

Public Document Pack



TRAFFORD COUNCIL

AGENDA PAPERS MARKED 'TO FOLLOW' FOR SCRUTINY COMMITTEE

Date: Wednesday, 17 July 2013

Time: 7.45 pm

Place: Committee Room 2 and 3, Trafford Town Hall, Talbot Road, Stretford M32
0TH

AGENDA	PART I	Pages
3.	URGENT BUSINESS (IF ANY)	1 - 10

Any other item or items (not likely to disclose "exempt information") which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

(a) Call-in of Executive Decision E/24.06.13/9 – End of Parking Services and Environmental Enforcement Review Consultation Report, Including Proposals for Future Service Delivery

The Chairman has agreed to allow consideration of this item as Urgent Business in order to allow the timely consideration of the call-in, in accordance with timescales set out in the Council's Constitution

Following a request from Scrutiny Members, the Chairman has agreed that the call-in of this decision be referred for the Committee's consideration. The following documents are to be submitted to inform Members' discussions:

4. Response Statement on behalf of the Executive

[Note: The Executive Member for Highways and Environment and supporting officers will be in attendance to respond to Members' enquiries.]

THERESA GRANT
Chief Executive

Scrutiny Committee - Wednesday, 17 July 2013

Membership of the Committee

Councillors B. Shaw (Chairman), M. Cordingley (Vice-Chairman), S. Adshead, R. Bowker, C. Candish, R. Chilton, Mrs. P. Dixon, A. Duffield, D. Higgins, J.R. Reilly, D. Western and J. Lloyd (ex-Officio).

Further Information

For help, advice and information about this meeting please contact:

Helen Mitchell, Democratic Services Officer

Tel: 0161 912 1229

Email: helen.mitchell@trafford.gov.uk

This agenda was issued on **Tuesday, 16 July 2013** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, M32 0TH.

TRAFFORD COUNCIL

Report to: Scrutiny Committee
Date: 17th July 2013
Report for: Decision
Report of: Executive Member for Highways and Environment

1.0 Report Title

Response to scrutiny call in of the Executive decision of 24/6/13 in relation to

**END OF PARKING SERVICES AND ENVIRONMENTAL ENFORCEMENT
REVIEW CONSULTATION REPORT, INCLUDING PROPOSALS FOR FUTURE
SERVICE DELIVERY E/24.06.13/9**

2.0 Background

The Council Wide Review of Enforcement Services, initiated over eighteen months ago, has identified that the Council's Environmental Enforcement Team cannot be operated on a self-funding basis solely from Fixed Penalty Notice income and that the high, and escalating, cost of providing this service is unaffordable in the current financial climate. The Review identified a range of measures that the Council could put in place as an alternative to the penalty notice driven approach currently in operation. The new approach will not only deliver a considerable saving but will also be potentially more effective where an enforcement-driven approach has had little impact on changing public behaviour.

3.0 Council Decision

The Council Executive approved the following recommendations:

That the end of consultation report be endorsed and the proposed new structure for the service approved.

Contact person for access to background papers and further information:

Name: Peter Molyneux, Corporate Director, Environment Transport and Operations

Extension: 1902

Relationship to Policy Framework/Corporate Priorities	See previous paper (24 th . June 2013 –Executive Members)
Financial	See previous paper (24 th . June 2013 –Executive Members)
Legal Implications:	See previous paper (24 th . June 2013 –Executive Members)
Equality/Diversity	See previous paper (24 th . June 2013 –Executive Members)

Implications	
Sustainability Implications	See previous paper (24 th . June 2013 –Executive Members)
Staffing/E-Government/Asset Management Implications	See previous paper (24 th . June 2013 –Executive Members)
Risk Management Implications	See previous paper (24 th . June 2013 –Executive Members)
Health and Safety Implications	See previous paper (24 th . June 2013 –Executive Members)

4. REASONS FOR CALL-IN:

4.1. INFORMATION OF AN INACCURATE NATURE GIVEN TO THE DECISION MAKER (EXECUTIVE) –

a) Basis of report has been challenged by staff. The data referring to team’s work is based exclusively on outputs as opposed to outcomes or inputs. Hence statements are made within reports as to the proportion of work devoted to specific areas of work based on how many FPNs are issued.

Response

The data used in the report is accurate financial information from budget analysis and records and data extracted from the Council’s Customer Relationship Management (CRM) system input by Access Trafford and the Environmental Enforcement Team staff. The CRM records attached at Appendix 1 record activity type, Fixed Penalty Notices (FPN’s) issued, purpose of patrols undertaken and finally the associated work undertaken by the Street Cleaning service (not part of the Environmental Enforcement Team). Appendix 2 details FPN’s issued and associated income for 2010/11 and 2012/13. There are no outcomes based data available as this is not collected. The only performance data gathered relates to National Performance Indicator NI 196 “Improved street and environmental cleanliness (fly-tipping)”. As stated in the council’s Annual Delivery plan, and using the Government rating of effectiveness, Trafford’s current performance is evaluated as “not effective”.

