

Report to:	Overview and Scrutiny Committee (Regeneration and Skills)	Date of Meeting:	27 June 2023
Subject:	Work Programme 2023/24, 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 draft Work Programme for 2023/24; to identify potential topics for scrutiny reviews to be undertaken by a Working Group(s) appointed by the Committee or by informal meetings of the Committee; to identify any items for pre-scrutiny by the Committee from the Key Decision Forward Plan; to seek a potential date for an informal meeting of the Committee to consider a strategic approach for waste containment/disposal across the borough; to seek a date for a visit by Members of the Committee to the Recycling Discovery Centre at Gillmoss; to consider the views of the Head of Highways and Public Protection on the separation of parking offences and environmental offences, currently undertaken in a dual enforcement role by Civil Enforcement Officers; and to seek approval to cease the submission of update reports on the implementation of recommendations arising from the Housing Support Services to Vulnerable People Working Group.

Recommendation: That:

- (1) the Work Programme for 2023/24, as set out in Appendix 1 to the report, be considered, along with any additional items to be included and thereon be agreed;
- (2) consideration be given to the selection of a topic(s) for review by either a Working Group or at informal meetings of the Committee;
- (3) consideration be given to a date to hold an informal meeting of the Committee to consider the strategic approach for waste containment/disposal across the borough;
- (4) 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;

- (5) the update on the Liverpool City Region Combined Authority Overview and Scrutiny Committee be noted;
- (6) further to Minute No. 39 (3) of the meeting held on 7 March 2023 consideration be given to a date to visit the Recycling Discovery Centre at Gillmoss;
- (7) further to Minute No. 41 (3) of the meeting held on 7 March 2023, consideration be given to the views of the Head of Highways and Public Protection on the separation of parking offences and environmental offences, currently undertaken in a dual enforcement role by Civil Enforcement Officers as detailed in paragraph 6.4 of the report; and
- (8) no further update reports be submitted on the implementation of recommendations arising from the Housing Support Services to Vulnerable People Working Group.

Reasons for the Recommendation(s):

To determine the Work Programme of items to be considered during the Municipal Year 2023/24 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.
Impact on Children and Young People: No

There are no direct children and young people implications arising from this report. Any children and young people 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.

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; the Update on Operational Activities delivered via Locality Services; and Green Sefton Annual Report, Service Vision 2030, and Service Plan.
Place – leadership and influencer: None directly applicable to this report.
Drivers of change and reform: None directly applicable to this report.
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; the Update on Operational Activities delivered via Locality Services; Green Sefton Annual Report, Service Vision 2030, and Service Plan.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Chief Legal and Democratic Officer (LD5464/23) and the Executive Director of Corporate Resources and Customer Services (FD7264/23) have been consulted and have no comments to make. Any specific financial and legal implications associated with

any subsequent reports arising from the report will be included in those reports as appropriate.

Executive Director Place
Executive Director of Corporate Resources and Customer Services
Head of Highways and Public Protection
Head of Economic Growth and Housing
Head off In-House Operational Services
Head of Communities
Head of Commercial Development

(B) External Consultations

Chief Executive of the Merseyside Recycling and Waste 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 2021/2022
- Criteria Checklist for Selecting Topics for Review
- 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 2023/24 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.
- 1.2 The Work Programme has been produced based on items included in last year's Programme.
- 1.4 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 2023/24 to provide Members with the opportunity to add

items to the Programme.

2. Working Group Reviews

- 2.1 In previous years it has been the 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, last year the Committee agreed to adopt a new approach by arranging informal meetings to undertake short reviews of services rather than establishing formal Working Groups.
- 2.3 The Committee's views are therefore sought on whether any topics for review should be held via Working Groups or informal meetings of the Committee.
- 2.4 For the information of Members, a criteria checklist for selecting and rejecting potential topics to review is attached at **Appendix 2**. This is used to assist the Committee in selecting topics and appointing Working Group(s) for the Municipal Year.

2.5 Strategic Approach for Waste Containment/Disposal across the Borough

- 2.6 At an informal meeting of the Committee held on 20 October 2022 topics associated with the Council's Cleansing service were considered.

At the next formal meeting of the Committee held on 8 November 2022 it was resolved that "a review of the adoption of a strategic approach for waste containment/disposal across the Borough be dealt with at an informal meeting of the Committee rather than establishing a Working Group to review the topic".

The informal meeting was arranged to take place on 23 January 2023. Unfortunately, the meeting had to be cancelled.

- 2.7 Consideration is now sought to a date to hold the informal meeting of the Committee to consider the strategic approach for waste containment/disposal across the borough.

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 published on 31 May 2023 is attached at **Appendix 3** 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 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.

