers including persons not directly employed by the authority (see paragraph below); Police Community Support Officers and other persons accredited under the Police Reform Act 2002	Can be set at local level. Default £75
s. 94A(2) Environmental Protection Act 1990	Street litter control notices and litter control notices	Principal litter authority authorised officers	Can be set at local level. Default £100
Schedule 3A, para.7(2) Environmental Protection Act 1990	Unauthorised distribution of literature	Principal litter authority authorised officers, including persons not directly employed by the authority (see paragraph 12 below)	Can be set at local level. Default £75
s. 43 Anti-social Behaviour Act 2003	Graffiti and flyposting	Local authority and parish council authorised officers, including persons not directly employed by the authority (see	Can be set at local level.

<sup>9</sup> Where appropriate, this refers to legislation as amended by the Clean Neighbourhoods and Environment Act

<sup>10</sup> Includes parish councils, National Park authorities and the Broads Authority

		paragraph 12 below); Police Community Support Officers and other persons accredited under Community Accreditation Schemes under the Police Reform Act 2002	Default £75
s. 5B(2) Control of Pollution (Amendment) Act 1989	Failure to produce authority (waste transfer notes)	Waste collection authorities and Environment Agency (acting through their officers)	Amount fixed at £300
s. 34A(2) Environmental Protection Act 1990	Failure to furnish documentation (waste carriers licence)	Waste collection authorities and Environment Agency (acting through their officers)	Amount fixed at £300
s. 47ZA(2) Environmental Protection Act 1990	Offences in relation to Waste receptacles	Waste collection authority authorised officers	Can be set at local level. Default £100
s. 59(2) Clean Neighbourhoods and Environment Act 2005	Offences under Dog control orders	Authorised officers of primary and secondary authorities, including persons not directly employed by the authority (see paragraph 11.12 below); Police Community Support Officers and other persons accredited under Community Accreditation Schemes under the Police Reform Act 2002	Can be set at local level. Default £75
s. 73(2) Clean Neighbourhoods and Environment Act 2005	Failure to nominate key-holder (within an alarm notification area)	Local authority authorised officers, including persons not directly employed by the authority (see paragraph 12 below)	Can be set at local level. Default £75
s. 8 Noise Act 1996	Noise from dwellings	Local authority officers	Can be set at local level. Default £100
	Noise from licensed premises	Local authority officers	Amount fixed at £500

#### Who can issue fixed penalty notices?

11.12 Authorised officers of various **local authorities** (the authorities are variously described in the relevant statutes: "litter authorities", etc.) can issue any of the fixed penalties listed above. However, the definition of the term 'authorised officer' varies according to the particular provision in question:

- In all cases, it includes an employee of a local authority authorised in writing to issue fixed penalties on behalf of that authority;
- for litter, dog control order, graffiti, flyposting, unauthorised distribution of free literature and alarm notification area offences, it also includes other persons with whom the authority has entered into arrangements (and their employees); in each case the person/employee must be

individually authorised in writing by the local authority to issue fixed penalties on its behalf. This provision enables local authorities to authorise people who work on their behalf but are not directly employed by them to issue fixed penalty notices.

11.13 Employees of **parish councils** and other persons (including their employees) authorised by a parish council can issue fixed penalties for litter, graffiti, fly posting and dog control order offences. However, the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 (at regulation 6) require anyone authorised by a parish council to have first successfully completed an approved course by a training provider recognised by the Secretary of State. Parish councillors should not be authorised under this provision.

*Note. We are currently designing the necessary training packages, and in due course approved courses and recognised training providers will be listed on the Defra website*

11.14 **Police Community Support Officers (PCSOs)** and other persons accredited by Chief Police Officers under the Police Reform Act 2002 can issue fixed penalty notices for litter, dog control order, graffiti and flyposting offences.

