

Report of: Environment Scrutiny Committee

To: Executive Board

Date: 14th May 2007

Item No:

**Title of Report : Environmental Enforcement Review Recommendation
Follow Up**

Summary and Recommendations

Purpose of report: To refer back to the Executive Board a number of recommendations from the Environmental Enforcement Scrutiny Review where Environment Scrutiny Committee isn't satisfied with the progress to implementation.

Key decision: No

Portfolio Holder: Councillor Jean Fooks

Scrutiny Responsibility: Environment Scrutiny Committee

Ward(s) affected: All

Report Approved by:

Cllr. Phelps – Chair of Environment Scrutiny Committee

Andy Collett – Finance and Asset Management

Emma Griffiths – Legal and Democratic Services

Policy Framework:

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

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. Introduction

- 1.1 On 23rd April 2007, the Environment Scrutiny Committee received an update on the implementation of the Environmental Enforcement Scrutiny Review recommendations. The Committee had concerns that recommendations 10, 11 and 12 were not being progressed at sufficient speed. The Scrutiny Committee felt that substantial progress should have been made by April given that members were informed that the recommendations had been actioned before Executive Board originally considered them on 19th February 2007.
- 1.2 The Committee would also like a couple of points clarified by the Executive Board on recommendations 6 and 7.

2. Environment Scrutiny Committee concerns

- 2.1 The recommendations in question were:
- 2.2 **Recommendation 6** – Members are informed as soon as possible what officers are responsible for in enforcement terms - e.g. who can issue FPN's and for what offence, which officers can take forward prosecutions, and most importantly, who is in overall charge of enforcement within the Council (possibly the Environmental Health Business Manager). This is so that the lines of responsibility are clear to members and appropriate support and guidance available to those carrying out enforcement work.
- 2.3 **Officer update to ESC on 23rd April** - Staff with an enforcement role are located in a variety of business units. The staff who have a role with regards to environmental enforcement include Street Wardens, Park Rangers, Planning Enforcement and Environmental Health staff. These officers are authorised under the legislation relevant to their work areas and can issue FPNs for litter, dog fouling, trade waste and noise offences. Sharon Cosgrove, Strategic Director, is Oxford City Council's Cleaner Greener Enforcement Champion and the leader of the Cleaner Greener Group. The Group continues to meet on a monthly basis and co-ordinates enforcement activities.
- 2.4 The Scrutiny Committee would still like clarification as to which officers are responsible for enforcement work, such as issuing Fixed Penalty Notices (and for which offences), taking forward prosecutions etc. Members would also like to know who is the operational lead for enforcement work. They were not satisfied with the response given on 23rd April as it did not set out specific responsibilities.
- 2.5 **Recommendation 7** – Appropriate City Works staff (managers and supervisory staff were suggested to the review group) are trained and given the powers to enable them to issue Fixed Penalty Notices for environmental offences as soon as possible. The Environment Scrutiny Committee should be informed once this has happened.

- 2.6 Original officer response to Executive Board on 19th February** - This recommendation is not supported as it will not make best use of City Works staffing resources and will divert officers from current priorities at a time of considerable pressure. There would be a considerable training requirement if selected City Works staff were to be skilled up to issue FPNs and this would result in either slippage on core programmes or the creation of additional unfunded costs. It would be more cost effective for the Council to make better use of existing knowledge and skill sets – in essence playing to officers' strengths.
- 2.7 The Executive Board did not accept this recommendation. However, the Environment Scrutiny Committee would like to know why it was decided not to give City Works staff powers to issue FPN's, as the review group was told that this was going to happen?
- 2.8 **Recommendation 10** – An action plan setting out the process to invoice and collect costs from commercial and retail landowners on whose land an environmental crime has taken place, such as graffiti on utility boxes, is prepared and reported to Environment Scrutiny Committee by April 2007. If it is not possible to do this, the Committee should be told the reasons why as soon as possible.
- 2.9 **Original officer response to Executive Board on 19th February** - City Works Street Scene Officers have visited other local authorities to identify best practice regarding recharging for issues such as graffiti on utility boxes. An approach based on the Swindon model of local agreements with utility companies is under negotiation and will be rolled out in the city in due course. This recommendation has therefore been actioned.
- 2.10 **Officer update to ESC on 23rd April** - Cleansing Services are still working towards local agreements with utility companies and it is hoped that this will be rolled out in the City in due course.
- 2.11 The Scrutiny Committee was frustrated that there still isn't a timescale for rolling out a scheme to charge utility companies for cleaning utility boxes. This is despite being told in February that the recommendation had been actioned. The Scrutiny Committee would like to stress the importance of the recommendation to Executive Board and asks if any more detail is available?
- 2.12 **Recommendation 11** - Effort should be made to ensure all Oxford University Colleges agree that City Works are able to clean graffiti off their walls, without having to seek permission each time. Costs should also be recovered where possible. Progress with this should be reported to Environment Scrutiny Committee in 3 months time.
- 2.13 **Original officer response to Executive Board on 19th February** – City Works Street Scene Officers have approached several University Colleges in an attempt to negotiate agreements for cleaning graffiti on their premises. These negotiations are continuing and it is hoped that it will be possible to

