

Overview and Scrutiny Report – Enforcement Services

Introduction

Following previous presentations and reviews of the Enforcement Unit, the Overview and Scrutiny Committee have requested a report to look at the implications of the new legislation (primarily the Clean Neighbourhood and Environment Act 2005) on the department and its ability to perform the required functions in support of Cleaner, Safer, Greener communities.

Off-street Parking

CBC currently own and manage 15 car parks within the borough. 5 of these sites, Catherine Street Sports Centre and Council offices, Schoolhouse Lane and Senhouse Street, have recently been awarded Park Safe Awards, a national award scheme recognised for reducing crime and fear of crime.

Currently, Seascale and St Bees have agreements with the Council to lease the car parks from us at a cost. This scheme is likely to grow with Millom TC and Cleator Moor TC currently requesting similar agreements.

Whilst contributions are made from the respective town/parish council's, these are at an agreed level lower than the income the CBC would normally expect to get from fines and machine income – (approximately £3,000). The effect of this agreement has meant that our financial target for car park income was not reduced to compensate, an expectation that the team can achieve in the 2006-2007 budgets. Other factors to consider are the reduced requirements for enforcement as a result in these car parks.

The largest car park, (Sports Centre, Catherine Street, Whitehaven) is managed on behalf of CCC and they retain 50% of the surplus income (after taking out full management costs) from this site.

Financial targeted income from these car parks is expected at £357,000 however the current performance is under profile. The shortfall has a direct link to the DPE management and issues in relation to on-street resident permit zones.

Government & public perceptions on car parking management is one that has been highlighted recently through press and TV coverage.

Since taking over DPE in 2001, our car parks have been managed and enforced under the Road Traffic Act 1991 with fine levels set at £60, discounted to £30 if paid within 14 days. This level has not risen since 2001 with inflation.

Options:

- 1 – Stay as we are
- 2 – Split team to dedicate 2 members
- 3 – Externalise service

Strengths/Weaknesses

- 1 – Continued shortfall of income to budgets
- 2 – Recognised nationally to have an adverse effect on income where team members are multi-skilled therefore we could expect a small rise in income
- 3 – As above but not CBC managing – potentially reduced costs but may also significantly reduced income.

Littering/Fly-tipping/Trade Waste

Under the Clean Neighbourhood and Environment Act 2005, a number of new powers aimed at dealing with littering, fly tipping and issues around trade waste were brought in.

These powers outline what can be done rather than what must be done by local authorities however, it is recognised that these powers can have a positive effect on cleanliness of the local environment and helping to manage and improve the local environment and are therefore an integral part of the enforcement role that has close links to Environmental Health, Waste Management and Environment Agency.

The issuing of Fixed Penalty Notices (FPN's) for minor environmental crimes is nationally accepted and encouraged by most residents. FPN's shouldn't however, be seen as a reliable source of income as any enforcement activities become a victim of their own successes (i.e. income will go down as people become educated).

At the previous OSC, Cllr Allan Holliday (Portfolio Holder for Leisure and Environmental Services) supported the idea, as did the OSC, that the enforcement unit should be driven by a reducing number of complaints in this, and other enforcement activities, rather than expected to achieve an ever increasing rise in numbers of fines.

In September 2006, the Council Executive approved delegated powers to the Head of Leisure and Environmental Services for the empowerment of third party agencies i.e. the Harbour Commissioners. This is expected to 'go-live' in November with up to 10 team members becoming 'authorised officers' of the council to enforce minor environmental crimes surrounding littering, graffiti, fly-posting and offences under Dog Control Orders. This scheme is at no cost to the council and in effect helps to double the enforcement unit's strength in and around Whitehaven. Obviously, whilst these powers are unrestricted to Whitehaven, the teams focus and normal working area is generally confined to this area but will, nevertheless, be a very welcome support to combat this anti-social behaviour issue in a prime location.