11.15 **The Environment Agency** is able to issue fixed penalty notices under the following powers:

- section 5B Control of Pollution (Amendment) Act 1989 – for failure to produce waste carrier registration details; and
- section 34A Environmental Protection Act 1990 - failure to produce waste transfer notes.

11.16 **National Park Authorities**, including the Broads Authority, are regarded as 'litter authorities' in respect of their area and can exercise the same powers as a local authority to issue fixed penalties for litter offences.

#### **Fixed Penalty Amounts**

11.17 For eight offences (listed in table 1 above) the various Acts enable a local authority to specify the amount of a fixed penalty. If an authority does not make use of this power, the Acts provide that a standard default amount (of either £75 or £100) applies.

11.18 When a local authority decides to set its own fixed penalty amounts, these must fall within the ranges set out in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 (regulation 2). *The proposed ranges are from £50 to £80 for those offences with a default amount of £75 and from £75 to £110 for offences with a default amount of £100.* In determining the level for a fixed penalty, local authorities will need to take into account the deterrent effect of different levels and also peoples' readiness to pay and the levels of fines imposed locally for the relevant offence in



magistrates' courts. Fixed penalties that are too high for local conditions, and lead to substantial non-payment rates, will be counter-productive, as will penalties that are higher than the likely fine in the event of non-payment.

11.19 It is strongly recommended that local authorities consult the police when setting penalty levels. Similarly, a parish council setting fine levels in relation to dog control areas must consult its local authority.

**Q34 Do you have any views on the ranges proposed above?**

11.20 Local authorities can specify local amounts for some offences only.

11.21 Fixed penalties issued by parish councils (with the exception of their own dog control orders), PCSOs and National Park authorities must use the amount specified by the local authority in whose area they are issued. Local authorities will therefore need to ensure that any persons issuing fixed penalties in their area are aware of the specified amounts.

**Discounts for Early Payment**

11.22 The Clean Neighbourhoods and Environment Act introduces a power for authorities to offer a discount for early payment of a fixed penalty. This power is available for all the offences listed in table 1, with the exception of noise from licensed premises.

11.23 There is a standard period for payment of fixed penalties, set in the legislation at 14 days. Once a fixed penalty notice has been issued, an authority cannot prosecute for the alleged offence if the fixed penalty is paid within this period, and this must be stated on the notice itself. **For this reason, the period during which a discount for early payment is offered must be less than 14 days and to avoid confusion, it is recommended that it should not be more than 10 days.**

11.24 In addition, the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 (regulation 3) specify amounts below which the discounted penalties may not fall. It is proposed that these be:

- For offences with a default rate of £75, **£40**;
- For offences with a default rate of £100, **£60**;
- For offences with a default rate of £200, **£120**;
- For offences with a default rate of £300, **£180**

**Q35 Do you have any views on these minimum amounts?**

**Fixed Penalty Notice Forms**

11.25 Although under the legislation the Secretary of State has the power to prescribe the form to be used for fixed penalty notices, she does not intend to make use of this power at the present time. Authorities are not, therefore, required to use a particular form of notice, and the forms previously prescribed



for litter and dog fouling fixed penalty notices are to be repealed. However, it is a legal requirement that a fixed penalty notice:

- gives reasonable details about the circumstances of the alleged offence;
- states that no proceeding for the offence will be instituted if the fixed penalty is paid within 14 days;
- states the amount of the fixed penalty;
- gives details of how the fixed penalty can be paid.

11.26 Where an authority provides for a discount for early payment of a fixed penalty, the notice will need to provide details, and notices should also state prominently that non-payment is likely to result in prosecution for the alleged offence, and the maximum fine payable on conviction.

