

Report to:	Overview and Scrutiny Committee (Regeneration and Skills)	Date of Meeting:	7 March 2023
Subject:	Work Programme 2022/23, Scrutiny Review Topics and Key Decision Forward Plan		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	All
Cabinet Portfolio:	Communities and Housing; Health and Wellbeing (Green Sefton element) Locality Services; Planning and Building Control; and Regeneration and Skills		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To seek the views of the Committee on the Work Programme for 2022/23; to identify any items for pre-scrutiny scrutiny by the Committee from the Key Decision Forward Plan; to update on the Liverpool City Region Combined Authority Overview and Scrutiny Committee; to consider the views of the Cabinet Member – Regulatory, Compliance and Corporate Services in response to a request of the Committee concerning the implementation of recommendations arising from the Effectiveness of the Council's Enforcement Activity Working Group; and to seek formal approval of a decision taken by an informal meeting of the Committee in respect of leasehold house sales.

Recommendation: That:

- (1) the Work Programme for 2022/23, as set out in Appendix 1 to the report, be considered, along with any additional items to be included and thereon be agreed;
- (2) the Committee considers items for pre-scrutiny from the Key Decision Forward Plan as set out in Appendix 3 to the report, which fall under the remit of the Committee and any agreed items be included in the work programme referred to in (1) above;
- (3) the update on the Liverpool City Region Combined Authority Overview and Scrutiny Committee be noted;
- (4) consideration be given to the views of the Cabinet Member – Regulatory, Compliance and Corporate Services in response to a request of the Committee concerning the implementation of recommendations arising from the Effectiveness of the Council's Enforcement Activity Working Group.

- (5) the following recommendation arising from the informal meeting of the Committee held on 6 February 2023 in respect of leasehold house sales be approved:

“the Assistant Director of Place (Economic Growth and Housing), via his Housing Team be requested to look into adding reference information relating to flat/apartment leaseholders (residents’ management company) on the Council’s website”.

Reasons for the Recommendation(s):

To determine the Work Programme of items to be considered during the Municipal Year 2022/23 and identify scrutiny review topics which would demonstrate that the work of the Overview and Scrutiny ‘adds value’ to the Council.

The pre-scrutiny process assists Cabinet Members to make effective decisions by examining issues before making formal decisions.

Alternative Options Considered and Rejected: (including any Risk Implications)

No alternative options have been considered as the Overview and Scrutiny Committee needs to approve its Work Programme and identify scrutiny review topics.

What will it cost and how will it be financed?

There are no direct financial implications arising from this report. Any financial implications arising from the consideration of a key decision or relating to a recommendation arising from a Working Group review will be reported to Members at the appropriate time.

(A) Revenue Costs – see above

(B) Capital Costs – see above

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None	
Legal Implications: None	
Equality Implications: There are no equality implications.	
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. Any climate emergency implications arising from the consideration of reports referred to in the Work	

Programme will be contained in such reports when they are presented to Members at the appropriate time.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: None directly applicable to this report.
Facilitate confident and resilient communities: None directly applicable to this report.
Commission, broker and provide core services: None directly applicable to this report but the Committee would be made aware of such issues via the receipt of reports, as referenced in the Work Programme, relating to the review of Winter Service and Operational Plan; the Merseyside Recycling and Waste Authority – Service Delivery Plan 2019/20; the Update on Operational Activities delivered via Locality Services; and Green Sefton 2019/20 Annual Report, Service Vision 2030, and Service Plan 2020/21.
Place – leadership and influencer: None directly applicable to this report.
Drivers of change and reform: None directly applicable to this report but reports would be submitted to the Committee detailing how the Council is leading on beneficial changes to be made with reference to United Utilities charging policies and new houses being sold as leasehold.
Facilitate sustainable economic prosperity: None directly applicable to this report but the Committee would be made aware of such issues via the receipt of a report in the Work Programme relating to the Sefton Economic Strategy for Growth
Greater income for social investment: None directly applicable to this report.
Cleaner Greener: None directly applicable to this report but the Committee would be made aware of such issues via the receipt of reports, as referenced in the Work Programme, relating to the review of Winter Service and Operational Plan; the Merseyside Recycling and Waste Authority – Service Delivery Plan 2019/20; the Update on Operational Activities delivered via Locality Services; Green Sefton 2019/20 Annual Report, Service Vision 2030, and Service Plan 2020/21 together with the implementation of recommendations arising from the Shale Gas Working Group.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

This report is not subject to LD and FD comments. Any specific financial and legal implications associated with any subsequent reports arising from this report will be included in those reports as appropriate.

