



FYLDE BOROUGH COUNCIL



Meeting Agenda

**Performance Improvement Scrutiny Committee
Town Hall, St Annes
30 October 2007, 7:00pm**

PERFORMANCE IMPROVEMENT SCRUTINY COMMITTEE

MEMBERSHIP

CHAIRMAN - Councillor Keith Hyde
VICE-CHAIRMAN – Councillor Christine Akeroyd

Councillors

Craig Halewood

John Singleton

Ken Hopwood

David Chedd

Cheryl Little

Kathleen Harper

Linda Nulty

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CORPORATE OBJECTIVES

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

CORE VALUES

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



A G E N D A

PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Legal Services Executive Manager in advance of the meeting. (For the assistance of Members an extract from the pocket guide produced by the Standards Board for England is attached).</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the Minutes of the Performance Improvement Scrutiny Committee held on 20 September 2007 Attached at the end of the agenda.</i>	4
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 25.3</i>	4
4. REVIEW OF ENFORCEMENT CAPACITY AND RESOURCES	7 – 22
5. LISTENING DAY RESULTS	23 – 24

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
 - (ii) any person or body who employs or has appointed you;
 - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (vii) any land in your authority's area in which you have a beneficial interest;
 - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (ix) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

Prejudicial interest generally

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
T&F GROUP CHAIRMAN CLLR FABIAN WILSON	PERFORMANCE IMPROVEMENT SCRUTINY COMMITTEE	30 OCTOBER 2007	4

REVIEW OF ENFORCEMENT CAPACITY AND RESOURCES

Public Item

This item is for consideration in the public part of the meeting.

Summary

This review arose as a result of the Audit Commission Environment Service Inspection report which was published in July 2006, which identified some weaknesses and criticised the service for not making the best use of all enforcement and discretionary powers.

A Task & Finish Group was selected with representatives from each of the scrutiny committees to undertake this cross-cutting and extensive review, within the terms of reference identified on the scoping document (attached at Appendix 1). The following report summarises the investigations and benchmarking undertaken by the group, and makes recommendations to address the issues highlighted.

Recommendations

1. To consider employing one extra member of staff to assist with administration for those officers with enforcement responsibilities.
2. Alternatively to consider where administrative capacity could be made available from within existing resources.
3. To consider the collaborative working benefits of different specialist enforcement officers sharing a common office space and common administrative support.
4. To consider employing at least one extra enforcement officer for Development Control, with a preference for that officer to have conservation training and experience.

5. That Cabinet should require senior managers to explore what possibilities there are for maximising income to their enforcement activities, as outlined in the body of the report.
6. That Cabinet should require senior managers to take account of the recommended changes to processes and additional monitoring as outlined in the body of the report.
7. That Executive Managers should review the enforcement management hierarchy and processes for Building Control and Development Control, and for Streetscene.
8. That Cabinet should commend the suggestion from the Chief Executive of the Police Authority to promote collaborative engagement to improve services.

Cabinet Portfolio

The item falls within the following Cabinet portfolios:

Development and Regeneration:	Councillor Roger Small
Community and Social Wellbeing:	Councillor Patricia Fieldhouse
Streetscene:	Councillor Timothy Ashton
Corporate Performance & Development:	Councillor Susan Fazackerley

Report

Background

- 1 The Audit Commission Environment Service Inspection report which was published in July 2006, classified Fylde Borough Council's service as "good, with promising prospects for improvement". However, the Audit Commission did identify some weaknesses and criticised the service for not making the best use of all enforcement and discretionary powers. One of the subsequent recommendations from the inspection was *"To review and strengthen the service's approach to the regulation of the built and natural environment to achieve greater impact through the effective use of enforcement and other powers, and the contribution of partners"*.
- 2 The report outlined the expected benefits of implementing this recommendation which were expected to be:
 - ◆ Improved compliance with planning consents and less authorised developments;
 - ◆ Reduced incidences of littering offences and improved co-ordination with education and preventative measures; and
 - ◆ Maximising and ensuring the contribution of all services to environmental objectives

The report anticipated that implementation of the recommendation would have "high impact with low costs" to Fylde Borough Council.
- 3 These issues were included in the 2007/2008 Corporate Plan as a high level action plan, where the target was to review the Council's approach to the regulation of the built and natural environment. Subsequently, in June 2007, the Scrutiny Management Board agreed to undertake this review of Enforcement Capacity and Resources.

