

Report to: Scrutiny Management Panel.
5 March 2009.

Report from: Senior Local Democracy Officer.

Report by: Jane Di Dino, Scrutiny Support Officer.

MONITORING THE OUTCOMES FROM SCRUTINY REVIEWS.

THE REVIEW OF THE EFFECTIVENESS OF THE ENFORCEMENT AND EDUCATION ELEMENTS OF THE CLEAN & TIDY CITY PROGRAMME.

1. Purpose.

This report provides an opportunity for the Panel to receive an update on the progress made with the recommendations arising from the review of The Effectiveness of the Enforcement and Education Elements of the Clean & Tidy City Programme.

2. Recommendations.

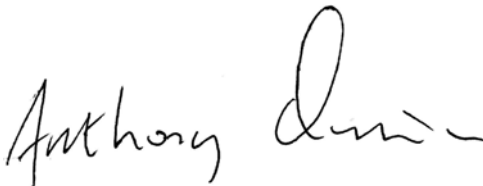
The Panel is asked to consider whether it wishes to make any further comments regarding the progress made with the implementation of the recommendations arising from this review.

3. Background.

- 3.1 At its meeting on 12 July 2006, the Policy & Review (Oversight) Panel agreed that relevant Executive Members should be invited to meetings on a rolling basis to provide an update on the progress made with implementing recommendations arising from completed scrutiny reviews. On 25 November 2008 the Council agreed that the Scrutiny Management Panel should continue with this role under the new scrutiny arrangements.
- 3.2 The review of the Effectiveness of the Enforcement and Education Elements of the Clean & Tidy City Programme was undertaken by Topic Panel B between July 2005 and March 2006.
- 3.3 At its meeting on 10 March 2005, the Policy & Review (Oversight) Panel agreed that a review of dog fouling should be given high priority and a review of the Clean & Tidy City Review should be given medium priority in the scrutiny forward work programme for 2005/06. However, following discussion with officers, the Chair requested that the Oversight Panel receive a briefing on all the issues involved in the Clean & Tidy City Review, including dog fouling and litter before scoping documents for both reviews were prepared.
- 3.4 The Clean City Manager briefed the Policy & Review (Oversight) Panel on the progress of the Clean & Tidy City Review at a meeting on 7 April. The Panel was advised that an internal officer-led review of the Integrated Cleansing contract is currently underway and that the results from this were due to be reported to the Executive shortly. In light of this, the Policy & Review (Oversight) Panel agreed that a scrutiny review should consider the effectiveness of the enforcement and educational elements of the Clean and Tidy City Programme and should concentrate on the following environmental offences:

- Dog fouling
- Litter
- Fly tipping
- Fly-posting
- Graffiti

- 3.5 At its meeting on 10 May 2005 the Panel was tasked with the following: to understand the issues facing the City in respect of the environmental crimes of fly tipping, dog fouling, litter, fly-posting and graffiti; to understand existing and new powers available to local authorities to address environmental crime; to review the City Council's current enforcement policy; to evaluate the role of those officers responsible for enforcing environment law; to assess the contribution of education in enforcing environment law; to understand the links between enforcement and the crime and disorder agenda and to assess the policies and procedures of similar local authorities.
- 3.6 The Panel took evidence from a number of witnesses, including the Executive Member for the Environment, the Executive Member for Community Safety, representatives from the police authority and the fire authority as well as many key council officers.
- 3.7 The Panel's principal recommendations were that the revised Policy should reiterate the City Council's existing zero tolerance approach to dog fouling, litter and fly tipping, graffiti and fly posting, that the power to issue fixed penalty notices (FPNs) should be primarily retained by Enforcement Officers, Community Wardens, Parking Wardens and Estate Services Officers and that a review of the FPN ticket book be undertaken following DEFRA's issuing of the new model FPN form, and that this take into account the possible future use of the Parking Service's hand held ticket machines.
- 3.8 The Executive considered the report on 20 June 2006 and agreed the responses to them set out in appendix one of the response document from the Strategic Director for Environment & Transport. A full table showing the Strategic Director's responses and the progress made since then is attached as appendix one of this report.



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Senior Local Democracy Officer.

