

**Performance
Improvement Scrutiny
Committee**



Date	30 October 2007
Venue	Town Hall, St Annes
Committee members	Keith Hyde (Chairman) Christine Akeroyd (Vice-Chairman) David Chedd, John Singleton, Linda Nulty, Kathleen Harper, Ben Aitken, Ken Hopwood,
Other Councillors	Fabian Craig-Wilson, Kevin Eastham
Officers	Clare Platt, Paul Walker, Annie Womack, Carolyn Whewell
Others	

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 20 September 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 Ben Aitken for Councillor Cheryl Little

4. Review of Enforcement Capacity and Resources

Councillor Fabian Craig-Wilson presented a report detailing the findings of the scrutiny task and finish group for Enforcement Capacity and Resources.

Cllr Craig-Wilson advised that the review arose as a result of the Audit Commission Environment Service Inspection report which was published in July 2006 and 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 which was attached at Appendix 1 of the report.

The task and finish group found that in some cases, 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 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. Those departments set aside were Democratic Services and Member Support, Legal Services, Corporate Policy and Performance, and Finance (Revenues, Housing and Council Tax Benefits and Audit).

Cllr Craig-Wilson advised the committee that overall it appears that enforcement activity in Fylde, like many other Councils, varies in its effectiveness from department to department. The main findings from the review identified that the Development Control service had the least capacity to cope with current enforcement requirements, that there was an overall lack of good administrative support for those performing the enforcement functions and that there were further opportunities to explore better collaborative working between different units.

Cllr Craig-Wilson advised members that, at present enforcement officers were spending approximately half their time on administrative duties. All members agreed that efficient administration support for enforcement officers should be implemented with immediate effect from within existing resources.

The committee were also advised that Paul Walker (Executive Manager, Strategic Planning and Development) had provided additional comments relating to the appointment of an additional enforcement officer for Development Control. Mr Walker advised the committee that the post of conservation officer had been frozen for over a year. The council currently had no conservation enforcement capacity compared to Wyre with two and a half officers and West Lancashire with three officers. The committee were requested to consider the request to recommend that Cabinet reinstate the Conservation Officer post as a matter of priority.

Members questioned Cllr Craig-Wilson and Mr Walker on whether there was scope for Planning Officers or the Development Control Committee to take on a more active role for enforcement. Mr Walker explained that historically Planning officers were responsible for enforcement on their own cases. However, the department was now working to meet new government timescale targets therefore officers can only ensure that developers were compliant with the conditions of the planning application. Planning Officers at Fylde deal with an average 220 planning applications per annum compared to a benchmark of 160 applications for a good authority. As such, officers do not have capacity to deal with enforcement issues on all older cases which have been approved. The enforcement officer has a backlog of over 200 cases and requires additional support to clear this backlog.

Mr Walker advised members that there was potentially a further need for more conservation enforcement capacity with the removal of the housing moratorium. It was likely that the Council would see a surge in the number of planning applications to convert or demolish older properties that may require some element of conservation protection.

Members of the committee agreed that this was an important issue, however the remit of the task and finish group was to review enforcement capacity as identified in the Audit Commission Report. All members agreed that for the recruitment of any additional posts to combine enforcement and conservation duties, the emphasis should be on recruiting staff with enforcement skills and training.

Members questioned Clare Platt (Executive Manager, Consumer Wellbeing and Protection) on whether there were any outstanding enforcement cases in Licensing. Ms Platt informed the committee that there were currently no outstanding cases as they are dealt with as and when they are reported. The Licensing department have no capacity to pursue a more proactive approach to enforcement for compliance with licensing regulations however additional support would enable them to do this. Ms Platt further advised that a growth bid for an addition half time enforcement officer had been submitted for the Cabinet to consider as part of the budget process.

Members enquired whether the review had identified any particular areas of service where charges for enforcement activity could be made. Cllr Fabian Craig-Wilson stated that the review had identified a number of possibilities for charges, for example issuing more fixed penalty notices for environmental crime such as dog fouling. It was also possible to charge for administration costs for incidents where more than one enforcement notice is served for non compliance with licensing regulations. Ms Platt advised that there might be potential for charging in other circumstances but that further investigation into the issue would be required.

Members of the committee thanked Cllr Craig-Wilson for all the hard work carried out by the task and finish group.

Following the discussion, the committee RESOLVED:

1. To consider where administrative capacity could be made available immediately from within existing resources to assist with administration for those officers with enforcement responsibilities.
2. To consider the collaborative working benefits of different specialist enforcement officers sharing a common office space and common administrative support.
3. To consider employing at least one extra enforcement officer for Development Control/Conservation, with the emphasis for that officer to have skills and experience in enforcement.
4. 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.
5. 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.
6. That Executive Managers should review how the enforcement functions and working processes for Building Control and Development Control, and for Streetscene are managed.
7. That Cabinet should commend the suggestion from the Chief Executive of the Police Authority to promote collaborative engagement to improve services.

8. That the Performance Improvement Scrutiny Committee reviews the progress made on enforcement in 12 months time.

5. Listening Day Results

Councillor Keith Hyde (Chairman) informed the committee that the Listening Day results were not yet collated and as such the report was to be presented to the next meeting of the Performance Improvement Scrutiny Committee.

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