Task and Finish Group

Members of the Task and Finish Group were sought from across the spectrum of scrutiny committees due to the extensive scope of the review. The group membership comprised:

Cllr Fabian Craig-Wilson (Chairman)	Policy And Service Review Scrutiny Committee
Cllr Elizabeth Oades	Policy And Service Review Scrutiny Committee
Cllr Linda Nulty	Performance Improvement Scrutiny Committee
Cllr John Singleton	Performance Improvement Scrutiny Committee
Cllr Bill Thompson	Planning Policy Scrutiny Committee
Cllr Maxine Chew	Planning Policy Scrutiny Committee
Cllr Brenda Ackers	Community Outlook Scrutiny Committee
Cllr Kiran Mulholland	Community Outlook Scrutiny Committee

Scope

- 4 The scope of the review required members to establish an overall picture of enforcement activity and the level of resource across the whole Council. There was also a need to strike a balance between public perception and approval of enforcement activities; the cost of enforcement; and the income from enforcement.
- 5 The Council has some statutory enforcement duties relating to issues such as environmental health (including air quality); licensing; housing; building control; development control; waste collection; the regulation of abandoned vehicles; dog fouling; fly tipping and littering offences.
- 6 The first step in this process was to review all existing enforcement activities and resources in each business unit of the Council to establish where there are examples of good practice and where there are problems, and to evaluate options for improvements.
- 7 The review sought to establish as a minimum for each Business Unit the following:
 - What are the current issues where enforcement has a role?
 - What problems do those issues cause?
 - What are the current enforcement resources?
 - Are the resources sufficient to manage the issues?
 - What is the public perception of enforcement activity?
 - Is there potential for “joined-up” enforcement activities with other Business Units?
- 8 Because it was thought that the review may well highlight some resource/budget implications, the timeframe was set so that the report and recommendations coming out of the review were available for Cabinet at the first round of the Budget considerations.

This was a challenging review, both in terms of the timeframe and the depth of research required, and both the Housing Summit and the Central Ward consultation have highlighted 'enforcement' as a key issue of concern to the public.

Methodology

- 9 As a starting point, the Task and Finish Group sent a standard questionnaire (Appendix 2) to every Executive Manager to elicit their views on the issues surrounding enforcement within their departments, and evaluated their responses.
- 10 In some cases it was clear that the enforcement activities and resources were adequate, or that enforcement was not a significant feature of a particular department, and these were set aside so that the focus could be concentrated on those departments with a high proportion of work devoted to enforcement activity, or where there was the potential for an improvement in enforcement.
- 11 Follow-up interviews were undertaken with Executive Managers, and some senior managers where responses to the questionnaire had highlighted one or more issues.
- 12 An informal questionnaire was also devised for benchmarking purposes, and this was used to interview:
 - (a) other Local Authorities who are our "statistical neighbours"
 - (b) other Local Authorities who are our geographical neighbours
 - (c) town and parish councils
 - (d) police and fire services
 - (e) community safety partnership

Findings

Non-Priority

- 13 Some Business Units were found to have little enforcement activity, others have well-regulated activity which is frequently measured, is well-resourced and is meeting targets. The Task and Finish Group therefore decided that, as a result of responses to the questionnaire, the following should be set aside as non-priority for the purposes of this review.

i Democratic Services and Member Support

There is a discretionary requirement for enforcement of non-responders during the annual canvass of electors. It is not cost effective to pursue, is not seen as good practice and is not a priority. The use of other council records is a requirement to increase registration rates therefore the process should be proactive rather than reactive.

ii Legal Services

No direct responsibility. They become involved in prosecuting breaches on behalf of other units.

iii Corporate Policy and Performance

Responsible for FAST (Federation Against Software Theft) in IT.
Though this enforcement activity is a national requirement, it is entirely internal and has no immediate impact on residents of Fylde.
The activity takes place within existing IT resource budget and only 5% of a single employee's time is made over to this activity.

iv Finance

(a) Revenues

Enforcement in the event of non-payment of Council Tax and Non- Domestic Rate is a statutory requirement, actively pursued, not least because collection levels would not be maintained if it became known that action was not being taken against defaulters. Upper quartile BVPI's are normally achieved. There is a dedicated recovery team who pursue all instances of non-payment once a summons has been served. Staffing levels is not a concern.

(b) Housing and Council Tax Benefits

Government guidelines and circulars stipulate expected measures and these include actions to detect and prevent benefit fraud. Funding granted by DWP for benefit administration includes support of the benefit investigation function. Fylde Borough has consistently performed in the top quartile. No concern regarding staffing levels and the activity has a high public approval.

(c) Audit

Management enforces breaches of Council regulations through the disciplinary process – internal audit assists but does not act as in an enforcement capacity.

Managers respond to internal audit recommendations and subsequently apply controls to ensure procedures are followed – internal audit monitors but does not enforce this process.