conclude an agreement with all or some of the Colleges affected. This recommendation has therefore been actioned.

- 2.14 **Officer update to ESC on 23rd April** - Negotiations are still underway on a proposal put forward by Cleansing Services and the Area Co-ordinator for the City Centre.
- 2.15 Again, the Scrutiny Committee would appreciate some idea as to how long this work is going to take as it was under the impression that agreement was close, because the recommendation had been actioned.
- 2.16 **Recommendation 12** - Supermarkets should be charged a collection fee when they pick up trolleys from the City Works depot, providing schedule 4 of the Environmental Protection Act 1990 is adopted by the Council. The fee should cover the cost of recovering them, taking them back to the depot, storage and administration, in line with legislation.
- 2.17 **Original officer response to Executive Board on 19th February** - The officer preference is to encourage supermarkets to collect their own abandoned trolleys. Where trolleys are collected by City Works, a recovery and charging scheme will apply. It is anticipated that this will be in place by the end of the financial year. This recommendation has therefore been actioned.
- 2.18 **Officer update to ESC on 23rd April** - The collection of supermarket trolleys has been raised with the relevant store managers at East and South East Area Committees. A charging system has not yet been implemented but is being developed.
- 2.19 The Scrutiny Committee is disappointed that this scheme is still being developed after being told that a charging scheme would be in place by the end of the financial year. The Committee asks that the Executive Board support them in encouraging a swift response to this issue. If this isn't possible, the Committee feel it would have been helpful to know what has caused the delay in implementing the recommendation.

3. Environment Scrutiny Committee Recommendations to Executive Board

- 3.1 The Scrutiny Committee has made the following comments and recommendations to the Executive Board. A full minute of the meeting is at Appendix 1.
- That the Environment Scrutiny Committee is frustrated at the length of time taken approve recommendations made by the Committee;
 - That officers are asked again to confirm who is able to carry out enforcement work such as taking forward prosecutions for environmental crimes or issue Fixed Penalty Notices. The Committee

was not satisfied with the update given to them at the meeting on 23rd April 2007.

- The Executive Board should explain why it was decided not to allow City Works supervisory staff the powers to issue Fixed Penalty Notices. When carrying out the Enforcement Review, the Scrutiny Committee was told this would happen.
- The Executive Board should agree that there needs to be a quick resolution to the issues identified in recommendations 10, 11 and 12 and agreed timescales for resolving these problems. The Environment Scrutiny Committee was not satisfied with the update provided at their meeting on 23rd April 2007.

4. Comments from the Strategic Director (Sharon Cosgrove)

The Strategic Director is working with the Chair of the Environment Scrutiny on improving the quarterly enforcement monitoring report to meet the aspirations of the Scrutiny Committee.

To progress this the Chair of Environment Scrutiny will be attending the next meeting of the Cleaner Greener Group to discuss the Scrutiny Committee's requirements. There are a couple of issues with which the Scrutiny Committee has expressed frustration. The Portfolio Holder answered questions regarding those issues in Council on Monday 30th April.

