

Report of: Community Scrutiny Committee

To: Executive Board

Date: 19 March 2007 **Item No:**

Title of Report: Recommendations from the Community Scrutiny Committee on the Council's Enforcement Protocol



Summary and Recommendations



Purpose of report: To present the Executive Board with recommendations arising from the Community Scrutiny Committee debate on Environmental Enforcement.



Key decision: Yes

Portfolio Holder: Councillor Jean Fooks

Scrutiny Responsibility: Community



Ward(s) affected: All

Report Approved by:

Portfolio Holder – Cllr Jean Fooks

Legal Services - Jeremy Thomas



Financial Services – Andy Collett



Policy Framework:



Recommendation(s): The Executive Board is asked to respond to the Scrutiny Committee's recommendations at point 3.1:

1. If it agrees or disagrees with the recommendations outlined
2. If it agrees when will the recommendations be implemented and who will take the lead
3. If it disagrees, why
4. If more information is required from other officers when that will be considered

1. Draft Minutes

89. THIRD QUARTER PERFORMANCE MONITORING

The Strategy and Review Business Manager submitted a report (previously circulated, now appended), which highlighted the performance for the third quarter of the Council year 2006/2007 in areas of specific interest for the Community Scrutiny Committee. Claire Taylor presented this report to the Committee. The following additional information was given and points raised:-

- (1) Attention was drawn to the 12 Performance Indicators that had been suggested for CANAcT. These could be updated on a regular basis.*
- (2) CANAcT still encountered problems in keeping sustained contact with Peers School; however Val Johnson (Neighbourhood Renewal) has had a positive meeting with the Head Teacher, and some areas of joint working were progressing quite well. Councillor Sinclair offered to take this matter up and act as an initial link person between CANAcT and the school.*
- (3) Councillor Pressel asked if there was a means by which exceptions to the Performance Indicators could be shown –if, for example, there were areas that experienced particular problems. Claire Taylor confirmed that this could be done if required.*
- (4) It was reported that details of consultation currently undertaken across the authority would be visible on the intranet. A report on VISIBLE would be presented to Area Committees in due course. This would be on the agenda for the next meeting, and members would be encouraged to become part of the process.*
- (5) Claire Taylor explained that all crime figures (for example cycle theft), had targets and further details behind them, and this could be drawn out in future reports.*
- (6) Hamera Plume explained that the “Budget Game” would run over the next 12 months, and thus encompass the next budget round.*
- (7) A request was made for reports that gave an update concerning the Asian Cultural Centre and the Youth Council. Val Johnson indicated that it would be possible to produce these, but it would be helpful to know what sort of information was wanted. Leading on from this, it was further explained that it would be possible to present a report concerning the free swimming initiative, indicating the home locations of participants, once the scheme had been running for a year.*

- (8) *Councillor Sargent expressed concern at the use of acronyms in the report, and asked that they be explained (or used less often) in future.*
- (9) *Steve Kilsby explained that the Street wardens had not issued any fixed penalty notices (FPNs) yet. The Wardens had carried out effective interventions to stop people from dropping litter without the need to resort to an FPN. It was necessary to tackle issues such as litter and dog fouling robustly but carefully in order to keep the support of the community. Further legal advice was being sought concerning the matter of issuing a caution.*

Resolved:-

- (1) *To note the performance;*
- (2) *To approve the replacement of current CANAcT monitoring information to the 12 specified performance indicators, as outlined by an internal audit report on CANAcT;*
- (3) *To note Councillor Sinclair's offer to liaise with Peers School over CANAcT initiatives;*
- (4) *That the following recommendation should be passed to the Executive Board:-*

The Community Scrutiny Committee had concerns about environmental enforcement and the issuing of fixed penalty notices. It appeared that conflicting advice had been given about the use of cautions. There was a need for a clear protocol related to enforcement of which staff would be made fully aware. The Committee was also sad to hear that training had been offered at which specific questions could not be answered.

The Committee therefore asks the Executive Board to clarify the position regarding environmental enforcement and the use of cautions, and in particular that it adopts a more robust enforcement policy that includes the issuing of fixed penalty notices.

2. Introduction

- 2.1 Community Scrutiny met on 20th February 2007 and discussed the 3rd Quarter Performance Monitoring report prepared by Claire Taylor. The Committee paid particular focus to the KPMG Audit report that reviewed Oxford City Council's CANACT function.
- 2.2 The Scrutiny Committee receives performance information at the end of every quarter during the Council year 2006-2007 which includes information in regard to the activities and performance of CANACT.

The Committee have been noting the number of Fixed Penalty Notices issued by Street Wardens during the year so far.

- 2.3 At the 20th February 2007 meeting, the Scrutiny Committee were made aware that no FPN's have been issued by the Street Wardens for the Council Year 2006-2007. The Neighbourhood Services Manager reported that the Street wardens had received conflicting advice on the procedure of issuing FPN's, so therefore refrain from using this form of enforcement.
- 2.4 The Scrutiny Committee were very concerned to be informed of this matter and wanted to make a number of recommendations to the Council's Executive Board. The Scrutiny Committee felt that there is a need for a clearly defined Environmental Enforcement Protocol to assist the Street Wardens in issuing FPN's wherever required.

3. Recommendations

- 3.1 The Community Scrutiny Committee asks the Executive Board to:
- Clarify the position regarding Environmental Enforcement and the use of cautions
 - Provide urgently a clearly defined Environmental Enforcement Protocol to assist the Street Wardens in issuing Fixed Penalty Notices.
 - At the end of the consultation period adopt a more robust enforcement policy.

4. Comments From Portfolio Holder (Cllr Jean Fooks)

- 4.1 A seminar was held in November to which all members were invited, on the Enforcement protocol, with presentations from officers and case studies for discussion. Another seminar will be held in April to report on the results of the consultation on the draft Enforcement Protocol and this will be a good opportunity to bring members up to date with the Council's enforcement policy and practices.

Name and contact details of author:

Ben Smith on behalf of the Community Scrutiny Committee

Strategic Support Officer
Strategy & Review, Town Hall, OX1 1BX
brsmith@oxford.gov.uk
01865 252172

Background papers:

None

Date: 7 February 2007