Other Services

- 14 Of the remaining services, there is a great deal of potential enforcement activity and some of it is more problematic than others. Task and Finish Group members therefore weighed the responses which had been obtained through questionnaires and in-depth interviews and prioritised the following departments as those with activities most being in need of review in terms of current performance; capacity; and processes. Members' observations and recommendations are summarised below.

Building Control

- 15 Building Control is well-supported and works efficiently, though it is slightly understaffed, but it recovers the majority of its costs (81.4% over the last 5 years). There is a possibility that Home Information Packs could cause an increase in workload and create more pressure on staff, who have already experienced an upturn in workload due to climate change / energy saving issues.

- 16 However, staff know what is expected of them and they are assisted by the fact that strong government legislation supports enforcement action and underpins the work of Building Control. Additionally, enforcement is seen as a matter of public concern.
- 17 It was felt that most benefit could be obtained from an increase in administrative or trainee capacity so that person could assist with increased workload, make initial contacts and to proactively seek contraventions and increase income.
- 18 The Task & Finish Group members would like officers to explore whether Building Control (BC) and Development Control (DC) can work more closely together, for example building inspectors working with the enforcement officer and planning team; and also whether there is an opportunity to fine-tune IT resources, allowing BC and DC staff to work co-operatively where there are overlaps in their work.

Development Control

- 19 Staff shortages in the past had led to planning officers having to undertake enforcement duties, but because of pressure of work and lack of capacity, in reality they were not able to devote sufficient time to enforcement. This meant that when an enforcement officer was appointed, there was a huge backlog of work waiting to be tackled – in excess of 200 outstanding enforcement complaints many of which are still outstanding.
- 20 A further problem is the lifting of the moratorium on new housing development in accordance with the Regional Spatial Strategy, which will lead to many more planning applications and even more pressure on DC.
- 21 Enforcement for DC is handicapped by a lack of meaningful government legislation – consequently the lack of capacity means that only the most severe infringements are pursued urgently, and of course the enforcement role is always reactive since there are no resources to enable a proactive stance on enforcement activities.
- 22 It was noted that Fylde is currently in the lowest quartile for spending on planning services.
- 23 The Task & Finish Group members feel that the evidence points to an overwhelming need for more resources to be made available to DC. In particular they need an enforcement officer, which is a high priority recommendation, and significant administrative support to free up the time of those officers who are specialists.
- 24 There were some issues around processes and management that the Task & Finish Group also highlighted as being matters which would merit feasibility studies by officers:
- Developing an education programme for the public so as to reduce infringements.
 - Building Control officers to work with Development Control officers to check compliance of plans that DC deals with.
 - Planning officers to monitor some of their own enforcement work.
 - Fixed penalty notices / charges for discharging planning applications.
 - Procedure to be implemented for complaints monitoring and tracking which can be reported at regular intervals.

- Bring Building Control and Development Control under the direction of one Executive Manager.

Conservation and Arboriculture

- 25 It appears that conservation management has a low profile in Fylde, even though there is robust legislation in place to assist in the work of enforcement.
- 26 It is a matter for concern that there is no qualified conservation officer in Fylde, despite the fact that there are 200 listed buildings and 10 conservation areas – none of which have had an appraisal. However, conservation work can be done by any qualified planning officer – it is simply that there is currently no capacity for them to undertake this work.
- 27 The Task and Finish Group would like officers to consider whether there are any circumstances in which they can draw on local civic or heritage society expertise, in conjunction with Fylde’s heritage champion.
- 28 It was also noted that there is a lack of tree management policies within conservation areas.
- 29 The Task & Finish Group observed that the arboriculture officer would benefit from having some administrative support, and would also like officers to explore the potential for making charges to residents for arboriculture advice, and to developers for advice on landscaping and tree planting schemes.

NB: Please note that there are some further comments on this topic in Appendix 3

Housing

- 30 The Housing Manager advised the Task & Finish Group that enforcement in Housing tends to be reactive rather than proactive, due to capacity, and consequently is at a fairly low level, even though about 66% of staff time is spent on compliance and enforcement activities.
- 31 Enforcement action must be commenced as soon as the officers become aware of a breach or non-compliance with statutory requirements. However, it is fortunate that many potential enforcements are resolved without court action; this is due mainly to people who have been made aware of their infringement acting to remedy it – in effect complying and making further enforcement action unnecessary.
- 32 Enforcement in housing is an activity of some consequence to the residents of Fylde, not least because remedying housing contraventions leads to improvement of the local housing stock.
- 33 However “empty property” enforcements (e.g. the Council taking over management of a property) are limited by the cost to the Council; these enforcements are also labour intensive and the housing officers cannot do as much as they would like to because it ties up resources. Current enforcement work therefore centres mainly on breaches in housing conditions such as fire safety.
- 34 The Task & Finish Group were advised that new legislation is likely to increase the need for formal enforcement, including court action and default work which can be

costly. There is no income from enforcement in Housing. They therefore would like officers to consider the feasibility of charging for Statutory Notices. They also recognised that administrative support could make a valuable contribution to the efficiency of the enforcement function.

