

FUTURE OF ENFORCEMENT

EXECUTIVE MEMBER: Councillor Allan Holliday
LEAD OFFICER: Liam Murphy
REPORT AUTHOR: Liam Murphy

Summary and Recommendation:

This report advises the Executive to consider the options for the future of Enforcement.

Recommends that the Executive Board

- 1 - Note the options appraisal for the future of Enforcement;
- 2 - Approve the options appraisal for consultation with elected members, staff and other key stakeholders; and
- 3 - Request a report back on the consultation with final recommendations at the next Executive

1. INTRODUCTION

- 1.1 In November, December and March, the Executive considered reports relating to the performance of the Council's Enforcement Service. The decisions arising from these reports (a) established the current status and its causes with Enforcement, (b) provided a short-term solution to the financial problems of the service, and (c) provided a framework for the consideration of the future of the service. This report explores the possible future options for Enforcement for approval for consultation.

2. The challenges for Improving Enforcement

- 2.1 The recent reports to Executive have identified a number of failings with Enforcement, specifically that there has been: (a) a failure to prevent deterioration in the quality of service, (b) significant changes in the demand for enforcement; (c) drop in income brought in by the service; and (d) a wider financial impact on the Council's budget. Actions are now currently taking place with regard to improvement in the quality of service and sustaining a financial solution for the service in the short-term.
- 2.2 The drop in income for the service and the significant changes in the demand for enforcement are substantially related. While a good portion of

the financial issues are related to accruals of outstanding fines, much of the drop in income is linked to drop in demand, i.e. that there have been less opportunities to enforce decriminalised parking offences. This has been due to changes in the parking policy that is set by the County Council. Essentially, it appears that Copeland Borough Council is best left to enforcing policy that is set by itself.

2.3 At the March Executive the following was approved, that:

- Enforcement becomes flexible enough to provide a 24/7 service as required; and
- Notice is given to the County Council of the termination of the contract for Decriminalised Parking Enforcement (DPE).

2.4 Other recommendations considered at the March Executive included:

- New options for raising income, including review of fines and charges;
- A new SLA with the Licensing Committee; and
- Market testing for the service

2.5 The future business model of Enforcement will need to consider the above issues.

3. Possible Future Options for the Enforcement Service

3.1 From the work done to date in considering an effective and sustainable future for the service a number of options become apparent. These are:

- Do nothing other than that already recommended;
- Revise the service within modest limits;
- Share the service with another local authority; and
- Contract out the whole service.

Each of these options is considered in turn.

3.2 *Do Nothing* – this would involve moving Enforcement to a 24/7 service, with a staff complement of 6.5 FTE, with only 12 months on the DPE contract left to run, with some increases in charges and fines.

3.3 *Limited Revision of Service* – this would involve enhancing the ‘do nothing’ option through an SLA with Licensing, a broader review of charges and fines, and a market test of the externalisations of markets;

3.4 *Share the Service with Another Authority* – this would involve the sharing of Enforcement with a neighbouring local authority that would then look to deliver the service over both local authority areas;

3.5 *Contract out the Whole Service* – unlike the limited revision option, here the whole of Enforcement would be market-tested to see if a private sector or non-for-profit organisation would be interested in taking over the service on behalf of the Council.

3.6 In considering the above options some advantages and disadvantages are explored below.

3.7 Do nothing

Advantages	Disadvantages
Low cost in terms of finance and people resources no tender exercise required	May not achieve best value for the Council
Performance measures are known and can be readily monitored	May result in higher salaries after the Job Evaluation exercise is complete
Relatively simple to implement and low risk to the authority, allows the performance of the unit to be stabilised	If performance does not meet agreed targets the liability falls on the Council
Retains flexibility to use enforcement unit resources to meet Council priorities on a day to day basis	Reduced number of enforcement officers affects economies of scale and flexibility is lower than when at full establishment.
Can be implemented immediately/quickly*	Will need to be actively managed and supervised by senior enforcement staff.

*most measures have been taken or will be from 1 April – 24/7 working arrangements will need to be negotiated and require personnel panel approval.

3.8 Limited Revision of Service

Advantages	Disadvantages
Moderate cost in terms of finance and people resources. May result in higher gross income from Markets externalisation.	Additional finance required to support the market testing exercise, circa £7-8k plus staff time.
Performance measures are known and can be readily monitored, enhanced by formal SLA for licensing functions*	Loss of democratic control over pricing and management of markets.

Not a complex service to tender and there is an established private sector supply market, low risk to the authority, and quick to implement (12 Months?)	Will need to be actively managed and supervised by senior enforcement staff
Retains flexibility to use enforcement unit resources to meet Council priorities on a day to day basis, releases 20 hours of enforcement officer time.	A 'client' function would need to be established
Specialist management of markets might result in wider economic benefits	

*estimated number of hours required is known together with number of premises to be visited.

3.9 Share the Service with another Authority

Advantages	Disadvantages
Supports shared service agenda	Would take considerable time to negotiate and implement.
The process of procurement is low risk, if the option is available	Current poor performance would be a disincentive to take our team over. Risk transfer may be expensive in negotiation.
Gains economies of scale especially via shared back office systems	Some flexibility/control lost
Potential to transfer some risk to partner authority	Copeland is the only Council with a multi-disciplinary enforcement team in the area, so no ready made partner

3.10 Contract out the whole service

Advantages	Disadvantages
Will not need to be actively managed and supervised by senior enforcement staff	A client function would be required. May take longer than a year to implement while service continues without clear resolution.
May represent the best value option in terms of contestability	Difficult to specify a contract – no precedent, no known market. Flexibility to change in accordance with corporate priorities reduced, without additional cost
Risks can be transferred, no equal pay consequences for the Council	Current poor performance would be a disincentive to take our team over at a

	competitive valuation. Risk transfer may come at an unaffordable price
Income may increase	Costly to establish in finance (£25 – 30k) and human resources terms.

4. OPTION APPRAISALS

- 4.1 The options appraisal should be carried out using consultation with members and staff of the council, JCSP, and external stakeholders, including neighbouring local authorities.

5. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)

- 5.1 All resource commitments would be covered through existing allocations.

6. PROJECT AND RISK MANAGEMENT

- 6.1 An unsustainable business model for the Enforcement Unit would mean loss of income that will impact on the Councils' ability to deliver its services through the fall in income generated; for this year and future years.

7. IMPACT ON CORPORATE PLAN

- 7.1 Income from the Enforcement Unit helps to fund other Council services, therefore any problems with delivery has implications beyond the Unit itself.

List of Appendices

None

List of Background Documents:

Executive Report Enforcement November 2006

Executive Report Review of Enforcement December 2006

Executive Report Task and Finish Group Enforcement March 2007

List of Consultees:

Cllr Elaine Woodburn,

Cllr Allan Holliday,

Corporate Director, Quality of Life

Head of Service, Leisure and Environmental Services

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed .
This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	Supports
Impact on Sustainability	Neutral
Impact on Rural Proofing	Neutral
Health and Safety Implications	Neutral
Impact on Equality and Diversity Issues	Neutral
Children and Young Persons Implications	Neutral
Human Rights Act Implications	Neutral

Please say if this report will require the making of a Key Decision NO