We currently have targets set that include:

- 1 – To clear 15 pieces of land (not council owned) through enforcement activities
- 2 – To get 15 prosecutions for fly-tipping
- 3 – To get 100 FPN's for littering
- 4 – Inspect 200 trade waste licenses

Options:

- 1 – Stay as we are
- 2 – Allocate team members on a more consistent basis to these activities to improve results and responses
- 3 – Seek further empowerment of other 'third parties' through town/parish council's and their employees

Strengths/weaknesses

- 1 – Limited ability to respond and be effective as much as is becoming expected from members of the public
- 2 – As with previous comments on this style of scheme, it has the potential to help raise the profile of the work and have a greater impact
- 3 – To work along side any of the above options but given the cost of running a course (£2500 per day) this is not expected to be an immediate solution.

Dog Warden Services

This service is a statutory service that traditionally sits within the Environmental Health department. As part of the Enforcement Unit's conception, this service was pooled into the new department and has largely been very successful in combating dog fouling.

Under this service, we have a duty to investigate dog noise complaints (dogs barking continually) as well as the collection of stray dogs (under the Environmental Protection Act 1990).

Last year, the EU investigated just under 400 calls about stray dogs. As can be seen in table 1 on page 8, the average call takes approximately 3 hours with 2 officers (recommended in training on dog handling courses for health and safety grounds) and therefore equates to 62% of the single dog warden monitory.

This sadly leaves a smaller amount of time allocated to dog fouling enforcement which, whilst significantly improved overall, still blights certain areas and requires more dedicated time.

Due to financial issues surrounding car parking and DPE as previously mentioned, this, along with other aspects of the service, are given a lower priority in an attempt to redress the shortfall in income. Equally, as mentioned above, the finances available left to deal with this, as well as noise complaints, is considerably less as a result of the stray dog collection.

We are currently waiting for the outcome of negotiations between the Local Government Association and the Home Office who are attempting to reach agreement on the amount of funds that will be transferred from the police to Local Authorities for the 24/7 provision of collecting stray dogs. Once this has been completed, this will have an obvious impact on how we deliver our service. The provisions need to allow for members of the public to take a stray dog to specific points (for example kennels).

Whitehaven Police pay a contractor £5000 p/a to collect strays from their stations (as they have kennels at each station for temporary holding) around the borough. In contrast, Allerdale BC currently pay a contractor £16,000 pa to be on-call over night to collect stray dogs. Should 100% of the funding from the local police be transferred to us (which is presently looking unlikely) this is still significantly short of the £16,000 ABC are paying. We will report separately on this issue as soon as more information is available.

Options:

- 1 – Stay as we are
- 2 – Dedicate team members to specific tasks
- 3 – Externalise service

Strengths/weaknesses

- 1 – We have reasonable successes but overall more time is required to have a lasting impact.
- 2 – As previously noted in this document, this would, in effect, have a greater impact more quickly and allow officers more time to address issues around the borough. Concerns are that funding available is equivalent to 1 FT person – realistically, this requires doubling.
- 3 – Carlisle council currently externalise their dog collection service, but has limited effect on dog fouling enforcement.

Licensing enforcement

Licensing, like dog warden services, was pooled when the EU was formed. This initially consisted of door-to-door sales person checks, checking license applications were posted correctly and a number of on-the-spot late night taxi licensing checks.

The arrival of the licensing Act 2003, which came live in November 2005 has seen a Cumbrian wide joint protocol for enforcement (see appendix 5) between the licensing authority (the EU) and the police.

Thus far, none of the income from these new licenses has been passed on for any enforcement activities (estimated at approximately £50,000 pa). The police are becoming increasingly frustrated by the council's lack of action in monitoring or enforcing and is obviously against the joint protocol that we, as a council, signed up to last year and this has now been endorsed by the Licensing Committee who have made recommendations that ***monies (amount to be discussed at a special meeting with the licensing committee on 13th November)*** be allocated to Enforcement for the pro-active monitoring of the licensing conditions.

Given the specialist nature of this type of enforcement, the manager has been working with the legal services to produce simple guidelines for officers to work to. The issue however, is that each matter requires close links to the legal services for advice as no officer within the EU are legal advisors or trained in this respect.

We currently have targets to achieve of:

- 1 – Inspect 200 taxi's
- 2 – Inspect 20 SIA licenses (door-men)

Planning enforcement is currently under review and the option to include this area within the existing unit is being considered. With this area also being specialised, a higher grade officer is required. Details are to follow.