The CRM data cannot give a fully accurate account of the time and efforts of the Team but it can give an indication of the relative priorities of the team. In 2012/13 1,571 dog fouling patrols were logged by the team which resulted in the issue of 29 FPN notices, only 19 of which were paid resulting in £950 income. In the same year 1,905 litter from moving vehicle offences were investigated and resulted in 1,125 FPN’s issued.

70% of all 1600 FPN’s were issued for litter thrown from a moving vehicle. Litter from moving vehicle FPN’s raised £91,500 in 2012/13. The remaining 30% were for abandoned vehicles (9); other litter offences (73); small scale fly-tipping/dumped refuse (364); and dog fouling (29).

b) Cllr Mitchell described the team has having ‘failed’. The Executive was given no indication of the impact of the team on wider council priorities, only on ability to self-finance. The report states that reports from the public on dog fouling had increased and makes the assumption that the team had no ‘apparent’ impact. However the council is well practiced in more objective measures such as the

now abolished NI195 national indicator and knows that the number of complaints can be influenced by other expectations.

Response

Cllr Mitchell stated that the current FPN enforcement approach used to solve the problems of litter and dog fouling has been unsuccessful in achieving a change in behaviour. It is a problem with the methods employed, not the staff themselves. As part of the review of on-street enforcement it was identified that the service has a net cost of £350k. We have also seen an increase in communities wanting to take action to clean up their areas through the developing Locality Partnerships. We see this as an opportunity to involve a wide range of Council staff, communities and partners in a campaign to engage and challenge behaviour that damages environmental quality, rather than taking an enforcement driven approach.

c) The report makes no reference to the 2011 Report from ‘Keep Britain Tidy’ – ‘The Effectiveness of Enforcement on Behaviour Change - Fixed penalty notices from both sides of the line’. This report found that areas with highest awareness of FPNs for littering and dog fouling were likely to also receive the highest level of reports. So the ‘apparent’ poor impact referred to in the report may be indicative of success. Given that ‘Keep Britain Tidy’ is Defra’s preferred authority on such matters, it is a grievous omission not to include the findings in the report to the Executive.

Response

The report does not make reference to the 2011 Report from ‘Keep Britain Tidy’ – ‘The Effectiveness of Enforcement on Behaviour Change - Fixed penalty notices from both sides of the line’. It is felt that although the Keep Britain Tidy Report supports the issue of FPN’s it also supports the Executive proposal to adopt a new approach aimed at changing individual behaviour, e.g.

“...at Keep Britain Tidy we recommend that the best approach to improve the quality of the environment and prevent enviro-crime is to engage with communities, understand their values, educate them on the impact that their behaviour has on the environment, and use fixed penalty notices to simply reinforce positive environmental behaviour.”

The new approaches to littering and dog fouling are aimed at developing a long term change in behaviour by engaging with communities to improve environmental quality and ultimately to reduce the costs of environmental clean ups.

4.2. INSUFFICIENT CONSULTATION

a) We are extremely disturbed about the lack of a public consultation about the disbandment of this team. This is not a purely organisational change, since the effect is to discontinue the issue of FPNs by the council for environmental misdemeanours.

Response

The service sought legal advice prior to the original business case being prepared and it was agreed that we needed to consult with staff, as the proposal was to change the way the

service was delivered, not stop it. FPN's may still be issued by the Council and also by Police Community Support Officers (PCSO's) however it is not intended that this will take place routinely and would only be a measure of last resort.

b) We are equally disturbed that the council is taking such decisions centrally without regard to its newly formed Locality Partnerships as it seems that the objectives of those partnerships is to work together to shared ambitions.

Response

Over the next twelve months it is intended to work with Locality Partnerships as part of the developing campaigns that will engage communities to develop effective approaches to a range of local problems and challenges. It is intended that the current campaign to tackle dog fouling will become part of the developing locality partnership initiatives.

c) Overwhelmingly, the anecdotal evidence suggests that those engaged in town centre partnerships have major misgivings about this decision, as do friends of park groups. By not consulting sufficiently, the worry is that potential alternative funding sources have not been explored. It may be correct that the team cannot be funded from FPN revenues alone, but the impact on town centres, parks and communities may not be an affordable loss. There is no evidence that this has been considered.