Appendix One

Panel Findings			Response			Progress Update for Scrutiny Management panel
Recommendation	Policy Framework	Resource implications	Strategic Directors Comments	Responsibility for Action	Action	
1. That the current Enforcement Policy be revised, taking into account the recommendations arising from this review.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.	Support for the reviewing of the Street Scene - Enforcement Policy. Part of which will be	Strategic Director for Environment and Transport.	The existing Enforcement Forum will be updated and integrated as part of a Cleaner, Safer, Greener working group.	<p>Strategic director for Environment and Transport. chaired a new Enforcement forum Membership included a police representative.</p> <p>Although some progress was made there are clearly significant barriers to achieving a common policy between local authority and police officers.</p> <p>Notwithstanding this Clean City Enforcement officers offer fixed penalty notices when appropriate.</p>
2. That the revised Policy should reiterate the City Council's existing zero tolerance approach to dog fouling, litter and fly tipping, graffiti and fly posting.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.	<ul style="list-style-type: none"> Comparing the police enforcement policy with PCC's. Aligning all related legislation including Anti Social Behaviour. 		Aim for New Enforcement Policy to be in place by the end of 2006	
3 That the revised Policy should stipulate that FPNs must be issued, wherever practicable, to those caught littering or allowing their dog to foul.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.				
4 That the power to issue FPNs should be primarily retained by Enforcement Officers, Community Wardens, Parking Wardens and Estate Services Officers.	Within existing framework.	Very significant resource implications. Staff time, loss of income due to detraction from primary tasks.	<p>Qualified support, The opportunities presented by the 32 police community support officers working with the Clean City Team will provide a significant increase in capability without affecting existing PCC tasks.</p> <p>The other uniformed services will however be trained and be required to act as reporters and professional witnesses, which will greatly support the</p>	<p>Strategic Director for Environment and Transport.</p> <p>Strategic Director for Economy Culture and Community Safety</p>	<p>The effectiveness of the PCSO involvement and use of professional witnesses will be monitored with particular regard to:-</p> <ul style="list-style-type: none"> The quality and administrative burden of case preparation. The overall effect on the Clean and Safe corporate priorities. 	<p>Since 2006 around 40 PCSOs have been trained and authorised by PCC to offer fixed penalties for litter and dog fouling.</p> <p>In practise there have been few tickets (9) issued by PCSO's .</p> <p>However Clean City officers have stepped up this type of enforcement activity and have issued over 350 FPNS since june 06 to 31 dec 08</p> <p>These increased demands on Legal Services (where persons either refuse or</p>

			broader cleaner, safer, greener agenda and will retain and use powers to issue FPNs where this would not be detrimental to the conduct of their primary duties.		<ul style="list-style-type: none"> The quality of the data and identification of trends to enable follow up campaigns to be planned. Compliance with the agreed enforcement policy <p>Broadening of the role of parking attendants to encompass wider streetscene management responsibilities (possibly including powers to issue FPNs) will be taking forward through implementation of the parking services review.</p>	<p>don't pay an FPN). Have been met by buying in additional resources.</p> <p>A programme to have high profile court sessions which focus on environmental offences has had a positive in the media and has raised the profile of littering and dog fouling offences.</p> <p>New legislation has allowed Housing service, Community wardens and Clean City officers to work more closely</p>	
5	That a full training programme for those officers undertaking enforcement duties be provided in all aspects of the Criminal Procedures Investigation Act (CPIA), the Police and Criminal Evidence Act (PACE), and in safely dealing with perpetrators and issuing FPNs.	Within existing framework.	Significant resources implications. A specialised IT system would need to be developed to work alongside the Customer interface software.	Support- subject to resources being available	Strategic Directors.	<p>Training needs analysis to be undertaken when extent of new duties is agreed.</p> <p>Possible spend to save proposal could be developed to provide resources for IT infrastructure to support this recommendation.</p>	<p>Relevant training, according to the scope of enforcement duty, is provided. This ranges from comprehensive PACE, RIPA, CPIA training for Clean City enforcement officers to professional witness training to Community wardens and estate services officers.</p>
6	That those officers undertaking enforcement duties should effectively address environmental offences by concentrated action on hotspots across the City.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.	Support - providing the priorities take note of the broader cleaner, safer, greener agenda.	Strategic Directors.	<p>The outcomes to be assessed against Corporate objectives 1 and 7. Which focus on making the city cleaner and safer.</p>	<p>The public and a number of agencies provide information to assist in the targeting of enforcement activity.</p> <p>The Community wardens will in some circumstances take steps to correct behaviour or encourage persons to remove waste/fire hazards etc without the need for formal enforcement action.</p>