**Q36 Defra intends to develop, with practitioners, models of possible fixed penalty form, which will be made available for comment on the Defra website. Do you think that such models would be helpful?**

#### **Failure of alleged offenders to give correct details**

11.27 Most fixed penalty provisions for environmental offences have been amended to provide those authorised to issue fixed penalties with the power to require the name and address of a person they wish to issue with a fixed penalty notice. In such cases failure to supply these details or to give a false name and address to an authorised officer is an offence for which a maximum fine of level 3 on the standard scale may be given upon conviction. If designated with the power to detain, a Police Community Support Officer may require a person to wait with them for a period of up to 30 minutes, pending the arrival of a police constable, where the individual refuses to provide details of name and address or where they suspect that the information provided is false. Waste collection authorities and the Environment Agency have powers under section 108 of the Environment Act 1995 to request information to assist with fly-tipping investigations. Failure to supply the information is also an offence for which a level 3 fine may be given.

#### **Use of fixed penalty receipts**

11.28 The various Acts under which fixed penalties are levied enable local authorities to use their fixed penalty receipts only to help meet the cost of certain specified functions. However, where a local authority is categorised as 'excellent' or 'good' under the Comprehensive Performance Assessment, and is subsequently categorised accordingly by Order made by the Secretary of State, the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 (regulation 4) or the Environmental Offences (Use of Fixed Penalty Receipts) Regulations 2006 (regulation 2) allow that authority to spend the penalty receipts on any of its functions. Where a high performing authority falls out of the 'excellent' or 'good' category the Regulations (regulation 5 of the former; regulation 3 of the latter) allow it to continue spending its receipts on any function for the duration of one year.

11.29 Specified functions in relation to different offences are listed in the following table:

Description of fixed penalty offence	Where are the functions specified in the legislation?	Qualifying Functions for which receipts may be used
Nuisance parking	s. 8(2) CNEA	<ul style="list-style-type: none"> <li>• functions under Refuse Disposal (Amenity) Act 1978</li> <li>• functions under sections 99-102 Road Traffic Regulation Act 1984</li> <li>• enforcement of sections 3 and 4 Clean Neighbourhoods and Environment Act 2005</li> </ul>
Abandoning a vehicle	s.2C(2) Refuse Disposal (Amenity) Act 1978  (see s.10 CNEA)	<ul style="list-style-type: none"> <li>• functions under the Refuse Disposal (Amenity) Act 1978</li> <li>• functions under sections 99-102 Road Traffic Regulation Act 1984</li> <li>• enforcement of sections 3 and 4 Clean Neighbourhoods and Environment Act 2005</li> </ul>
Litter  Litter Control Notices  Street Litter Control Notices  Unauthorised distribution of literature  Graffiti and flyposting  Dog Control Orders	s. 96 CNEA	<ul style="list-style-type: none"> <li>• Litter-related functions under Part 4, Environmental Protection Act 1990</li> <li>• Graffiti and flyposting functions under section 43 Anti-social Behaviour Act 2003)</li> <li>• Dog Control Orders functions under Part 1, Chapter 6 Clean Neighbourhoods and Environment Act 2005</li> </ul>
Failure to produce authority (waste carriers licence)	s.5C(3) Control of Pollution (Amendment) Act 1989  (see s.38 CNEA)	<ul style="list-style-type: none"> <li>• functions, including enforcement re offences, under section 5 Control of Pollution (Amendment) Act 1989)</li> </ul>
Failure to furnish documentation (waste transfer notes)	s.73A Environmental Protection Act 1990 (relates to both s34A and 47ZA EPA 1990)	<ul style="list-style-type: none"> <li>• functions, including enforcement re offences, under Part 2 Environmental Protection Act 1990</li> </ul>
Waste receptacles	(see s.52 CNEA)	
Failure to nominate key-holder (within an alarm notification area)	s. 75(2) CNEA	<ul style="list-style-type: none"> <li>• functions under Chapter 1, Part 7 Clean Neighbourhoods and Environment Act 2005</li> <li>• functions under the Noise Act 1996</li> <li>• functions under sections 79 to 82 of the Environmental Protection Act 1990, in connection with statutory nuisances and noise</li> </ul>