Licensing and Public Protection

- 35 All functions of these departments are governed by statute and therefore there is a framework to assist and guide the enforcement activity.
- 36 In Licensing, the department's enforcement capacity is limited, and enforcement activity is undertaken within current resources. However licensing itself brings in a considerable income. The new Licensing Act of 2004 increased the workload of the department which has stretched their resources. It is unfortunate that more enforcement activity cannot be undertaken within current resources as there is a departmental will to undertake them, as well as public approval particularly in alcohol-related issues.
- 37 In terms of alcohol-related crime there was a suggestion that there should be an extended use of CCTV, and this is something that the Community Safety team are currently looking at. The Task & Finish Group suggested that officers should also look at the following topics with the view of improving processes and policies:
- To extend no-alcohol zones
 - To fully implement the protocols contained within the guidance to s182 of the Licensing Act.
 - As a monitoring exercise, to provide more information to the Licensing Committee so that it can take an overview on enforcement
- 38 In Public Protection (food safety and workplace health and safety) enforcement activity has a high priority - around 80% of the work done centres around enforcement, and there is a small income from activities. However, in comparison with other departments, it was not felt that this is a priority area for addressing resources – with the exception that any extra administrative capacity could be shared.

Environmental Protection

- 39 Environmental protection covers a wide range of enforcement activities, mainly statutory, which includes noise and smoke pollution; fly tipping; animal welfare and licensing; rodent control and other matters relating to public health such as drainage and investigation of statutory nuisances.
- 40 Currently, the team spends around 95% of time on enforcement work, and the balance on proactive initiatives. The work is mostly reactive being primarily complaint-led, and surveys indicate a high level of customer satisfaction. However, more capacity within the team would allow a more proactive approach, especially to enviro-crime issues such as fly tipping.
- 41 Since taking responsibility for fly tipping enforcement, a significant amount of time is now being spent in dealing with waste-related issues. This is having an adverse

effect on the Section's capacity to deal with core environmental health functions and resulting in less effective performance across the board.

- 42 The Task & Finish Group were made aware that Fixed Penalty Notices are available for waste-related and some other offences, but their full potential has not yet been explored because their use would impact on the capacity of the team to deliver more mainstream and vitally important environmental health duties. In the event that administrative support was made available, the Task & Finish Group would like officers to consider whether fixed penalties could become a viable option.

Benchmarking

Other Councils

- 43 The objective of the benchmarking was primarily to establish whether other Councils had policies, processes and working arrangements in place which enhanced the Council-wide enforcement activity. If that was the case, the Task & Finish Group would investigate further in order to establish where any of those practices could be adopted at Fylde in the interests of improving our enforcement function. In particular the Group was interested in finding out whether other Councils operated with generic enforcement teams.
- 44 The interviews showed that of the 7 Councils contacted, each had differing approaches and priorities, although overall they all seemed to have problems of capacity with the exception of West Dorset who had recently undergone a scrutiny review of enforcement and had as a result added resources. Few made any income from their activities.
- 45 There was a generally perceived will to enforce, and a tendency to prefer a proactive and educational approach where possible, some Councils using positive publicity, naming and shaming in the local paper, and even a One Stop Shop with its own number just for enforcement issues.
- 46 No Council had a generic enforcement team and they felt that it was not an option. Many of the officers are highly qualified and trained specialists for their departments and there is little cross-over at that level. However, it was equally clear that there are opportunities for a joint-working and collaborative approach between the different enforcement sections. For example there appear to be benefits from having the officers in physical proximity to each other to maximise their knowledge of what goes on within the District, and to develop consistency and fairness; and from having good legal and administrative support available to them.

Police and Fire Services

- 47 The objective of this benchmarking exercise was to explore whether we utilise partnerships in an effective way. As partners with Fylde Borough Council in enforcement, these two agencies are important consultees in preparing an in-depth review of Fylde's enforcement procedures.
- 48 The Police Authority has the job of holding the constabulary to account and it also sets the strategic priorities and monitors police performance. It is a statutory partner with the LSP's Community Safety and FBC enforcement.