Assistant Director of Place (Operational In-House Services)

Assistant Director of Place (Economic Growth and Housing)

Assistant Director of Place (Communities)

Assistant Director of Place (Highways and Public Protection)

Assistant Director of Place (Commercial Development)

Cabinet Member – Locality Services

Cabinet Member – Regulatory, Compliance and Corporate Services

(B) External Consultations

Liverpool City Region Combined Authority

Implementation Date for the Decision

Immediately following the Committee meeting.

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Appendices:

The following appendices are attached to this report:

- Overview and Scrutiny Committee Work Programme for 2022/2023
- Latest Key Decision Forward Plan items relating to this Overview and Scrutiny Committee

Background Papers:

There are no background papers available for inspection.

Introduction/Background

1. WORK PROGRAMME 2022/23

- 1.1 The proposed Work Programme of items to be submitted to the Committee for consideration during the Municipal Year 2022/23 is set out in **Appendix 1** to the report. The programme has been produced in liaison with the appropriate Heads of Service, whose roles fall under the remit of the Committee. The Work Programme was approved by the Committee on 28 June 2022.
- 1.2 The Work Programme has been produced based on items included in last year's Programme.
- 1.3 Members are requested to consider whether there are any other items that they wish the Committee to consider, that fall within the terms of reference of the Committee. The Work Programme will be submitted to each meeting of the Committee during 2022/23 and updated, as appropriate.

2. SCRUTINY REVIEW TOPICS 2022/23

- 2.1 It is usual practice for the Committee to appoint a Working Group(s) to undertake a scrutiny review of services during the Municipal Year.
- 2.2 However, at its meeting held on 28 June 2022 the Committee agreed to a fresh approach to the operation of the Committee during 2022/23 by making arrangements for two additional informal meetings to be held:
 - The week commencing 10 October 2022 to focus on Locality Services and to consider an update on the Operational Activities delivered via Locality Services and the Green Sefton 2021/2022 Annual Report, Service Vision 2030, and Service Plan 2022/23; and
 - The week commencing 6 February 2023 to focus on Housing and to consider reports on Leasehold House Sales and an update on the operation of Sandway Homes.

This new proposal would obviate the need for the Committee to establish

Working Groups as short reviews of services could be undertaken by all Members at informal meetings.

- 2.3 The Committee has also agreed to hold an informal meeting to review the adoption of a strategic approach for waste containment/disposal across the Borough and to seek input from Sefton's representatives on the Merseyside Recycling and Waste Authority.
- 2.4 Arrangements had been made for the informal meeting to be held on 23 January 2023 but unfortunately, this meeting had to be postponed.
- 2.5 A new date for the informal meeting has yet to be arranged.

3. PRE-SCRUTINY OF ITEMS IN THE KEY DECISION FORWARD PLAN

- 3.1 Members may request to pre-scrutinise items from the Key Decision Forward Plan which fall under the remit (terms of reference) of this Committee. The Forward Plan which is updated each month, sets out the list of items to be submitted to the Cabinet for consideration during the next four-month period.
- 3.2 The pre-scrutiny process assists the Cabinet Members to make effective decisions by examining issues beforehand and making recommendations prior to a determination being made.
- 3.3 The Overview and Scrutiny Management Board has requested that only those key decisions that fall under the remit of each Overview and Scrutiny Committee should be included on the agenda for consideration.
- 3.4 The latest Forward Plan is attached at **Appendix 2** for this purpose. For ease of identification, items listed on the Forward Plan for the first time appear as shaded.
- 3.5 Should Members require further information in relation to any item on the Key Decision Forward Plan, would they please contact the relevant Officer named against the item in the Plan, prior to the Meeting.
- 3.6 The Committee is invited to consider items for pre-scrutiny from the Key Decision Forward Plan as set out in Appendix 2 to the report, which fall under the remit of the Committee and any agreed items be included in the Work Programme referred to in (1) above.

4. LIVERPOOL CITY REGION COMBINED AUTHORITY OVERVIEW AND SCRUTINY COMMITTEE

- 4.1 As Members will be aware, the Overview and Scrutiny Management Board and the four Overview and Scrutiny Committees considered a report on the guidance produced by the Ministry of Housing, Communities and Local Government relating to Overview and Scrutiny in Local and Combined Authorities following on from the Communities and Local Government Select Committee's inquiry into Overview and Scrutiny.
- 4.2 The Overview and Scrutiny Management Board and the four Overview and

Scrutiny Committees all agreed the recommendations contained in the report, one of which being that updates on Liverpool City Region Combined Authority Overview and Scrutiny Committee (LCRCAO&S) be included in the Work Programme report considered at each Overview and Scrutiny Committee meeting.