Response

It is proposed to use the data collected by the council to target resources to deal with the issues. Whilst there may be less enforcement we will work with communities to ensure that the problems are dealt with promptly. It is intended that complaints about litter for example will go straight to Groundforce for direct clean up and we will brief staff and partners on a monthly basis so that interventions can be directed where they are most needed.

d) The only evidence of external consultation is minimal reference to the police. However, the letter submitted by the staff showing support from a local neighbourhood police inspector for the partnership work between themselves and the community safety team. It is a powerful endorsement to continue that work and it should have been explored with more rigour.

Response

Strong working relationships have developed between the Environmental Enforcement Team and a range of partners and community organisations and it is understandable that there will be some concerns about any new approach on the part of the Council. In December 2012 Peter Molyneux and Iain Veitch met with the Acting Divisional Commander to discuss these proposals. It was agreed, in principal, that our proposals would have a minimal impact on community safety and whilst PCSO's would not be issuing large volumes of FPN's they would work with the Council, communities and partners to contribute to the new approach of engaging with the public and challenging irresponsible behaviour.

4.3. ALTERNATIVE OPTIONS

- a) **The premise of the decision is that insufficient revenue is collected to finance the team. This presupposes that the team's only value is in its revenue collection. This theme runs throughout the reports and the conviction therefore excludes alternative commissions / funding streams.**

Response

The proposal forms part of the agreed 2013/14 budget and are therefore designed to contribute to the significant savings target across the whole Local Authority. Environmental Enforcement Team were never required to be self-funding but like many other regulatory services they had income targets based on an expected level of enforcement activity. The income targets were consistently under achieved and added to the high cost of service provision. The Council will continue to seek additional funding streams to support project work and community initiatives; however the proposed new approach the Executive has agreed to take gives an opportunity to deliver a lasting change in behaviour on the part of the communities and local businesses whilst delivering a significant saving to the Council.

- b) **In dismissing the wider value of the team to the community, we feel that the decision makers have reduced the range of options available to them. In failing to consult more widely, there's been no opportunity to explore that value. In particular, in not including the locality partnerships, we have again prevented alternative options in coming forward even though the raison d'être of these partnerships is precisely to bring together service providers in pursuit of local priorities.**

Additionally we have concern with the 'all or nothing' approach. There is no information on impact of a smaller team/shared team/ different ways of working

Response

As a proposal developed through a Transformation review process many alternatives were considered and evaluated for best fit and potential efficiencies. This proposal was finally selected by the Council's Transformation Board as fit for purpose in delivering an affordable alternative to a penalty notice driven approach that is having little or no effect on changing behaviour across the Borough.

As already mentioned the new approaches proposed do fit with the Council's aspirations to work with local communities. By moving to direct clean ups in neighbourhoods when littering, etc. is reported, residents should see environmental improvements and engage with challenging this unacceptable behaviour.

Every effort will be made to help affected staff to find suitable redeployment within the Council.

4.4. INSUFFICIENT INFORMATION

- a) **The decision is based on two metrics: the FPN revenue collected versus the cost of the team. There are many pieces of information lacking already referenced above including:**

- **Authoritative data on what the team does and achieves beyond FPN issues**
- **Authoritative data on the impact on community environment (this should also have included Keep Britain Tidy report)**
- **Consultation feedback from Parks Groups, Town Centre Partnerships, Resident Groups etc.**
- **Comparisons with other authorities and lessons learned**

Response

The proposal clearly forms part of the agreed 2013/14 budget and are therefore designed to contribute to the significant savings target across the whole Local Authority. Across the Council many services are being redesigned in order to continue serve the community whilst reducing costs to meet year on year budget reductions. Regarding the specifics on data, consultation and comparisons with other authorities:

- There are no data on what the team does or achieves other than the CRM data at Appendices 1 and 2 and NI196 performance data.
- There are no data on the impact on community environment.
- There was no formal consultation other than with team members. A limited number of representations were received during the staff consultation process.
- Environmental enforcement is not a statutory function and expenditure and organization varies across the country; many councils are currently evaluating expenditure and good practice in this area and all regulatory functions.

5. Conclusion

It is an inevitable consequence of reduced public sector funding that all services need to be evaluated and delivered in the most efficient and effective way. Evaluation of the Environmental Enforcement Team has shown that the service has a net cost of £350k and is unable to achieve the required the income targets through the use of FPN's to offset part of the cost of delivery.

Although the team members work well with the police and local communities there is now an opportunity to involve a larger group of Council staff, partner agencies and local communities to engage and challenge irresponsible behaviour. Rather than relying on enforcement through the issuing of FPN's, the new approach seeks to engage and empower communities to bring about a sustainable change in behaviour and attitudes, which is affordable.