- 49 The general consensus was that communication is good but that we do not engage as partners as effectively as we could. Working through the Community Safety Team, the constabulary could be a better partner in enforcement. The Police Authority is seeking new ways to work with FBC and the community, and to provide a more effective means of consultation with the public. The review is in its early stages.
- 50 The Chief Executive of the Police Authority suggested that we could be more creative with the powers that we have and that we could be more effective if all the people who can enforce worked as a team to pool the enforcement powers and good practise. She suggested a multi-agency approach to our problems to evaluate whether they are being tackled in a strategically valid way. Crime and Disorder partnerships and Community Safety partnerships need a joint strategic approach. She would be willing to meet with our officers, partners, and members so we can all work together in a better way.

Conclusions

Overall it appears that enforcement activity in Fylde, like many other Councils, varies in its effectiveness from department to department.

Nevertheless, it has emerged that the department which has the least capacity to cope with enforcement requirements is Development Control, and the Task and Finish Group have made a recommendation that they should have one more specialist officer.

A further deficiency which has been exposed is the overall lack of good administrative support for those performing the enforcement functions, who at the moment must also deal with all of the paperwork as well.

However, it is also clear that lack of effectiveness is not simply due to lack of resources, but also about how existing resources are used. It seems that economies of scale can be achieved if the various enforcement teams (where possible) could share offices, enabling them to share administrative and "first contact" resources, effectively becoming a "collaborative" team or unit. In such a Unit it might be possible for the enforcement activities which require less expertise, such as littering and dog fouling, to be tackled by a pool of adequately skilled officers. It might also be possible for enhanced IT services to allow closer working between departments.

The Task and Finish Group accepts that a generic enforcement team is not a feasible option because of the specialist nature of the enforcement and the expertise required in the various departments such as Development Control and Building Control. But it does question whether the management arrangements as they currently exist are the best that can be achieved. There needs to be a study into whether DC and BC can be most effective under a single management.

Likewise, there are issues around whether the person who manages a team should have the enforcement capacity as well – for example, if a co-operatively working Unit is not a possibility the Streetscene Executive Manager should have enforcement responsibility for dog fouling and littering.

The other main findings of the Task and Finish Group are around the issues of education, income, and of monitoring. The Group feels strongly that each responsible manager should closely examine all activities within their department to establish where Fixed Penalties or other charges are an option to help to offset the high cost of this activity; that they should investigate where educating the public will result in fewer infringements and thus save officer time in the long run; and that they should determine where tracking, monitoring and reporting of reactive and proactive activities can improve their service.

Lastly that Executive Managers should consider whether the hierarchies which are currently in place, that govern who has responsibility for which enforcement action should be reviewed to ensure that best practise is in place.

IMPLICATIONS	
Finance	Potential costs for extra staff, changes to IT / accommodation
Legal	Increase in activity could place pressures on Legal Team
Community Safety	Enhanced enforcement activity will contribute to community safety
Human Rights and Equalities	None arising directly from this report
Sustainability	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

Report Author	Tel	Date	Doc ID
Annie Womack	(01253) 658423	8 th October 2007	Enforcement – Report to PISC

List of Background Papers		
Name of document	Date	Where available for inspection
All of the background reports and questionnaires are held electronically		

Attached documents

1. Enforcement Task & Finish scoping document
2. Questionnaire for Executive Managers
3. Additional Comments

Enforcement Capacity – Scoping Document

Review Topic (name of Review)	Review of Enforcement Capacity
Lead Member Review Group (Cllrs involved)	Cllrs Brenda Ackers; Maxine Chew; Kiran Mulholland; Linda Nulty; Liz Oades; John Singleton; Bill Thompson; Fabian Wilson
Officer Support (Scrutiny Review Officer lead)	Annie Womack; Carolyn Whewell
Rationale (key issues and/ or reason for doing the Review)	<p>Environment Inspection by Audit Committee criticised the service for not making the best use of all enforcement and discretionary powers. These issues are now part of high level action plan to review the council's approach to the regulation of the built and natural environment.</p> <p>Establish the current issues where enforcement has a role</p> <p>Establish the current enforcement resources</p> <p>Investigate whether the resources sufficient to manage the issues</p> <p>Opportunity to make a positive impact on to improve services to Fylde residents</p>
Purpose of Review/Objective (specify exactly what the Review should achieve)	<p>The review should aim to present a picture of the overall capacity of the council to enforce, where enforcement is an option.</p> <p>It would need to establish where we fail to enforce, and whether this is through lack of resource, or because it is considered not cost effective, or because there is no public "appetite" for it.</p> <p>Establish whether current and future needs may differ, and generate improved outcomes.</p>
Indicators of Success (what factors would tell you what a good Review should look like)	<p>To identify inconsistencies and shortcomings and develop a plan to overcome them</p> <p>To reverse any reputational loss</p> <p>Development of a presumption to enforce</p> <p>Public backing</p> <p>Matching available resource to required activity and establishing the best way forward</p>