4.3 In accordance with the above decision, information on the LCRCAO&S is set out below.

4.4 **Role**

The Overview and Scrutiny Committee was established by the Combined Authority in May 2017 in accordance with the Combined Authorities Order 2017.

The role of the Overview and Scrutiny Committee is to:

- Scrutinise the decision and actions taken by the Combined Authority or the Metro Mayor;
- Provide a 'critical friend to policy and strategy development;
- Undertake scrutiny reviews into areas of strategic importance for the people of the Liverpool City Region; and
- Monitor the delivery of the Combined Authority's strategic plan.

4.5 **Membership**

The Committee is made up of 3 elected Members from each of the constituent Local Authorities of the LCR Combined Authority, along with one elected Member from both the Liverpool City Region Liberal Democrat Group and the Liverpool City Region Conservative Group.

Sefton's appointed Members are Councillors Hansen, Howard and Waterfield. Councillor Howard is Sefton's Scrutiny Link.

4.6 **Chair and Vice-Chair**

The Chair and Vice-Chair of the LCRCAO&S cannot be Members of the majority group. Councillor Steve Radford, a Liberal Party and Independent Group Councillor serving on Liverpool City Council has been appointed Chair for the 2022/23 Municipal Year; and Councillor Pat Moloney, a Liberal Democrat Councillor serving on Liverpool City Council has been appointed Vice-Chair.

4.7 **Quoracy Issues**

In the past a high number of meetings of the LCRCAO&S have been inquorate.

The quorum for meetings of the LCRCAO&S is 14, two-thirds of the total number of members, 20. This high threshold is not set by the Combined Authority but is set out in legislation.

4.8 Meetings

Information on all meetings and membership of the LCRCAO&S can be obtained using the following link

<https://moderngov.merseytravel.gov.uk/ieListMeetings.aspx?CId=365&Year=0>

4.9 The last meeting of the LCRCAO&S was held on 19 January 2023. The Committee considered the following items:

- Combined Authority Budget 2023/24
- Corporate Plan 2021-24; Quarter 2 (July to September) 2022-23 Performance Update
- Fair Employment Charter: Implementation and Next Steps
- Appointment to the Audit and Governance Committee

4.10 The next meeting of the Committee is scheduled to be held on 1 March 2023.

At the time of writing this report it is anticipated that the Committee will consider the following items:

- Verbal update from Metro Mayor Steve Rotheram
- Appointment to the Audit and Governance Committee

4.11 The Committee is requested to note the update on the Liverpool City Region Combined Authority Overview and Scrutiny Committee.

5. EFFECTIVENESS OF THE COUNCIL'S ENFORCEMENT ACTIVITY WORKING GROUP

5.1 At its meeting held on 28 September 2022 the Committee considered a report updating on the implementation of recommendations arising from the Effectiveness of the Council's Enforcement Activity Working Group. The recommendations had been approved by both Cabinet and Council.

5.2 The Committee agreed (Minute No.15) that the Cabinet Member – Locality Services and the Cabinet Member – Regulatory, Compliance and Corporate Services be requested to give further consideration to the implementation of the recommendations referred to above and report their findings to the next meeting of the Committee.

5.3 In accordance with the above decision the views of the Cabinet Members were considered by the Committee at its meeting held on 17 January 2023.

5.4 Following consideration of the views of the Cabinet Members on 17 January 2023 it was agreed (Minute No. 34 (3)) that in respect of the implementation of recommendations arising from the Effectiveness of the Council's Enforcement Activity Working Group:

- (a) the views of the Cabinet Member – Locality Services and the Cabinet Member – Regulatory, Compliance and

Corporate Services be noted;

- (b) the Cabinet Member - Regulatory, Compliance and Corporate Services be requested to provide a more complete response to the next meeting of the Committee; and
- (c) Councillor Lappin be invited to the next meeting of the Committee to discuss this matter;

