

Report to:	Overview and Scrutiny Committee (Regeneration and Skills)	Date of Meeting:	28 September 2022
Subject:	Effectiveness of the Council's Enforcement Activity Working Group Final Report – Update on Recommendations	Wards Affected:	All
Report of:	Chief Legal and Democratic Officer		
Is this a Key Decision?	No	Is it included in the Forward Plan?	No
Exempt/Confidential	No		

Purpose/Summary

To update on the implementation of recommendations contained in the final report of the Effectiveness of the Council's Enforcement Activity Working Group that was approved by Council on 18 November 2021.

Recommendations: That

- (1) The report updating on the implementation of recommendations contained in the final report of the Effectiveness of the Council's Enforcement Activity Working Group be noted; and
- (2) A further update report be submitted in six months.

Reasons for the Recommendation:

To comply with a Council resolution to update the Committee on the implementation of recommendations contained in the Working Group's final report.

Alternative Options Considered and Rejected:

No alternative options were considered. The Overview and Scrutiny Committee needs to be updated on the implementation of recommendations contained in the Working Group's final report.

What will it cost and how will it be financed?

(A) Revenue Costs

One recommendation of the Working Group is that "a very significant increase in uniformed enforcement officers be established to tackle the problems of littering, fly-tipping and rear entry dumping"; and it was suggested that funding for this increase could come from part of the 2021/22 budget that identified an additional £500k to tackle street scene problems. This will have significant revenue implications and if approved would need to be the subject of a detailed report by the Assistant Director of Place (Highways and Public Protection) to Cabinet on the

budgetary implications. A further recommendation of the Working Group is that “as part of the evidence base to support the additional enforcement regime investigations take place to detail the invest to save benefits associated with the reduced demand on Cleansing Services as enforcement activity is increased”. This may off-set some revenue costs.

(B) Capital Costs

As referred to above any capital costs associated with the implementation of recommendations would need to be the subject of a detailed report by the Assistant Director of Place (Highways and Public Protection) to Cabinet on the budgetary implications.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial: see Revenue Costs section above	
Legal: None	
Human Resources: None	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes
There are no direct climate emergency implications arising from this report.	

Contribution to the Council's Core Purpose

Protect the most vulnerable: None directly associated with this report
Facilitate confident and resilient communities: None directly associated with this report
Commission, broker and provide core services: The cleansing service operated by the Council is a core service. Recommendations contained in the Working Group's Final Report seek to increase the number of uniformed enforcement officers to tackle the problems of littering, fly-tipping and rear entry dumping; and for investigations to take

place to detail the invest to save benefits associated with the reduced demand on Cleansing Services as enforcement activity is increased. The aim is to improve service provision for Sefton's communities
Place – leadership and influencer: None directly associated with this report
Drivers of change and reform: None directly associated with this report
Facilitate sustainable economic prosperity: None directly associated with this report
Greater income for social investment: None directly associated with this report
Cleaner Greener: The aim of the Working Group's recommendations are to reduce the amount of littering, fly-tipping and rear entry dumping in the borough and thereby create a cleaner environment; and that in so doing improve the intangible benefits of the service in that people's well-being improved in a cleaner and safer environment.

What consultations have taken place on the proposals and when?

The Executive Director Corporate Resources and Customer Services (FD6933/22) has been consulted and notes there are no direct financial implications arising from this report.

The Chief Legal and Democratic Officer (LD5133/22) is the author of the report.

Assistant Director of Place (Highways and Public Protection)
Assistant Director of Place (Economic Growth and Housing)

Implementation Date for the Decision

Immediately following the meeting

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Background Papers:

There are no background papers available for inspection

1.0 Introduction/Background

- 1.1 At its meeting held on 6 November 2018 the Overview and Scrutiny Committee (Regeneration and Skills) approved the establishment of a Working Group to review the topic of the Effectiveness of the Council's Enforcement Activity.
- 1.2 The range of enforcement activity undertaken by the Council is very wide and the enforcement or regulatory activity itself generally falls within the scrutiny remit of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services). The Working Group therefore particularly focused on the potential and actual impact of the Council's enforcement activity on regeneration and skills within the borough.
- 1.3 In the context of the Council's activities, the purpose of enforcement activity is generally to secure compliance with specific requirements and standards considered necessary or desirable by society. These requirements and standards

may impact on everyone (e.g. air quality, consumer protection, planning and building controls etc.) or specific groups (e.g. employers, employees, parents of school children etc).

1.4 Enforcement is only one of the tools available for securing compliance, and in determining effectiveness of enforcement activity the Working Group considered how well other tools are or could be applied, including: Education (promoting and encouraging compliance through an understanding of the benefits and consequences of compliance/non-compliance, e.g. road safety campaigns); and Engineering (designing the environment or processes to make compliance the default option and/or make non-compliance more difficult, e.g. highway speed bumps).