Appendix 1

<p>Methodology/ Approach (what types of enquiry will be used to gather evidence and why)</p>	<p>Standard questionnaire to start with, aimed at officers, to identify what statutory and discretionary enforcements are possible, which are utilised and why, which are not and why. This to be developed further for each department, dependent upon responses. Examine existing strategies, policies, service plans, action plans Examine the remit of the various enforcement officers Some public engagement for topics of high public concern/visibility If considered necessary, some benchmarking with statistical neighbours</p>
<p>Specify Witnesses/ Experts (who to see and when)</p>	<p>Initially - All Executive Managers, then some senior officers and selected enforcement officers</p>
<p>Specify Evidence Sources for Documents (which to look at)</p>	<p>Environment Inspection Report Income and expenditure for each department for enforcement Staffing levels; %age time on enforcement</p>
<p>Specify Site Visits (where and when)</p>	<p>None at this stage, may develop over the course of the review</p>
<p>Specify Evidence Sources for Views of Stakeholders (consultation/ workshops/ focus groups/ public meetings)</p>	<p>Minimal – probably need to know public’s perception of enforcement activity.</p>
<p>Publicity requirements (what is needed – fliers, leaflets, radio broadcast, press-release, etc.)</p>	<p>N/A</p>
<p>Resource requirements • Person-days • Expenditure</p>	<p>Limited mainly to officer time</p>
<p>Barriers/ dangers/ risks (identify any weaknesses and potential pitfalls)</p>	<p>Potentially Senior Officers too close to their own structures and rationales, affecting objectivity. Costs.</p>

Appendix 1

Projected start date	2 August 2007	Draft Report Deadline	10 Sep 2007
Meeting Frequency	As necessary	Projected completion date	October 07

TASK & FINISH GROUP – REVIEW OF ENFORCEMENT CAPACITY

1. Within your business unit, what requirement is there for providing an enforcement service? *(Please state for each section and say whether it is statutory or discretionary requirement).*
2. Which of those enforcement requirements do you actively pursue? or not pursue?
Please give reasons why.
3. Do you currently produce performance data with regard to enforcement activity? If so, what is this and what level of current performance is indicated?
4. Is your current level of enforcement activity adequate? What is your evidence for this?
5. What is the current cost of enforcement?
6. What is the current income from enforcement?
7. Are the staff who enforce, exclusively engaged in enforcement activities?
If not, what percentage of their time is spent on other activities?
8. If staffing level is a concern (in terms of being unable to resource enforcement activity), what ideas do you have to resolve that? What would be the approximate cost of these ideas?
9. Do you think your enforcement activity has a high approval rating from the public? What is your evidence for this?
10. Is your enforcement activity worthwhile in terms of staff time measured against improvements gained for the environment? What is your evidence for this?
11. What are the barriers to effective enforcement?
12. Would more mobile CCTVs provide more opportunity and evidence to enable prosecutions for offences such as dog fouling and fly tipping?

APPENDIX 3

Paul Walker, Executive Manager for Strategic Planning and Development has the following additional comments to make about the main body of the report.

It is a matter for concern that the post of conservation officer in Fylde was frozen when the 2006/07 budget was set following the departure of the previous postholder. This despite the fact that one of the borough's corporate objectives is to 'conserve, protect and enhance the quality of the Fylde natural and built environment'. As pointed out in the body of the report, there are 200 listed buildings and 10 conservation areas – none of which have had an appraisal. Conservation knowledge and experience is specialised and whilst most planning officers will have a basic knowledge they will not be able to deal with building and conservation area appraisals and preparation of management plans.

Under the circumstances, Mr Walker would like the chairman of the Task and Finish Group to ask the committee to consider whether to also recommend to Cabinet that the post of Conservation Officer be reinstated to undertake this important and valued work. This will be especially important when the council receives planning applications as a result of greater house building from developers for the demolition of large detached properties which the public feel may be worthy of protection. This will help from an enforcement perspective.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CULTURAL AND COMMUNITY SERVICES	PERFORMANCE IMPROVEMENT SCRUTINY COMMITTEE	30 TH OCTOBER 2007	5

LISTENING DAY RESULTS

Public Item

This item is for consideration in the public part of the meeting.

