

Report to:	Overview and Scrutiny Committee (Regeneration and Skills)	Date of Meeting:	19 September 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 Work Programme for 2023/24; to identify any items for pre-scrutiny by the Committee from the Key Decision Forward Plan; to confirm the date for a visit to the Gillmoss Recycling Discovery Centre; to update on the Liverpool City Region Combined Authority Overview and Scrutiny Committee; providing information on the breakdown of offences for which penalty charge notices had been issued; and information on the reduction in time civil enforcement officers would spend patrolling if the parking and environmental enforcement functions were split.

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) 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 Committee determines whether the date of 9 October 2023 for a visit to the Gillmoss Recycling Discovery Centre and informal meeting of the Committee is agreed;
- (4) the update on the Liverpool City Region Combined Authority Overview and Scrutiny Committee be noted;
- (5) the information on the breakdown of offences for which penalty charge notices had been issued; and information on the reduction in time civil enforcement officers

would spend patrolling if the parking and environmental enforcement functions were split be noted; and

- (6) In respect of the implementation of recommendations arising from the Effectiveness of the Council's Enforcement Activity Working Group:
- (1) bearing in mind the views of the Assistant Director of Place (Highways and Public Protection) and the Assistant Director of Place (Economic Growth and Housing) that it is unlikely that their comments will change on the implementation of such recommendations for the foreseeable future then no further update reports be submitted on this matter; and
 - (2) however, if circumstances do change in due course, then the Assistant Directors be requested to provide updates to the Committee; and

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: There are no direct implications for impacting on children and young people arising from this report. Any impact on 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. However, any 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.

Facilitate confident and resilient communities: As above.

Commission, broker and provide core services: As above.

Place – leadership and influencer: As above.

Drivers of change and reform: As above.

Facilitate sustainable economic prosperity: As above.

Greater income for social investment: As above.

Cleaner Greener: As above.

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

(B) External Consultations

Liverpool City Region Combined Authority

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 2023/2024 – Appendix 1
- Criteria Checklist for Selecting Topics for Review – Appendix 2
- Latest Key Decision Forward Plan items relating to this Overview and Scrutiny Committee – Appendix 3
- Breakdown of the different offences for which the 34,000 penalty charge notices had been issued – Appendix 4
- Table of recommendations arising from the Effectiveness of the Council's Enforcement Activity Working Group – Appendix 5

Background Papers:

There are no background papers available for inspection.

Introduction/Background

1. WORK PROGRAMME 2023/24

- 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. The Work Programme was approved by the Committee on 27 June 2023.
- 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 2023/24 and updated, as appropriate.

2. SCRUTINY REVIEW TOPICS 2023/24

- 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 At its meeting held on 20 June 2023 the Committee agreed that any future reviews during the year be dealt with by informal meetings of the Committee rather than via Working Groups.
- 2.3 The Committee agreed that the first review be on the topic of refuse and waste recycling and in respect of this matter a visit be arranged to the Gillmoss Recycling Discovery Centre in August 2023 and that an informal meeting of the Committee be held following the visit. The date of 21 August was selected for the

visit and informal meeting but due to holiday commitments this had to be postponed due to a small number of Members being able to attend the visit.

- 2.4 Contact has again been made with the MRWA and they can facilitate a visit to the Gillmoss Recycling Discovery Centre on the 9 October 2023.
- 2.5 Members are requested to consider the suitability of this date select a date for the visit to the Gillmoss Recycling Discovery Centre and informal meeting of the Committee.
- 2.6 The Committee's views are sought on the selection of a topic(s) for consideration by an informal meeting(s) of the Committee.
- 2.7 A criteria checklist for selecting and rejecting potential topics to review is attached at Appendix 2.

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 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 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.
- 3.7 In respect of pre-scrutiny the Overview and Scrutiny Management Board at its meeting held on 20 June 2023 noted that often strategies and plans were included on the Forward Plan but that rarely were they submitted to Overview and Scrutiny for comment prior to their submission to Cabinet/Council; and suggested that officers should plan more time into the process for formulating plans and strategies to enable Overview and Scrutiny to have an input and provide comments to Cabinet/Council. This Committee at its meeting held on 27 June 2023 raised similar concerns.

As Members will be aware, there is a report elsewhere on the agenda containing a recommendation that Cabinet be requested to approve changes to the Executive/Scrutiny Protocol and that Executive Directors and Assistant Directors, whose responsibilities fall within the remit of Overview and Scrutiny Committees, be requested to seek the views of the Committees on all strategies and plans prior to submission to Cabinet and Council; and that if it is not possible, due to time constraints, to submit the final strategy or plan for consideration, then an outline or synopsis be submitted to the Committees to allow an oversight of the proposals to be considered and commented upon; and Section 6 of the Protocol relating to pre-scrutiny be amended accordingly.

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 Desmond, Hart and Howard. 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 Councillor serving on Liverpool City Council has been appointed Chair for the 2023/24 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 A meeting of the LCRCAO&S was held on 5 July 2023. The Committee considered the following items:

- Appointment of Chair and Vice-Chair
- Work Programme 2023-24
- Appointments of Scrutiny Members to the Audit and Governance Committee 2023/24
- Liverpool City Region Combined Authority Corporate Plan 2021-24: Quarter 4 2022-23 Performance Update
- Update on the Liverpool City Region Bus Franchising Consultation

4.10 A meeting of the Committee will be held on 6 September 2023. At the time of writing this report the Committee has not met but it is anticipated that the following items will be considered:

- LCR Investment Zone Update
- Development of the Next LCR Place-Based Pipeline
- Work Programme 2023-24

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 The Work Programme report considered at the last meeting detailed the Committee's deliberations throughout 2022/23 on issues associated with the Effectiveness of the Council's Enforcement Activity Working Group.