5.5 Councillor Lappin has been invited to attend the meeting and her further response is as follows:

- Cabinet Member – Regulatory, Compliance and Corporate Services recognises and shares the concerns expressed by the OSC Working Group.
- The issue of flytipping is a significant one in Sefton and across the UK.
- Tackling the issue requires a combination of education, enforcement and engineering, so that we change people’s behaviour and penalise those who refuse to change. This includes better promotion of the Council’s actions and the penalties issued.
- This change will not happen overnight. It requires a persistent and consistent focus, and greater resources than we are currently able to deploy.
- The Council currently employs 3 FTE Environmental Enforcement Officers, and has recently also recruited an apprentice into the Environmental Enforcement Team. When other duties, such as monitoring and enforcing the Duty of Care for the correct disposal of waste by businesses, enforcement of trees and shrubs overhanging the highway and annual leave is taken into account, this allows for approximately 50hrs per week investigating and enforcing flytipping.
- Due to the small size of the team, responses and investigations relating to fly tipping are prioritised on the basis of the nature and scale of the incident and the likelihood of identifying the offenders
- In 2021, the Council received 4323 reports categorised as flytipping. As the Council is legally responsible for removing flytipping from its own land, the majority of these were referred direct to Operational In-House Service (OIHS) Street Cleansing or Green Sefton teams to address (dependent upon where the material has been flytipped).
- These services work closely with the Environmental Enforcement Team, and where they believe there may be evidence of the perpetrator, this is also referred through for investigation. Otherwise the waste is removed. The impacts of Fly-tipping on Sefton and elsewhere has been on the rise for several years. The estimated cost for Sefton to remove fly-tipped waste for the year of 2021 was £344,276
- Those matters referred either directly to the Environmental Enforcement Team, or via OIHS, resulted in 5 Fixed Penalty Notices and 1 successful prosecution during 2021 and a further 6 Fixed Penalty Notices and three pending prosecutions in 2022/23 to date. These figures are lower than in previous years. In more than half of cases referred to the Environmental Enforcement Team, either no evidence was found linking the waste to a

perpetrator, or the waste was removed before they were able to attend and investigate.

- It is recognised that this does not paint an impressive picture and Officers are continuing to review ways of increasing the efficacy of enforcement, the number of penalties issued and cases prosecuted. This includes how they work with others to prevent and tackle flytipping, and exploring the use of technology to detect and provide evidence of perpetrators.
- Since 2017 the Council has also employed an external contractor, NSL Ltd, to provide Civil Enforcement Officers (CEOs) who undertake a dual enforcement role, which includes identifying both: Parking Offences (yellow line restrictions, schools, bus stops, residents parking areas, Pay and Display and limited waiting restrictions, etc); and Environmental Offences (litter, dog fouling and dog control). Officers are deployed on a mixture of patrols across the Borough averaging approximately 3000 hours per month, typically this results in 12 officers per day Monday to Saturday, and 10 officers per day Sundays/Bank Holidays. There is a Deployment Plan in place which sets out the agreed principles for deployment of these officers in terms of locations, activities etc. In 2021/22 CEOs issued 782 Fixed Penalty Notices for Environmental Offences and to date in 2022/23 they have issued almost 400.
- The Council will shortly commence a procurement process for a new Parking and Environmental Enforcement Contract, to come into effect from 1st October 2023. In line with normal practice the contract specification will be reviewed prior to re-procurement and as part of this, consideration can be given to the nature of offences enforced under the contract and the balance of deployment. The Cabinet Member will be consulted on that review.
- However, the key issue remains that the resource available is insufficient to satisfactorily tackle the scale of the problem, particularly in relation to flytipping. At the same time the Council's budgetary position has not enabled the Council to allow any growth in the Environmental Enforcement Budget. Cabinet are continuing to work with officers on this and will seek to increase resources as soon as possible.

5.6 Any comments in respect of the views of the Cabinet Member – Regulatory, Compliance and Corporate Services, as referred to in section 5.5 of the report, are sought.

6. INFORMAL MEETING OF THE COMMITTEE – 6 FEBRUARY 2023 – LEASEHOLD HOUSE SALES

6.1 As referred to in paragraph 2.2 above the Committee had agreed a new proposal to hold informal meetings of the Committee to undertake short reviews of services rather than establishing Working Groups.

6.2 An informal meeting of the Committee was held on 6 February 2023 and reviewed the topics of housing supply and demand, leasehold house sales and the operation of Sandway Homes. Minutes of the informal meeting have previously been circulated to Members.

6.3 Informal meetings of the Committee have no formal decision-making powers and

therefore, any recommendations made at the above informal meeting, require approval at this meeting.

6.4 As part of its deliberations on leasehold house sales it was agreed that:

“the Assistant Director of Place (Economic Growth and Housing), via his Housing Team be requested to look into adding reference information relating to flat/apartment leaseholders (residents’ management company) on the Council’s website”.

6.5 Formal approval of the above recommendation is sought by the Committee.