Options

- 1 – Stay as we are
- 2 – Dedicate specific officers to this enforcement activity at a higher grade and to encompass planning enforcement under a new structure
- 3 – Return licensing enforcement to the licensing department

Strengths/weaknesses

- 1 – We are generally able to achieve these requirements but are not able to support the joint protocol going forward due to limited resources and skills
- 2 – As previously noted would be more effective to have specialists in this area and linking into a higher graded officer, would attract greater calibre of candidate to improve understanding and effectiveness.
- 3 – Income received can be maintained by the licensing department and the officer will have direct links to the specialists to advise them.

Proposals:

The enforcement unit can not continue in its current format so option 1 throughout this report is not considered viable.

Suggestions:

- 1 – To Restructure the department as below and re-name as 'Environmental Warden Services' and to include additional staffing to support environmental services.
- 2 – To Re-structure the department to include a supervisor (as shown below) and to split officers' roles into specific areas. The cost implications are slight however

is hoped that the impact of such enforcement will, initially, generate some additional income through effective enforcement although these changes will reflect the move towards a service delivery rather than cost driven and also better address our needs to monitor through pro-active enforcement.

Suggested structure:

SO1 – Manager (in place) – cost 24708

Technical Officer – Grade $\frac{3}{4}$ - (in place) £17985	1.5 FTE Supervisor/Planning/Licensing Enforcement officer Grade $\frac{3}{4}$ (funded from licensing/planning) £26978
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Enforcement officers Grade 1-2 - 4.5 FTE for other enforcement activities £94400

Dog wardens (1 currently paid for) (2 FTE)

Littering/trade waste checkers (0.5 FTE)

(2 FTE) Car parking officers (assuming Millom, St Bees station, Cleator Moor and Seascale car parks are agreed/remain on lease/under agreement)

The net result (based on initial calculations that need verification via finance) suggest an additional cost of £17,201p/a to implement the above strategy utilising additional income where possible and funding from licensing and planning as well as reducing car parking income in line with actual performances. **All figures exclude DPE – on-street enforcement costs and income as this should not effect the enforcement figures.**

These figures can be clearly seen overleaf and show a reduction of income of £98946 but a reduction in costs of £81785 leaving additional costs to the council of £17201.

Financial Proposal

	ENFORCEMENT GENERAL				OTHER ENVIRONMENTAL ENFORCEMENT						
Cost Code	48201	32700	32701	32702	32703	32900 & 32903					
	TOTAL ANNUAL BUDGET	TOTAL ANNUAL BUDGET	TOTAL ANNUAL BUDGET	TOTAL ANNUAL BUDGET	TOTAL ANNUAL BUDGET	TOTAL ANNUAL BUDGET	TOTAL ANNUAL BUDGET		PROJECTED TOTAL ANNUAL BUDGET	ACTUAL ANNUAL BUDGET FOR 06/07	Difference
	£	£	£	£	£	£	£		£	£	£
Employee	42,063	10,772	41,956	26,978	0	41,956			163,725	195,114	(31,389)
Premises Related	0	15,000	0	0	0	60,173			75,173	80,323	(5,150)
Transport Related	2,199	0	4,678	0	4,155	7,152			18,184	28,199	(10,015)
Supplies & Services	26,218	402	1,304	80	4,080	31,369			63,453	81,162	(17,709)
Agency & Contracted Services	0	0	8,500	0	0	0			8,500	8,500	0
Central, Dept & Tech Support	108,387	4,354	10,648	12,926	10,271	13,521			160,107	177,589	(17,482)
Capital Financing Costs	0	0	0	0	0	111,659			111,659	111,659	0
											0
TOTAL EXPENDITURE	178,867	30,528	67,086	39,984	18,506	265,830	0		600,801	682,586	(81,785)
											0
INCOME	(5,000)	(84,000)	(22,978)	(31,000)	0	(315,000)			(457,978)	(556,924)	98,946
											0
NET EXPENDITURE	173,867	(53,472)	44,108	8,984	18,506	(49,170)	0		142,823	125,622	17,201