Noise from domestic premises	s.9(4A) Noise Act 1996)	<ul style="list-style-type: none"> <li>• functions under the Noise Act 1996</li> <li>• functions under Chapter 1, Part 7 Clean Neighbourhoods and Environment Act 2005</li> <li>• functions under sections under 79 to 82 of the Environmental Protection Act 1990, in connection with statutory nuisances and noise</li> </ul>
Noise from licensed premises	(see s.83 CNEA)	

11.30 The Environmental Offences (Use of Fixed Penalty Receipts) Regulations 2006 (regulation 4) provide for similar arrangements for parish councils, allowing them to use fixed penalty receipts to help meet the cost of their functions in relation to litter, graffiti, flyposting and dog control order offences. However, parish councils that have been granted "Quality" status may spend their receipts on any function (regulation 4(2)(d)), and, if a parish council loses this status, transitional arrangements are provided for the duration of one year (regulation 5).

11.31 The Environment Agency must pay all its fixed penalty receipts to the Secretary of State.

#### **Fixed Penalty Notice Returns**

11.32 The various statutes oblige local authorities to supply the Secretary of State with such details of their fixed penalty receipts as she may require. The Environmental Offences (Use of Fixed Penalty Receipts) Regulations 2006 (regulation 4(3)) extend the same requirement to parish councils.

#### **Issue of fixed penalties to juveniles**

11.33 Guidance on issuing fixed penalties to juveniles is being developed separately, and will be issued for comment as soon as it is available.

#### **Issuing fixed penalties on private land**

11.34 Authorised officers are required to gain the permission of the landowner or occupier before they can enter private land, unless that land is privately owned land to which the public are entitled to have access, where they already have implied permission to enter. Upon consented entry fixed penalties may be issued. Waste collection authorities have powers under section 108 of the Environment Act 1995 in certain circumstances to enter private land to carry out fly-tipping investigations.

**Annex A: Index of Legislation for Fixed Penalty Notices**

Description of offence	Act	Power to Issue	Who can issue them	Amount	Discount	Supply of name/address details	Use of Receipts
Nuisance parking	Clean Neighbourhoods and Environment Act 2005	s.6(1)	s.6.(1), 9(2)	s.6(8)	s.6(10)	s.7	s.8
Abandoning a vehicle	Refuse Disposal (Amenity) Act 1978	s.2A(1)	s.2A(1) & (14)	s.2A(8)	s.2A(10)	s.2B	s.2C
Litter	Environmental Protection Act 1990	s.88(1)	s.88(1),(9) & (10)	s.88(6A)	s.88(7)	s.88(8A)-(8C)	s.96 & 97 CNEA
Street litter control notices and litter clearing notices	Environmental Protection Act 1990	s.94A(2)	s.94A(2) & (7)	s.94A(4)	s.94A(5)	N/A	s.96 CNEA
Unauthorised distribution of literature	Environmental Protection Act 1990	Sch3A, para.7(2)	Sch3A, para.7(2) & para.8	Sch3A, para.7(4)	Sch3A, para.7(5)	Sch3A, para.7(7)-(9)	s.96 CNEA
Failure to produce waste carrier registration documents	Control of Pollution (Amendment) Act 1989	s.5B(2)	s.5B(2)	s.5B(9)	s.5B(11)	N/A	s.5C
Failure to produce waste transfer notes	Environmental Protection Act 1990	s.34A(2)	s.34A(2) & (14)	s.34A(9)	s.34A(11)	N/A	s.73A
Waste receptacles	Environmental Protection Act 1990	s.47ZA(2)	s.47ZA(2) & (10)	s.47ZB(2)	s.47ZB(3)	N/A	s.73A
Dog control orders	Clean Neighbourhoods and Environment Act 2005	s.59(2)	s.59(2),(11) & s.58	s.60(1)	s.60(3)	s.61	s.96 & 97 CNEA
Failure to nominate key-holder (within alarm notification area)	Clean Neighbourhoods and Environment Act 2005	s.73(2)	s.73(2) & (11)	s.74(2)	s.74(3)	s.76	s.75
Noise from premises (domestic and licensed)	Noise Act 1996	s.8(1)	s.8(1)	s.8A(2) & (2A)	s.8A(3) – no discount for licensed premises	s.8B	s.9
Graffiti and flyposting	Anti-social Behaviour Act 2003	s.43(1)	s.43(1) & s.47(1)	s.43A(1)	s.43A(3)	s.43B	s.96 & 97 CNEA

