

REQUEST FOR CALL IN OF AN EXECUTIVE DECISION

ON COMPLETION BY CALL-IN MEMBERS THIS PROFORMA SHOULD BE FORWARDED AS SOON AS POSSIBLE DIRECTLY TO DEMOCRATIC SERVICES (Floor 2, TTH) FOR RECORDING AND REFERRAL TO THE CHAIRMAN OF SCRUTINY COMMITTEE

[N.B. NO EXECUTIVE DECISION MAY BE CALLED IN PRIOR TO PUBLICATION]

TO: CHAIRMAN OF SCRUTINY COMMITTEE

From: COUNCILLORS: Cordingley, Adshead, D.Western, Duffield

Date: 7th July 2013

[Notes: (1) Only Overview & Scrutiny Councillors are entitled to request call-in of a decision.
(2) The Chairman or, where appropriate, the Vice-Chairman of the Scrutiny Committee can be asked by any 3 Overview & Scrutiny Members to exercise the right to request that the Chief Executive call in a decision.
(3) The Chairman can exercise the right to request call in of a decision under his / her own authority.]

EXECUTIVE DECISION TO BE CALLED IN: (Title & Ref. No.)

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

DECISION TAKER: Executive

**DATE OF MEETING / DECISION
24th June 2013**

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

Criteria checklist (MUST be specified):

- | | |
|---|---|
| a) Inaccurate information of a substantial nature given to decision taker | ✓ |
| b) Inadequate consultation was carried out | ✓ |
| c) Alternative options were not given sufficient consideration | ✓ |
| d) Insufficient information was available | ✓ |

Reasons for call-in:

Background: The Council Wide Review of Enforcement Services 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 non-statutory service is unaffordable in the current financial climate.

We are calling in this decision as it is clear from the reports and particularly the Lead Member Cllr Mitchell's verbal report to the executive that the basis for the decision may have been influenced by a subjective negative opinion towards the team.

An objective reading of the reports suggests that consideration of alternatives has been at best, shallow and perfunctory. Consultation on the face of it with partners has been dismissive and peremptory and select. There has been no public consultation, in fact the evidence points to a strategy of disinformation being employed. The 'Advertiser' carried on 24th April (during the staff consultation) a story of leading Conservative Group Councillors pledging a 'war on dog fouling' and warning of culprits 'paying a hefty price' – despite the plans to end the issue of fixed penalty notices by council staff.

In detail:

Information of an inaccurate nature given to the decision maker (Executive) –

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.

Cllr Mitchell described the team as 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.

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.

The Closing Remarks from the Keep Britain Tidy report are particularly relevant to this decision.

"Fixed penalty notices are an essential part of an environmental enforcement strategy. Our research has shown that although they themselves are not a shortcut to improving the quality of local environments, they are powerful tools when they are underpinned by the education and engagement stages of a strategy. It would seem that Central Government agrees as they move to encourage local authorities to make full use of FPNs to tackle environmental offences and develop new legislation that includes new powers for authorities to help maximise their use."

Insufficient Consultation

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.

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.

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.

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.

Alternative Options

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.

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

Insufficient Information

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

Reasons for call-in (continued)

**PLEASE NOW FORWARD THIS PROFORMA DIRECTLY TO DEMOCRATIC SERVICES
(FLOOR 2, TTH) FOR RECORDING AND REFERRAL TO THE CHAIRMAN OF SCRUTINY
COMMITTEE**

I accept / ~~do not accept~~* that one or more of the above criteria is met in relation to this decision. The criteria accepted, from those specified in the call-in request, are: all of the above. I therefore request that the Chief Executive calls in this matter for consideration by the Scrutiny Committee.

Signed: Brian Shaw

Chairman, Scrutiny Committee

Date: 9/7/13

~~* I have not upheld this call-in request for the following reasons:~~

Any additional comments from the Chairman:

I do not wish to make any further comment.

[Note for the Chairman: On completion, please forward this form to Democratic Services (Floor 2, TTH) for immediate attention.]

Last Updated 05.03.13