1.5 It was therefore necessary for the Working Group to explore:

- The range of enforcement activity the Council is responsible for;
 - The purposes of the enforcement activity;
 - The nature of any potential and actual impact (positive or negative), from the enforcement activity, on regeneration and skills;
 - How effectively the impact is or can be managed, to either minimise and/or mitigate any negative impact or maximise positive impact on regeneration and skills; and
- to review the topic of the Effectiveness of the Council's Enforcement Activity, considering:
- Current Sefton enforcement policies and practise
 - Areas of good practise within the Council
 - Good practise within other local authorities or similar organisations
 - Areas for improvement within the Council's policies and practise
 - Recommendations for improving the Council's policies and practise

2.0 Review of the Scoping Document

2.1 At its meeting held on 28 January 2021 the Working Group agreed to narrow the focus of the Scoping Document to concentrate on littering, fly-tipping and dumping in rear entries. A copy of the revised Scoping Document can be viewed [here](#)

2.2 To support this focus Members detailed their experiences and the views of their constituents as detailed below:

- It was accepted that the issue of littering and fly-tipping/rear entry dumping was a problem in Sefton and particularly in the south of the borough, despite the great efforts of Cleansing Services staff. This could be evidenced by a recent meeting held with Derby Ward Councillors, Peter Dowd MP and local residents to discuss littering and rubbish dumping in the area. Reference was also made to littering in Maghull parks even though there was ample provision of litter bins. There was clearly an attitudinal problem with some people in this regard
- Littering and fly-tipping produced an unappealing environmental situation

and could have a negative impact on residents' quality of life, created a poor perception of the borough to visitors and tourists and could hinder economic investment and regeneration

- [Enforcement statistics](#) relating to littering offences were referred to and a query was raised about the discrepancies of fixed penalty notices (FPN) issued in differing parts of the borough, for example Duker Ward (938) to Linacre Ward (275). It was explained that the number of FPN's issued will be influenced by several factors. These include the number offences, but also the number and nature of the patrols, footfall, and differing characteristics of areas. Patrols police a number of offences, including littering, dog fouling and parking offences, and the time spent on patrols is divided across areas where these offences are anticipated. In some patrol areas officers may be more likely to observe more than one type of offence than in others (e.g. when patrolling for parking in high footfall areas, officers may be more likely to also see littering) and this will influence numbers issued.
- Examples of positive community activity were detailed whereby local residents removed fly-tipped rubbish from their areas and cleared weeds from rear entries. This improved amenity spaces and created community pride in the area
- Cleansing teams and enforcement staff needed to be more visible in local communities; and efforts should be made to generate partnership working between the Council and residents
- Comment was made that robust enforcement of small disorders such as littering offences could lead to improvements in other, bigger areas; and a trial operation a number of years ago was referred to in the Knowsley/Peel area involving the police and other agencies. Reference was also made to a visit by elected Members to Wirral to look at the operation of the borough's civil enforcement contract. It was found that the contractor concentrated enforcement efforts on low level offences and the message spread that the Council was serious about taking action where necessary
- Difficulties however were acknowledged in relation to the Council's enforcement activity. For example, only two enforcement officers were employed by the Council to deal with cleansing issues; and evidence had to be obtained of offences to secure a conviction beyond reasonable doubt. Regarding enforcement officer numbers it was suggested that it may be beneficial to increase levels or to look at alternative external provision. For example, procuring the services of PCSO's to undertake enforcement activity in a short, sharp campaign. An investigation of cost benefit analysis or opportunity costs could show that increased expenditure in one area could be set against reduced expenditure in others
- It would be helpful to receive the views of NSL staff and hear of their experiences undertaking enforcement action in the borough
- Information was sought on the terms of the Council's NSL civil enforcement contract and whether parking enforcement staff could enforce littering and fly-tipping offences. It was explained that littering offences could be enforced but not fly-tipping
- Problems were referred to whereby residents placed their refuse sacks out for collection immediately after refuse collectors had collected from the street; resulting in sacks being left in the street for a week and split open

by animals. It would be helpful if NSL staff could speak to perpetrators to advise them of the detrimental impact of their actions. It was explained that a further roll out of wheeled bins and communal bins would be shortly introduced and that it was hoped that this would alleviate issues with black sacks being put out at the wrong times. However, an elected Member indicated that there was a reluctance in large areas of his ward to the introduction of such new bins; and that it was essential that adequate consultation was undertaken to ensure residents' wishes were reflected in any roll out. It was explained that any problems could be reviewed on an area by area basis

