

## **SCRUTINY COMMITTEE**

**28 NOVEMBER 2017**

### **PRESENT**

Councillor M. Young (in the Chair).

Councillors M. Cordingley (Vice-Chairman), J. Holden, M. Hyman, A.M. Whyte and J. Harding (ex-Officio)

Note: Cllr M. Cordingley Chaired the first part of the meeting, with Cllr M. Young assuming the Chairmanship on his arrival at 17:20.

#### Also Present

Cllr J. Reilly - Executive Members for Transformation & Resources  
Cllr B. Shaw - Deputy Executive Members for Transformation & Resources

#### In Attendance

Sarah Pearson - Corporate Director, Economic Growth, Environment & Infrastructure  
Janet Kealey - Director of Legal and Democratic Services  
Paul Helsby - Interim Director, One Trafford Partnership  
Tara Dumas - Head of Environmental Services  
Chris Gaffey - Democratic and Scrutiny Officer

#### Also in Attendance

Cllr S. Adshead - Shadow Exec Member for Highways, Parks & Environmental Services  
Cllr Mrs J. Lloyd - Shadow Executive Member for Health and Wellbeing  
Cllr W. Stennett - Ward Councillor for Clifford

### **APOLOGIES**

Apologies for absence were received from Councillors R. Bowker, K. Carter, Mrs. P. Dixon, A. Mitchell and D. Western

### **29. DECLARATIONS OF INTEREST**

No declarations of interests were made by Members.

### **30. CALL IN OF EXECUTIVE DECISION: M/08.11.17/HPES - PILOT FOR ENHANCED LITTERING AND ALLEYWAY DUMPING ENFORCEMENT IN OLD TRAFFORD AND THE WIDER STRETFORD LOCALITY**

The Committee had been called to consider a call in of Executive decision number M/08.11.17/HPES in respect of the Pilot for Enhanced Littering and Alleyway Dumping Enforcement in Old Trafford and the Wider Stretford Locality. The Decision was made by the Executive Member for Highways, Parks and Environmental Services, on Wednesday 8 November 2017.

The call-in had been submitted by Councillors Carter, Cordingley, Harding, D. Western and Whyte, and was based on the grounds that: inadequate consultation had been carried out; alternative options were not given sufficient consideration; and insufficient information was available to make the decision. The Chairman had permitted consideration of the request to explore the issues raised on the grounds

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that inadequate consultation had been carried out, and insufficient information was available to make the decision.

The Committee had received the initial report and supporting documentation to the Executive, the decision notice, and the call-in proforma. The Executive Member for Highways, Parks and Environmental Services, the Deputy Executive Member for Highways, Parks and Environmental Services, the Corporate Director, Economic Growth, Environment and Infrastructure, the Director of Legal and Democratic Services, the Interim Director, One Trafford Partnership, and the Head of Environmental Services were in attendance to respond to the Committee's enquiries.

The Committee confirmed that they were in favour of more enforcement, but raised their concerns with the decision and how this was taken. Members' main concern was the possible reputational risk involved with awarding the contract to Kingdom, who had received some adverse publicity earlier in the year following a BBC Panorama report on the company. Officers were confident that any issues raised during the programme were isolated incidents. Members were advised that Kingdom issued circa 18,500 Fixed Penalty Notices (FPNs) per month, meaning a small number of incorrectly issued FPNs could be expected. The Council had contacted the other 8 authorities working with Kingdom for feedback on their performance and practices. All eight Authorities gave Kingdom a score of 4 out of 5 or better. Most of the feedback received from these Authorities had been positive, which gave the Council the required confidence that Kingdom would provide a good service.

Members also raised their concerns about the type of enforcement that would be pursued by Kingdom. It was noted that Kingdom would be enforcing existing Council policies, and the pilot scheme would be constantly monitored and reviewed to ensure that it worked for all. Kingdom had been advised that this was not an exercise for raising revenue for the Council, meaning they would not be pressured to hit financial targets. The immediate objective would be to reduce fly tipping and littering in the Old Trafford area, with Kingdom applying the relevant legislation in a consistent manner to achieve this.

The Committee requested further information in relation to contract performance and how this would be measured. Members were assured that that monitoring the scheme would be of high priority and crucial to its success. Work was ongoing on the Service Level Agreements that would be put in place, and Kingdom's overall performance would determine whether the pilot would be extended beyond the agreed 12 month period. Kingdom would produce a large amount of data which could be monitored, and this data would also be used to shape communications with local residents.

A workshop was in place to discuss the Council's communications approach to ensure local residents and others are aware of the new enforcement scheme, and it was noted that the Council would be meeting with Love Old Trafford to discuss the new scheme and its implementation. Officers would share the Communications Plan with Scrutiny Members once this was complete.

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It was noted that Kingdom would be using cutting edge technology to assist with the enforcement process, and they would be responsible for issuing the penalty notices to fly tippers and litterers. The Council would retain the legal responsibility of pursuing any unpaid penalties through the court if required. Kingdom would have a robust system in place for enforcement, and Officers agreed to circulate Kingdom's operating procedures to Scrutiny Members. It was noted that Kingdom had some successful experience with fly tipping enforcement working with other Local Authorities.

When asked if the scheme would be rolled out to the wider borough, it was noted that this would be considered following the pilot period and a full analysis of how the scheme had performed. It was also noted that performance based breach clauses were in place with the contractor during the pilot period. Members were advised that if the decision was taken to expand the scheme across the borough, then a full procurement exercise would need to be conducted due to the scale of the contract.

The Committee discussed the model used for estimating the revenue from the scheme, and Members were advised that Kingdom would not charge the Council for any FPNs which weren't paid by the offender(s). Members also asked how fly tipping hotspots would be tackled, and were advised that the technology used by Kingdom would allow for hotspot mapping, where additional resources could then be used to apply enforcement in these areas.

The Committee asked why Old Trafford had been selected for the pilot scheme. The Executive Member for Highways, Parks and Environmental Services confirmed that Old Trafford had been selected as this was the area which had suffered most from fly tipping in recent times. The aim would be to improve the situation for Old Trafford residents, with a view to expand the scheme further if successful.

The Chairman thanked the Officers for their attendance at the meeting to answer the questions raised by Scrutiny Members. Members of the Committee were requested to decide on whether, in the light of the information set out in the report and the discussion at the meeting, the decision should be referred back to the Executive for further consideration.

On the whole, Members felt that their concerns in relation to the decision had been adequately addressed. Members were reassured by the positive feedback obtained from other Local Authorities on Kingdom's performance, although they felt that this information could have been included in the initial report. The Committee were also content that the scheme was a pilot, which would allow the Council to discuss all options on how to proceed following the scheme's completion. The Committee agreed that the decision should not be referred back to the Executive for reconsideration.

Although the Committee had agreed not to refer the decision back to the Executive, Scrutiny Members were disappointed with the Executive's decision not to consult with Ward Members about the scheme in the first instance. Although this was not a legal requirement, Members felt that this should have been done as

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a matter of courtesy to allow Members to communicate with their residents accordingly.

RESOLVED: That the Committee feel that the concerns raised in the call-in request have been adequately dealt with and that no further action be taken.

The meeting commenced at 5.03 pm and finished at 5.57 pm