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. This Committee considered the matter at its meeting held on 22 October 2019 (Minute No. 20).
- 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 Desmond, Hart and Howard. Councillor Howard is Sefton's Scrutiny Link.

Representatives of the Liberal Democrat Group and Conservative group on the Committee will be reported to Members at the next meeting.

4.6 **Chair**

The Chair of the LCRCAO&S cannot be a Member of the majority group. The Chair will be appointed at the first meeting of the Committee on 13 July 2022.

4.7 **Quoracy Issues**

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. This has on occasion caused meetings to be inquorate.

4.8 **Meetings**

Information on all meetings and membership of the LCRCAO&S can be obtained using the following link
<https://modern.gov.merseytravel.gov.uk/ieListMeetings.aspx?CId=365&Year=0>

Latest Meeting - 19 April 2022

The latest meeting of the LCRCAO&S scheduled to be held on 19 April 2023 was cancelled.

4.9 The next meeting of the LCRCAO&S will be held in July 2023. Matters discussed at this meeting will be reported to Members at the next meeting of the Committee.

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

5. RECYCLING DISCOVERY CENTRE AT GILLMOSS

5.1 At its meeting held on 7 March 2023 the Committee received a presentation from Lesley Worswick, Chief Executive of the Merseyside Recycling and Waste Authority (MRWA) on the MRWA Service Delivery Plan 2022/23.

5.2 The Committee resolved (Minute No. 39 (3)) that a visit by Members of the Committee to the Recycling Discovery Centre at Gillmoss be arranged in due course.

5.3 Colleagues at the MRWA are happy for Members to visit the Recycling Discovery Centre; and suggested that the visit take place in July 2023 on one of the following dates:

10 or 17 July 2023.

5.4 One of the above dates is therefore sought for a visit by Members of the Committee to the Recycling Discovery Centre at Gillmoss

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

6.1 Meeting held on 28 September 2022

A report was submitted to Committee on 28 September 2022 which updated on the implementation of recommendations agreed by the Effectiveness of the Council's Enforcement Activity Working Group Working Group. During the meeting the following comment was made:

“In respect of the recommendations on “a very significant increase in uniformed enforcement officers be established to tackle the problems of littering, fly-tipping and rear entry dumping”; and “a high-profile publicity campaign be introduced to highlight the increased enforcement activity to be undertaken”, concern was expressed at the update responses that there was currently no budgetary provision to implement such recommendations; particularly bearing in mind that the Working Group’s Final report recommended that funding be provided from the £500k that had been identified to tackle street scene problems from the Council’s 2021/22 budget”.

The Committee resolved 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 Committee.

6.2 Meeting held on 17 January 2023

At its meeting held on 17 January 2023 the Committee considered the views of the Cabinet Members as set out below:

“Prior to and since the recommendations of the Overview and Scrutiny Committee Working Group on the Effectiveness of Council Enforcement were reported to Cabinet and approved by Council in November 2021, the Cabinet Member – Locality Services and the Cabinet Member – Regulatory, Compliance and Corporate Services have been working with officers to explore how the problems of littering, fly-tipping and rear entry dumping could be better addressed and what resources might be needed to do so.

The Cabinet Members consider that a combination of education, enforcement and engineering measures are required, alongside reversing some of the resource reductions in the Street Cleansing, Waste Management and Environmental Enforcement services that were necessary to balance the Council’s budget following significant reductions in government funding since

2010.

In 2021, Council approved £500k of additional revenue investment for “street scene activities including enhancements relating to the removal of fly tipping, street cleansing and weed removal”. A decision was taken in 2021 to await the recommendations of the Working Group before permanently allocating this resource, and in the meantime to temporarily use the resource for enhanced street cleansing, including intensive weed removal in worst affected areas.

In 2022, having received the Working Group’s recommendations and assessed the impact of the £500k reinvestment within the Street Cleansing and Waste Management Service, a decision was taken to permanently allocate all of the £500k to Street Cleansing and Waste Management Services. Consideration was given to allocating some of this funding to enforcement and education, but it was considered that the £500k was insufficient to deliver the required level of improvement in street cleansing, a very significant increase in uniformed enforcement officers and a high-profile publicity campaign.

Since then, the Cabinet Members have continued to work with officers to understand the nature and scale of resources needed to deliver the recommendations of the Working Group, and remain committed to delivering against those recommendations, as soon as the Council’s budgetary position allows”.