7. That the revised Policy should clearly state that the full powers of the Environmental Protection Act 1990 will be utilised by the City Council to combat fly tipping, including Section 34 offences.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.	Support	Strategic Director for Environment and Transport. In consultation with the Head of Legal Services	Legal implications to be clarified and, it may be necessary to lobby central government departments for changes to (or in clarification of) legislation	The Clean Neighbourhoods legislation granted local authorities powers to enforce section 34. There may in the future be a change caused by a "drafting error" in a revision to this piece of legislation. Encams and others are lobbying central government.
That a cost benefit analysis of the current approach taken to removing graffiti be undertaken by the Strategic Director for Environment and Transport and reported to the Executive Member for the Environment.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.	Support	Strategic Director for Environment and Transport	This will be taken forward as part of a broader report on Graffiti to the Executive Member for Environment and Transport. Due to be submitted in September 2006	Completed report to Executive August 2006
That the City Council actively implement all relevant parts of the Clean Neighbourhood Act that refer to the issuing of FPNs for graffiti, fly posting and fly tipping when these come into force later this year.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.	Support, and will be assessed as part of the revision of the Enforcement Policy.	Strategic Director for Environment and Transport.	A revised scheme of Delegations to cover the CNE related legislation was agreed by the Executive 5 June 2006.	Completed and in use by Clean City enforcement team
10. That a review of the FPN ticket book be undertaken following DEFRA's issuing of the new model FPN form, and that this takes into account the possible future use of the Parking Service's hand held ticket machines.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.	Support	Strategic Director for Environment and Transport.	A review, in consultation with the police, of the written Fixed penalty notices is complete. A new style of book is now in use. This included undertaking an INRA assessment. An assessment of the proposed parking service hand held ticket issue machines will be undertaken as part of the overall evaluation.	A new style of book is in service . Following a short assessment it was concluded that the parking services handheld ticket issuing devices would not increase the overall effectiveness of enforcement activities.

12. That the Clean City Services Team work with the Local Education Authority in the City's primary schools to deliver an education programme about the effects of environmental offences in the City's primary schools and the opportunities lost because of resources being diverted in order to combat these offences.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.	Support	Strategic Director for Environment and Transport.	To be included in the ongoing education programme	There is an ongoing programme of educational activities . These take place in formal class room style and street theatre style venues. There has also been a number of, well supported, competitions . The education element has been expanded towards students with the Clean City team attending fresher's fayres.
13. That the Enforcement Forum extends its membership to external partners and undertakes to monitor enforcement practice and activity.	Within existing framework.	No significant resource implications	Support	Strategic Directors.	Membership of, and the role of, the Enforcement Forum team will be reviewed by end August 2006	A membership review was undertaken and a new group convened.
14. That the Enforcement Forum take a six monthly performance report on enforcement activity to the Executive Member for the Environment.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.	Support as part of the broader performance monitoring programme	Strategic Director for Environment and Transport.	To be included in routine performance monitoring activity that is reported to the SDB.	The Cabinet Member for Environment and Community safety receives a monthly report on dog fouling activity. Annual returns are made to DEFRA
15. That the Enforcement Forum be chaired by a member of the Strategic Directors' Board.	Within existing framework.	No significant resource implications	Support	Strategic Directors.	It is proposed that the Strategic Director for Environment and Transport take on this role	The Strategic Director took on this role but the position is now vacant.
16. That those environmental offences not considered by this review should be considered by the Enforcement Forum at a later date.	Within existing framework.	No significant resource implications other than staff time which may impact on other duties.	Support	Strategic Director for Environment and Transport.	To be included in the Enforcement Forum's work programme.	The range of, and scale, of Clean city enforcement officers activities has intensified in recent years. In particular by linking these activities with the broader community safety agenda.