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**SUMMARY OF DECISIONS TAKEN AT A MEETING OF THE  
WEST ESSEX AREA WASTE MANAGEMENT JOINT  
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON  
26 APRIL 2006**

Present:-

*Members & Substitute Members*

Councillor Tony Sleep, Brentwood Borough Council (Chairman)  
Councillor Roger Walters, Essex County Council  
Councillor Michael Gage, Braintree District Council  
Councillor Derek Jacobs, Epping Forest District Council  
Councillor Alan Thawley, Uttlesford District Council

*Officers*

Ron Pridham, Uttlesford District Council  
Kathy May, Harlow District Council (attending on behalf of S Presland)  
Ian Haines, Braintree District Council  
Brian Lawrence, Brentwood Borough Council  
Peter Kelsbie, Essex County Council  
Alex Creecy, Essex County Council

**1. Project Progress Report (agenda item 5)**

Introduction

Referring to paper WEWM/09/06, Peter Kelsbie, Project Co-ordinator, Essex County Council, provided an update on the latest project progress.

Discussion

It was reiterated that the Outline Business Case (OBC) containing an application for PFI credits had been submitted to Defra, as planned, in December 2005. The OBC had been constructed with reference to contemporary guidance issued by the 4Ps. However, it was noted that the rules governing bids for PFI credits had changed on 7 April 2006. It was explained that Defra had raised some issues arising from the OBC and that a meeting would be held in early May 2006 between representatives from Defra and Essex County Council to discuss these issues. It was suggested and **agreed** that Councillor Roger Walters, Essex County Council, should speak to Graham Tombs, Service Director of Environment & Commerce at Essex County Council before this meeting. It was noted that this meeting would be an important element in determining the viability of continuing to pursue the PFI credit option. It was stated that feedback from industry would also be vital in considering the most appropriate match between the waste strategy and an affordable solution.

Members noted that Heads of Terms for the purchase of the lease at the Courtauld Road site were generally complete with just final legal negotiations

remaining. Also in connection with Courtauld Road, it was reported that the planning application was expected to be submitted in mid-May 2006.

## 2. Update from the West Essex Area Officers Group (agenda item 7)

Ian Haines, Braintree District Council, provided an update on behalf of the West Essex Area Officers Group. During the course of discussion, reference was made to paper WEWM/10/06 which contained initial ideas regarding methods of collection, the marketing of recycled materials and how these might inform the overall system design to ensure an appropriate interface between collection and disposal processes. It was noted that some decisions regarding collection were dependent on the disposal infrastructure and vice versa.

### Discussion

It was explained that recent West Essex officer meetings had concentrated on assessing different collection methods and the subsequent marketing of materials collected for recycling.

It was noted that two collection methods had been considered at the meetings; kerbside 'source separation' and 'co-mingled' (the latter requiring subsequent sorting). It was noted that further work would be required to provide a more definitive comparison using a combination of the SWOT analysis and the Kerbside Analysis Tool (KAT) modelling results. At present, (without the KAT results), it was explained that both methods were achieving very similar scores and that further work would be required to ascertain any differentiation between the two systems.

It was suggested and **agreed** that factors relating to differences between urban and rural area (across Essex) needed to be included in future consideration.