5. Comments from the Portfolio Holder (Councillor Jean Fooks)

I note the comments of the Strategic Director.

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Background papers:



Appendix 1

Draft Minutes from Environment Scrutiny Committee – 23rd April 2007

104. ENVIRONMENTAL ENFORCEMENT SCRUTINY REVIEW UPDATE

The Environmental Health Business Manager submitted a report (previously circulated, now appended) which was introduced by Ian Wright.

The Chair took the Committee through the report. The following points were made:

Recommendation 1: The Committee noted that consultation on the Enforcement Protocol was underway. Information had been distributed to 150 members of the public who had contacted the Council about enforcement issues. Council staff were being consulted using a poll on the Intranet. Area Committees were also to be consulted. A seminar was taking place on 26th April where all members would be given the opportunity to put forward their views. Sharon Cosgrove told members that the Protocol would come back to the Scrutiny Committee prior to submission to the Executive Board.

Recommendation 2: The Committee discussed the coordination of work across Business Units by the Cleaner, Greener Working Group, especially with regard to the issuing of FPN's.

Recommendation 3: The Committee considered what indicators might be used to judge the success of enforcement action. The Chair of the Committee suggested that measuring the cost of dealing with illegal activities such as fly tipping, fly posting etc might be a useful way of monitoring the impact of enforcement work. He argued that costs should reduce in accordance with the effectiveness of enforcement measures. Other members felt that what was achieved might not always be so readily observable in financial terms.

Recommendation 4 & 5: Maintain ongoing information and education activities. Suggestion that enforcement officers should remain in the city centre.

Recommendation 6: Members asked for a written procedure which would set out clearly the responsibilities for different environmental enforcement activity. It should include relevant contact information including phone numbers so that Councillors could make direct contact when necessary. The Committee agreed to refer this matter back to the Executive Board because they were not happy with the response to this recommendation in the officer's report.

Recommendation 7: The Committee agreed to ask why this recommendation on training was not accepted by Executive Board. The review group was originally told that City Works supervisory staff were to be given powers to issue FPN's, but this decision has now been reversed.

Recommendations 10 to 12: The Committee expressed their frustration over problems with cleaning utility boxes, graffiti off college walls and dumped supermarket trolleys. Phil Dunsdon said that research into best practice at other authorities had been undertaken and Oxford hoped to follow the lead of others in dealing with these problems. The Chair said that he was disappointed that timescales for addressing these problems had not been included in the report. Members said that Area Committees had also expressed the wish that a workable system of enforcement on these issues should be introduced as soon as possible.

While acknowledging that there was a procedure to be followed, members said that they were frustrated with the delay in getting their recommendations accepted and implemented. Some of this frustration was with the process of having to comment further on the decisions made by Executive Board on Scrutiny Committee recommendations. The Chair suggested that he might attend meetings of the Cleaner, Greener Working Group to contribute to future coordination and implementation of the recommendations, and subsequent reports back to Environment Scrutiny Committee. The Committee asked that its frustration with the process be passed to the Executive Board. Sharon Cosgrove also agreed to forward Cleaner, Greener Working Group dates to the Chair.

The Committee agreed to note the progress made to implement the Environmental Enforcement Review recommendations and to recommend to Executive Board:

1. That the Environment Scrutiny Committee is frustrated at the length of time taken approve recommendations made by the Committee;
2. The Executive Board should explain why it was decided not to allow City Works supervisory staff the powers to issue Fixed Penalty Notices. When carrying out the Enforcement Review, the Scrutiny Committee was told this would happen.
3. That officers are asked again to confirm who is able to carry out enforcement work such as taking forward prosecutions for environmental crimes or issue Fixed Penalty Notices. The Committee was not satisfied with the update given to them at the meeting on 23rd April 2007.
4. The Executive Board should agree that there needs to be a quick resolution to the issues identified in recommendations 10, 11 and 12 and agreed timescales for resolving these problems. The Environment Scrutiny Committee was not satisfied with the update provided at their meeting on 23rd April 2007.