Summary

This is a covering report for Listening Day information to be provided at the meeting

Recommendation

To note the report

Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Customer Relations and Partnerships

Councillor Albert Pounder

Report

Listening Day was carried out on 22nd September 2007. The results of the feedback are still in the process of being collated however, Mr Paul Norris, Executive Manager for Cultural and Community Services will provide as much of the collated information as possible to members of the Performance Improvement Scrutiny Committee at the meeting.

IMPLICATIONS	
Finance	None
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	None

Report Author	Tel	Date	Doc ID
Carolyn Whewell	(01253) 658563	16 th October 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
Document name		Council office or website address

**Performance
Improvement Scrutiny
Committee**



Date	20 September 2007
Venue	Town Hall, St Annes
Committee members	Keith Hyde (Chairman) Christine Akeroyd (Vice-Chairman) David Chedd, Craig Halewood, Kathleen Harper, Cheryl Little, Ken Hopwood, Fabian Craig-Wilson,
Other Councillors	-
Officers	Ian Curtis, Carolyn Whewell
Others	Rosemary Agnew (Assistant Ombudsman)

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Performance Improvement Scrutiny Committee meeting held on 19 July 2007 as a correct record for signature by the chairman.

3. Substitute members

The following substitutions were reported under council procedure rule 22.3:

Councillor Fabian Craig-Wilson for Councillor John Singleton.

4. Local Government Ombudsman Annual Letter and Report 2006/07

Ian Curtis (Head of Legal Services) and Mrs Rosemary Agnew, Assistant Ombudsman presented a detailed report outlining the Ombudsman's Annual Letter which reflected the complaints made to the Ombudsman about Fylde Borough Council over the last year.

Mr Curtis reported the committee that the purpose of the report was to provide comments on the authority's performance and complaint handling arrangements. The letter also included information on the average time taken by the council to respond to Ombudsmen enquiries and comments on the effectiveness of the liaison arrangements between the Council and the Ombudsman.

Mr Curtis further reported that, for the year ending 31 March 2007, the Ombudsman received 18 complaints against the Council (5 more than the previous year). It was noted that complaints about planning matters made up the single largest group of complaints at 66% of the overall total which was significantly higher than the national average of 23%. On a positive note, the Ombudsman found no incidents of maladministration on the part of the Council.

The Ombudsman letter outlined one serious concern in the length of time the Council took to respond to formal requests for further information from the Ombudsman. The recorded average length of time for 2006/07 was recorded at 54.8 days which was almost double the recommended 28 days and this figure had increased year on year. Mr Curtis noted that the figures had been skewed by an individual complaint taking 116 days however, even taking that complaint out of the equation, the average time was 39.5 days.

Members questioned whether there was an appropriate system in place to monitor the timescale of responses. Mr Curtis and Mrs Agnew reported that Lyndsey Lacey was the liaison officer between Council officers and the Ombudsman. Ms Lacey kept meticulous records to monitor timescales however it was noted that in many cases, officers did not respond to requests within recommended deadlines. Mrs Agnew further reported that effective liaison with Ms Lacey had enabled the Ombudsman to settle approx 50% of complaints received in 2007/08 quickly and without putting formal requests to the Council.

Members questioned Mrs Agnew on why there was an increase in the number of complaints classed as "premature" and whether the increased awareness of the role of the Ombudsman had led to an increase in overall complaints. Mrs Agnew reported that the Local Government Act 2000 required the Ombudsman to give local authorities adequate opportunity to investigate and respond to complaints thoroughly. This was considered vital to ensure that local authorities learned from complaints received. There had been a 6% drop in complaints this year but this was because most Council's had brought in effective corporate complaints procedures so complaints were filtered out prior to being referred to the Ombudsman. The rise in premature complaints was largely attributed to the complainants not making full use of Council complaints procedures.

Councillor Akeroyd asked whether the Ombudsman took into account the complexity of cases when considering the length of time Councils take to respond. Mrs Agnew reported that, although the length of time Fylde takes to respond to complaints is high, they had noted that the quality of the response was good. Mrs Agnew noted that since the liaison with Ms Lacey had been in place, there had been little problem with the quality of responses but the timescales to respond to formal complaints was still a matter of concern. Mrs Agnew noted that to date, the 2007-08 figures showed that the average time to respond to complaints was 43 days.

Councillor Craig-Wilson asked what service areas the complaints for 2007-08 had been in to date. Mrs Agnew reported that out of 11 complaints received there were two in benefits, 1 in housing, 1 'other' and 7 for Planning. Mrs Agnew noted that the proportion of complaints in Planning was much higher than the national average however, in context this is not a serious concern. As a small Council, the number of complaints received would record a much higher proportion than larger unitary Councils where a higher overall number of complaints would be received. It was much more important to note that there were no findings of maladministration. In general terms, Councils that have reduced the number of planning complaints respond to customers directly in "plain English" without the use of technical jargon. Members of the committee noted this approach.