The Committee resolved 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;

6.3 Meeting held on 7 March 2023

Councillor Lappin attended the meeting and her comments contained in the report to Members are set out below:

- Cabinet Member – Regulatory, Compliance and Corporate Services recognises and shares the concerns expressed by the OSC Working Group.
- The issue of fly-tipping 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 fly-tipping.
- 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 fly-tipping. As the Council is legally responsible for removing fly-tipping 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 fly-tipped).
- 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 fly-tipping 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 fly-tipping. 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.

The Committee resolved (Minute No. 41 (3)) that having given consideration 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, the following recommendation be agreed:

“the Assistant Director of Place - Highways and Public Protection be requested to consider the separation of parking offences and environmental offences, currently undertaken in a dual enforcement role by Civil Enforcement Officers.”

6.4 Views of the Assistant Director of Place - Highways and Public Protection

In accordance with the above decision the views of the Assistant Director of Place - Highways and Public Protection have been sought and such views are set out below:

“On 7th March 2023, O&S Committee (Regeneration and Skills), resolved that: “Having given consideration 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, the following recommendation be agreed: “the Head of Highways and Public Protection be requested to consider the separation of parking offences and environmental offences, currently undertaken in a dual enforcement role by Civil Enforcement Officers.”

On 9th March 2023, Cabinet considered and agreed the recommendations of a report seeking approval to reprocure the provision of a parking and environmental enforcement, cash collection and car park management service, as the current contract ends on 30th September 2023.

Prior to finalising the contract specification and commencing the approved procurement process, in accordance with the O&S Committee resolution on 7th March 2023, fresh consideration was given to the separation of parking offences and environmental offences, currently undertaken in a dual

enforcement role by Civil Enforcement Officers. The conclusion of this was to continue with the dual enforcement role by Civil Enforcement Officers.

The review can be summarised as follows:

Prior to 2016 two Officers were employed through contractor NSL to carry out environmental enforcement which at the time was littering and dog fouling, for a total of 80 hours per week. This pilot was delivered on a cost neutral basis for the Council, with a percentage of the income received by the Council from FPN's issued and court costs being paid to the Contractor. However, the Contractor found they were unable to cover their costs and indicated that they would not wish to continue beyond the end of the pilot scheme under that model.

In 2016, on a trial basis NSL began to enforce both parking contraventions and environmental offences using half of the existing parking Civil Enforcement Officers on a voluntary basis.

In 2018 this was extended so that all CEO's carried out the joint enforcement role. This has continued to date, and Environmental enforcement has now extended to include dog control in addition to littering and dog fouling.

The current contract provides for 3000 CEO hours per month. Typically this results in the deployment of 12 officers per day Monday to Saturday, and 10 officers per day Sundays/Bank Holidays.

All officers deployed enforce parking, littering and dog control offences, providing a significant increase in hours spent monitoring the borough and enforcing environmental offences compared with the pre-2018 position.

This has proved an effective way to deliver the service, and in the past 12 months CEOs have issued almost 400 Fixed Penalty Notices for Environmental Offences and 34,000 Penalty Charge Notices.

The whole of the service is now funded through the parking services budget, mainly through the approx. £850,000 generated through parking Penalty Charge Notices. There is no budget or funding contribution for the provision of environmental enforcement, all funding is through parking services.

There is a Deployment Plan in place which sets out the agreed principles for deployment of these officers in terms of locations, activities etc. and this does include some specific patrolling activities targeted at environmental offences. This deployment plan can be adjusted to increase the emphasis on environmental enforcement targeted patrols, but a balance is necessary to avoid a negative impact on parking control and income generated through Penalty Charge Notices.

Without the provision of significant additional funding, splitting parking and environmental enforcement within the contract and/or deployment of officers, would effectively reduce the time spent patrolling and enforcing both aspects, reducing the effectiveness of the service.

A possible further impact of a reduced number of CEOs for each function, and for parking control in particular, could be reduced visibility, compliance, enforcement, income, and therefore funding for the service, thereby further impacting the effectiveness of the service.

In view of the above it is not considered practical or effective to split parking and environmental enforcement.

Officers have also considered whether enforcement of the recently introduced "Coastal and Visitor Areas" PSPO could be incorporated into the contract, but because of the very different nature and wide variety of offences created by that PSPO, it has been concluded that it would not be practical for the CEO's to extend their role to include this enforcement".

7. HOUSING SUPPORT SERVICES TO VULNERABLE PEOPLE WORKING GROUP

7.1 The Committee has received one update report on the implementation of recommendations approved by the Housing Support Services to Vulnerable People Working Group. The report was considered by Committee on 28 September 2022.

7.2 The Head of Communities has submitted a report elsewhere on the agenda that explains changes to the process that Serco takes for procuring properties and which addresses outstanding actions. Bearing in mind the comments in the report of the Head of Communities it is recommended that no further update reports be submitted to Committee.