5.2 The information on this culminated (paragraph 6.4) by providing details of the views of the Assistant Director of Place - Highways and Public Protection upon consideration of the separation of parking offences and environmental offences, currently undertaken in a dual enforcement role by Civil Enforcement Officers.

5.3 The Committee resolved (Minute No. 5. (6)) that the views of the Assistant Director Place – (Highways and Public Protection) on the separation of parking offences and environmental offences, currently undertaken in a dual enforcement role by Civil Enforcement Officers be noted; and

(a) a breakdown be provided of the different offences for which the 34,000 penalty charge notices had been issued; and

(b) explanation be provided on comments made in the report regarding the reduction in time civil enforcement officers would spend patrolling if the parking and environmental enforcement functions were split.

5.4 Appendix 4 to the report provides information on the breakdown of the different offences for which the 34,000 penalty charge notices had been issued.

The Assistant Director Place – (Highways and Public Protection) has advised that Members should note that the total number (31,493) in this exert is slightly different to that previously stated, as it covers a slightly different, more up-to-date time period (10/07/22 – 09/07/23). In summary, this shows that the five main reasons for issuing a PCN were: parking on double/single yellow lines; failing to display a valid pay & display ticket or voucher, in an on-street parking area; failing to display a valid pay & display ticket, voucher, or parking clock, in an off-street parking area; parking in a Residents Privileged Parking area without a permit; parking in an area covered by a loading ban. These accounted for almost 70% of the PCNs issued in this time-period.

5.5 The Committee, at its meeting held on 27 June 2023 referred to 2 paragraphs (contained in the information referred to in paragraph 5.2 above) which indicated that:

“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” and

“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”.

Members considered that the information contained in the 2 paragraphs was contradictory, in that one paragraph indicates that all officers are deployed to enforce all functions; whilst the other paragraph indicates that a split in enforcement functions would have a detrimental impact in relation to reduced visibility, compliance, enforcement, income and the effectiveness of the service.

The comments of the Assistant Director of Place - (Highways and Public Protection) providing an explanation such comments are as follows:

“the first paragraph referenced, sets out the current arrangements for deployment. Namely, that all Civil Enforcement Officers (CEOs) are employed and deployed in a joint enforcement role. Under the present contract, this provides for 3000 CEO hours per month, typically deployed as 12 officers per day Monday to Saturday, and 10 officers per day Sundays/Bank Holidays. During these hours, all officers are simultaneously monitoring and enforcing parking and environmental offences. For example, if a CEO observed the driver of a car without a properly displayed parking ticket also drop and fail to pick up a cigarette, they could simultaneously issue a Penalty Charge Notice (PCN) for the parking offence and a Fixed Penalty Notice (FPN) for the littering offence.

Within the funding available to the service, officers consider this dual enforcement to be the most effective approach.

Far more PCNs are issued than FPNs, and therefore more income is derived from parking offences/PCNs than from environmental offences/FPNs. This income supports the delivery of this service. The visibility of the CEOs helps to encourage compliance, and in the case of parking, this includes the payment of parking fees, which, although reduced since the Covid pandemic, remains a significant income stream for the Council, supporting the wider delivery of services.

The second paragraph referenced, addresses the impact of the alternative means of deployment that the Committee asked officers to consider, i.e., “the separation of parking offences and environmental offences, currently undertaken in a dual enforcement role by Civil Enforcement Officers”. Without additional funding, separating the roles would result in a smaller number of officers/hours separately deployed to monitor and enforce each group of offences (e.g. 6 enforcing parking offences and 6 enforcing environmental offences). It is considered that this method of deployment could result in a reduction in the number of both PCNs and FPNs issued, and resultant income. In the case of parking, it is felt that it might also increase the number of drivers “taking a chance” and either not paying or under-paying parking fees. Even if there was an increase in the number of FPNs issued, it is not considered that this would be of sufficient scale to counteract the reduction in PCN-derived income and income from compliant parking. Hence the comment that this could further impact the effectiveness of the service”.

5.6 Recommendations arising from the Effectiveness of the Council's Enforcement Activity Working Group

In accordance with the Committee's work programme an update report on the implementation of the recommendations arising from the Effectiveness of the Council's Enforcement Activity Working Group should be submitted to this meeting of the Committee. A report on this matter was last considered by this Committee in September 2022. The table attached to the report as Appendix 5 identifies the recommendations arising from the Working Group and the comments of officers on their implementation.

5.7 Contact has again been made with colleagues seeking an update on the implementation of recommendations.

The Assistant Director of Place (Highways and Public Protection) has suggested an addition to the recommendation that "a high-profile publicity campaign be introduced to highlight the increased enforcement activity to be undertaken".

This is as follows:

"Officers will continue to seek to make these messages and campaigns impactful".

This information is highlighted in red on Appendix 5.

5.8 It is the view of colleagues that other than the above, there is nothing further to add and that furthermore, without additional funding, it is not considered that their views will change in the foreseeable future.

5.9 Accordingly, it is recommended that:

- (1) bearing in mind the views of the Assistant Director of Place (Highways and Public Protection) and the Assistant Director of Place (Economic Growth and Housing) that it is unlikely that their comments will change on the implementation of the recommendations arising from the Effectiveness of the Council's Enforcement Activity Working Group for the foreseeable future then no further update reports be submitted on this matter; and
- (2) however, if circumstances do change in due course then the Assistant Directors be requested to provide updates to the Committee.