- CCTV could be used as an important enforcement tool, particularly if targeted at known hot spots. A suggestion was made that devolved Ward Budgets could be used to purchase additional CCTV equipment for such use

3.0 Working Group Activity

3.1 Accordingly, the Working Group met on eight occasions to undertake such review and its Final Report, together with associated recommendations can be accessed using the following link:

<https://modgov.sefton.gov.uk/ecSDDisplay.aspx?NAME=SD2917&ID=2917&RPID=34287636>

4.0 Methods of Enquiry

4.1 Methods of enquiry undertaken by the Working Group included:

- Analysis of current Sefton practice
- Desktop research into practise elsewhere
- Witness interviews with officers, stakeholders, experts and other organisations

5.0 Recommendations

5.1 The table below sets out the Working Group recommendations and progress on their implementation.

**UPDATE ON RECOMMENDATIONS ARISING FROM THE EFFECTIVE NESS OF THE COUNCIL'S ENFORCEMENT
ACTIVITY WORKING GROUP**

Recommendation	Update
<p>a very significant increase in uniformed enforcement officers be established to tackle the problems of littering, fly-tipping and rear entry dumping</p>	<p>There is currently no budgetary provision for a significant increase in enforcement officers. Officers will continue to work with Members to identify how this might be delivered.</p>
<p>a high-profile publicity campaign be introduced to highlight the increased enforcement activity to be undertaken</p>	<p>There is currently no dedicated budgetary provision for publicity campaigns. Publicity messages and campaigns are currently run via digital media.</p>
<p>as part of the evidence base to understand the options for an additional enforcement regime, an evaluation should take place to detail the invest to save opportunities that may exist that could reduce demand on Cleansing Services as enforcement activity is increased with the requirement for the proposal to be cost neutral on the Council's budget</p>	<p>A detailed evaluation has not yet been undertaken, but initial analysis, knowledge of the pressures on the Cleansing Service, and the need for a long-term sustained approach to change behaviour, indicate that there is insufficient scope for savings from demand reduction for the additional enforcement regime to be cost neutral on the Council's budget.</p>
<p>Investigations take place to see whether sanctions could be imposed on private landlords, via the Selective Licensing Scheme, for the anti-social actions of their tenants in littering and dumping rubbish in rear entries</p>	<p>All Selective licences have conditions that the licence holder must meet. Some of these conditions relate to the provision of adequate storage for refuse, presenting refuse for collection and the prevention of anti-social behaviour. The relevant conditions are listed below:</p> <p>The licence holder must ensure that:</p> <ul style="list-style-type: none"> • Suitable and adequate provision is made for storage of refuse generated in the property and that occupants use

receptacles provided by Sefton Council for storage prior to collection. (wheeled bins or refuse sacks)

- The tenants are adequately informed of their duty with regards to refuse collection particularly that the wheeled bins or plastic refuse sacks (if wheeled bins are not provided) must not be presented for collection for a period of more than 12 hours prior to collection.
- Any new occupant of the building is notified of the date of collection for the wheeled bins/refuse sacks

The licence holder must:

- Take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house.
- Effectively address all problems of anti-social behaviour resulting from the conduct on the part of a tenant, occupiers, or visitors to the premises by complying with the "ASB information for Landlords" pack or an equivalent process.
- Provide on demand a written action plan to Sefton Council outlining procedures for dealing with anti-social behaviour. This must be reviewed periodically and submitted to the Council on demand
- Co-operate with Sefton Council,

	<p>Merseyside Police and other agencies in resolving complaints of anti-social behaviour.</p> <ul style="list-style-type: none"> • Undertake an investigation of any complaints of anti-social behaviour regarding their tenants. Written records of these will be required excluding any information which the licence holder reasonably believes to have been provided to him in confidence by a third party. <p>If the Council has evidence that the licence holder is not complying with any condition, we would firstly work informally with the licence holder to ensure compliance. (We have done this with some licence holders and the issues have been resolved).The next step would be to take enforcement action against the licence holder in the form of a prosecution or the issue of Civil Penalty Fine, for failure to comply with a licence condition.</p>
<p>All registered social landlords operating in Sefton be contacted and urged to consider taking action against those tenants who act irresponsibly and fly-tip or dump rubbish in rear entries</p>	<p>All Registered Social Landlords operating in Sefton have been contacted and asked to take action against tenants who act irresponsibly and fly-tip or dump rubbish in rear entries.</p> <p>In addition, the Housing Service has been liaising with a number of key Registered Providers (RPs) who own and manage stock in the Peel Road area of Bootle to address a number of issues, including fly-tipping and</p>

	<p>dumping in rear entries. In this area the RP's and the council are working together in a coordinated way, including through regular multi-agency inspections, to address this issue.</p>
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