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## **SUMMARY OF DECISIONS TAKEN AT A MEETING OF THE WEST ESSEX AREA WASTE MANAGEMENT JOINT COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 31 MAY 2006**

### Present:-

#### *Members & Substitute Members*

Councillor Tony Sleep, Brentwood Borough Council (Chairman)  
Councillor Roger Walters, Essex County Council  
Councillor Michael Gage, Braintree District Council  
Councillor Stephen Metcalfe, Epping Forest District Council  
Councillor Alan Thawley, Uttlesford District Council  
Councillor Mrs Sarah Courage, Brentwood Borough Council

#### *Officers*

John Gilbert, Epping Forest District Council  
Ron Pridham, Uttlesford District Council  
Kathy May, Harlow District Council  
Ian Haines, Braintree District Council  
Brian Lawrence, Brentwood Borough Council  
Nicola Beach, Essex County Council  
Peter Kelsbie, Essex County Council  
Alex Creecy, Essex County Council  
Melanie Clark, Essex County Council  
Melanie Bailey, Essex County Council  
Buky Awoyemi, Essex County Council

### **1. Apologies for Absence and Notices of Substitution (agenda item 1)**

On behalf of the Joint Committee the Chairman welcomed Councillor Stephen Metcalfe as the new Member representing Epping Forest District Council and, *in absentia*, Councillor Mrs Mary Sartin (new Substitute Member for Epping Forest District Council). A vote of thanks was made to Councillor Derek Jacobs for his work as a previous Member and Vice-Chairman of the Joint Committee.

### **2. Project Progress Report (agenda item 5)**

Referring to paper WEWM/11/06, Peter Kelsbie, Project Co-ordinator, Essex County Council, provided an update on the latest project progress.

It was stated that, since the last meeting of the West Essex Joint Committee, there had been a meeting between representatives from Essex County Council, Southend Borough Council and Defra regarding the Outline Business Case (OBC) and Defra's revised eligibility criteria for PFI. It was explained that these criteria focussed on the overall structure of the contract and the associated regulatory framework. Members heard that the new criteria, issued by Defra, meant that funding would be available for the waste plants themselves (e.g MBT) but not including the supporting infrastructure. However, as a caveat to this,

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there was a clause in the new regulations stating that Defra might consider other supporting elements. With this in mind, discussions between Essex County Council, Southend Borough Council and Defra were continuing regarding the inclusion of transfer stations, MRFs and IVCs within the overall contract.

It was noted that the issues relating to the OBC, (as a result of changes to the contract criteria), did not relate to the funding *per se* which remained at the same level. It was clarified that the OBC had not been rejected by Defra. However, variations to the rules governing bids required the OBC to be refined to accommodate these changes.

### **3. Procurement Process (agenda item 6)**

Referring to paper WEWM/12/06, Peter Kelsbie, Project Co-ordinator and Alex Creecy, Technical Manager, Waste & Recycling, Essex County Council, outlined various aspects of the revised procurement process.

The Joint Committee received a presentation on different aspects of the revised procurement process including options surrounding the selection of a procurement route, inclusion of different elements of the disposal treatment process and possible groupings into contract 'lots'.

The arguments relating to the different aspects of procurement (particularly in relation to their inclusion or otherwise within the main PFI procurement) were summarised. Members expressed their support for the various arguments and proposals made although it was noted that formal approval of the overall procurement strategy by the Joint Committee would be sought once the situation regarding Defra was clarified.

### **4. Dates of Meetings: 2006 – 2007 (agenda item 9)**

The Secretary introduced a paper (WEWM/13/06) containing proposed dates for meetings of the Joint Committee from August 2006 to July 2007. It was explained that, following presentation at a previous meeting of the Joint Committee, the suggested dates for future meetings had been revised to take account of comments received at the time. There was a brief discussion concerning the proposed date of the September 2006 meeting date and it was **agreed** that the Secretary would look into this further.