Over the next twelve months officers will work with Groundforce staff, communities and partner agencies to ensure that the new ways of working are effective and that resources are focused where they are most needed across the Borough.

Environmental Enforcement		2012-13			2011-12		
Business Trans. Type	Reason Code	All CRM activities	Activities created by SCP Team	Activities created by Access Trafford	All CRM activities	Activities created by SCP Team	Activities created by Access Trafford
Local Environment	A Boards	110	87	23	59	35	24
	Abandoned Vehicle	275	195	80	204	150	54
	Dog Fouling	504	386	118	388	327	61
	Waste Commercial	306	297	9	450	435	15
	Waste Domestic	1,071	1,019	52	1,028	981	47
	Litter Clearance Notice	47	34	13	29	25	4
	Litter on Private Land	177	81	96	126	69	57
	Nuisance Parking	62	16	46	157	89	68
	Litter Offence	85	30	55	98	58	40
	Fly Posting	295	283	12	338	331	7
	Request for Dog Fouling Sign	68	23	45	73	39	34
	Shopping Trolley	69	59	10	63	51	12
	Education - Leo	100	100		85	85	
	Tool Library - Leo	19	19		36	35	1
	No Reason in List	172	137	35	98	73	25
	LEO Review	147	146	1	66	66	
	Environmental Enforcement Activities Total		3,507	2,912	595	3,298	2,849
FPN Litter /Fly Tip	Litter Offence from Vehicle	1,905	1,905		3,855	3,848	7
	Litter Offence	81	77	4	78	64	14
	Small Scale Fly Tipping/Dumped Refuse	393	377	16	419	407	12
	Dog Fouling Offence	30	29	1	20	20	
	Fixed Penalty Notices Total	2,409	2,388	21	4,372	4,339	33
Local Patrol Log	Anti Social Behaviour Patrol - CSP	1,559	1,550	9	6,945	6,939	6
	Anti Social Behaviour	293	293		192	192	
	Dog Fouling Patrol - CSP	1,571	1,571		1,357	1,356	1
	Litter Patrol - CSP	1,228	1,228		646	646	
	Low Level Nuisance	11	11		87	87	
	Low Level Nuisance Patrol -CSP	6	6		273	272	1
	ASB Patrols Total	4,668	4,659	9	9,500	9,492	8
Total SCP Team Activities		10,584	9,959	625	17,170	16,680	490
Street Cleaning	Dog Fouling	466	197	269	513	212	301
	Side Waste - Refuse/Recycle Collection	161	142	19	234	195	39
	Fly Tipping General	1,857	836	1,021	1,681	692	989
	Street Cleaning Activities Total	2,484	1,175	1,309	2,428	1,099	1,329
Overall Result		13,068	11,134	1,934	19,598	17,779	1,819

FPN Activities											
2012-13	Activities created by SCP Team	FPN's issued	% FPN's issued to activities	FPN's paid	% FPN's Paid	FPN income	% of total Income	Successful Prosecutions	Withdrawn Prosecutions	Court fines	Court costs awarded
Abandoned Vehicle	195	9	4.6%	1	11%	£200	0.2%	1	3	£200	£75
Litter Offence from Vehicle	1,905	1,125	59%	1,220	108%	£91,500	88%	71	51	£12,898	£7,940
Litter Offence	77	73	95%	37	51%	£2,775	3%	8	3		
Small Scale Fly Tipping/Dumped Refuse	377	364	97%	108	30%	£8,100	8%	24	18	£5,300	
Dog Fouling Offence	29	29	100%	19	66%	£950	1%	2	1	£300	£155
Total	2,583	1,600	62%	1,385	87%	£103,525		106	76	£18,698	£8,170
2011-12	Activities created by SCP Team	FPN's issued	% FPN's issued to activities	FPN's paid	% FPN's Paid	FPN income	% of total Income	Successful Prosecutions	Withdrawn Prosecutions	Court fines	Court costs awarded
Abandoned Vehicle	150	2	1.3%	0	0%	£0	0%	1	1	£260	£100
Litter Offence from Vehicle	3,848	3,123	81%	2,764	89%	£138,200	93%	127	40	£21,040	£14,024
Litter Offence	64	61	95%	66	108%	£3,300	2%	5	0		
Small Scale Fly Tipping/Dumped Refuse	407	377	93%	122	32%	£6,100	4%	21	11	£3,845	
Dog Fouling Offence	20	19	95%	18	95%	£900	1%	1	0	£175	£272
Total	4,489	3,582	80%	2,970	83%	£148,500		155	52	£25,320	£14,396

This page is intentionally left blank