Councillor Hopwood asked whether the Ombudsman looked at complaints about insurance claims against the Council. Mrs Agnew reported that the Ombudsman did not normally look at issues that go through the legal route.

Mrs Agnew advised the committee that the corporate complaints procedure at Fylde was relatively new so an increase in overall complaints in the near future could be viewed in a positive light as it showed that the Council was effectively engaging with residents to resolve complaints.

The Chairman thanked Mrs Agnew and Mr Curtis for a very informative discussion.

Following the debate it was RESOLVED

1. To note the Annual Report

5. Update Report on the Joint Scrutiny Review of Waste Management Performance

Carolyn Whewell (Scrutiny and Improvement Officer) presented a report detailing the progress to date of the Joint Scrutiny Review of Waste Management Performance between Wyre and Fylde.

Miss Whewell reported that at the meetings of the Joint Committee held on the 19 March and 25 June 2007, concerns were raised about the increase in the number of missed bins and associated complaints. Subsequently, it was agreed that a joint Overview & Scrutiny review with scrutiny members from both Fylde and Wyre Councils, be carried out looking at the issue of recording and processing of missed bins, the provision of assisted collections and the extent and geographical incidence of fly tipping.

A review group was established, consisting of Councillor Keith Hyde, Councillor Lyndsay Greening and Councillor John Singleton from Fylde Borough and three councillors from Wyre Borough, with officer support from both scrutiny functions.

The first meeting of the task and finish group was held on 31st July 2007. At this meeting, it appeared that missed bins were identified as an issue in Wyre but this was not the case in Fylde. Following the discussion, the task and finish group agreed that Councillor Greening (Fylde) and Councillor Bannister (Wyre) would visit the customer contact centres at each authority to see how each authority recorded location, timing and frequencies of missed bins and how these were coded by each authority.

Several issues arose from these visits and it was clear that the different mechanisms in place in each authority for recording "missed bins" contributed to the problem. Both authorities had in place coding categories (e.g. wrong bin left out, missed bin, customer did not leave bin out etc) for missed bins although these were dealt with differently. Miss Whewell reported that it had taken some time for Fylde officers to implement the coding system to classify the type of missed bins for Wyre, as the system was considered time consuming and complex. This had now been resolved with all missed bins in Wyre being categorised correctly and figures should improve accordingly

Miss Whewell also reported that detailed information on how the "missed bins per 100000 collections" was calculated had been provided by Streetscene Officers.

The second meeting of the task and finish group discussed a number of operational issues including:

- ◆ **Task and Finish Arrangements** - Members were reassured that task and finish working arrangements did not impact on the quality of the service. Previous experiences of set working hours were not suitable working arrangements. Employees saw this as one of the major benefits of the job.

- ◆ **Side Waste Collections** - Side waste collection was no longer carried out in Fylde and would not be in Wyre as of the 1st October 2007. This was to encourage customers to recycle and coincide with a new sticker warning system to ensure that customers were fully aware.

- ◆ **Xmas Collections Information** - Both authorities were working together to ensure that customers are informed of Christmas collections times in the form of an innovative new tag that would be attached to the bins. This was more likely to be seen by the customer and not disregarded as junk mail.

- ◆ **Communication** - There was daily communication between the depot, contact centre and Streetscene managers to resolve any day to day issues with collections and IT systems. Fylde and Wyre operational managers also had regular meetings to resolve issues as they arose and this arrangement worked well.

Members commented on a number of issues that they would like the task and finish group to review. These were:

1. **Liability** - Councillor Hopwood requested further information on who was liable should an individual harm themselves as a result of a wheelie bin being put out for collection the night before. Ms Whewell advised that this matter was outside the remit of the Task and Finish Group but would be referred to the Councils Insurance and Risk Manager for consideration.

2. **Assisted Collections** - Members reported that some residents were having an issue where Refuse collectors were not putting bins back where they found them and would like the Task and Finish Group to review what could be done.

3. **Trade Waste** - Members noted that where residential and businesses shared a property, several incidents of residents bin bags being missed were reported where the business had also put waste out. Members would like the task and finish group to investigate whether this issue affected the number of missed bins and whether anything could be done to resolve the issue. Consideration should be given to different coloured bin bags for businesses.

Following the debate, it was RESOLVED that

1. That the Scrutiny and Improvement Officer and the Chairman report back to the Task and Finish Group on the concerns raised by the committee.

2. That the committee note the report and the background to how the performance indicator for 'missed bins per 100,000' is calculated.

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