

Bolsover District Council

Healthy, Safe, Clean & Green Communities Scrutiny Committee

5th October 2018

Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Executive Response

Report of the Chair of Healthy, Safe, Clean & Green Communities Scrutiny Committee

This report is public.

Purpose of the Report

- To present Executive's Response to the recent Scrutiny Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District.

1. Report Details

- 1.1 The Healthy, Safe, Clean & Green Communities Scrutiny Committee agreed to undertake a review of Enforcement action as part of the 2017/18 work plan following consideration of a range of topics suggested at the Annual Scrutiny Conference. The review was rolled forward in to the 2018/19 municipal year to allow sufficient time to consider all the evidence gathered.
- 1.2 This report acknowledges their response to the Review recommendations and advises Committee to commence a period of Post-Scrutiny Monitoring to ensure effective implementation of the approved recommendations.

2 Conclusions and Reasons for Recommendation

- 2.1 Following presentation of the review to Executive, Members agreed all the recommendations proposed as part of the Report.
- 2.2 In addition, Executive asked to be kept informed of the implementation of the recommendations and requested an update after six months. This will coincide with the planned programme of monitoring for the Committee. This is shown as Recommendation HSCGC17/18 1.19.
- 2.3 Members are required to make their report and findings public, in accordance with Part 4.5.17(3) of the Constitution.
- 2.4 Committee is required to monitor implementation of their recommendations in accordance with Part 3.6(2) of the Constitution.

3. Consultation and Equality Impact

- 3.1 All Scrutiny Committees are committed to equality and diversity in undertaking their statutory responsibilities and ensure equalities are considered as part of all Reviews. The selection criteria when submitting a topic, specifically asks members to identify where the topic suggested affects particular population groups or geographies.
- 3.2 As part of the review process there has been a survey of BDC Members to ascertain their views on a range of aspects of the current approach to street cleanliness and environmental enforcement. In addition, Members have completed a telephone survey of neighbouring authorities in order to benchmark certain aspects of service delivery.
- 3.3 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.
- 3.4 Within the process of the review, the Committee has taken into account the impact of equalities. Where enforcement action is taken against individuals who are vulnerable the Council's policies for Safeguarding Adults and VARM will apply. Where action is taken against an individual with specific communication needs (for example, large print or British Sign Language) the Council's Policy for Equality & Diversity in Service Delivery may apply.

4. Alternative Options and Reasons for Rejection

- 4.1 Committee is required to monitor implementation of their recommendations in accordance with Part 3.6(2) of the Constitution and as such the report cannot be rejected.

5. Implications

5.1 Finance and Risk Implications

- 5.1.1 Members are concerned that there is potential reputational risk, where the Authority area is seen to have high levels of littering/fly-tipping and poor street cleanliness standards. Members conclude that the recommendations proposed will further improve our approach to environmental despoilment and enforcement.
- 5.1.2 Members are aware that Recommendation HSCGC17/18 1.4 could require an additional review of budgets to ascertain the long-term funding for the current temporary staffing arrangements. Should financial implications to the creation of a permanent post be established, this will require a further report to Executive.
- 5.1.3 Members acknowledge that Recommendation HSCGC17/18 1.6, may require additional resources should activity need to be increased. Members recommend that an additional report/request for resources be submitted, if and when required.
- 5.1.4 Members acknowledge that Recommendations HSCGC17/18 1.8, 1.9 and 1.11, will require creation of new and/or additional resources and publicity material, but this should be contained within existing budgets as part of a refresh of the current approach taken by the services.

5.2 Legal Implications including Data Protection

- 5.2.1 In carrying out scrutiny reviews the Council is exercising its scrutiny powers as laid out in s.21 of the Local Government Act 2000, regulations under section 32 of the Local Government Act 2000 and subsequent legislation which added to/amended these powers e.g. the Local Government and Public Involvement in Health Act 2007.
- 5.2.2 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.

5.3 Human Resources Implications

- 5.3.1 Recommendation HSCGC17/18 1.4 suggests that Executive/SAMT consider the current staffing resource and training within the legal team to ensure existing expertise is maintained, thereby enabling the Authority to have sufficient capacity to move forward with its approach to enforcement.
- 5.3.2 Members acknowledge that following further investigation, Recommendation HSCGC17/18 1.13 may require an additional report from the service should additional staffing resource be deemed necessary.
- 5.3.3 Members acknowledge that, Recommendation HSCGC17/18 1.16 may require an additional report from the service should a change to staffing be required.

6. Recommendations

- 6.1 That Members note Executive’s Response to the Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District.
- 6.2 That Members make its report and findings public, in accordance with Part 4.5.17(3) of the Constitution.
- 6.3 That Members and Officers monitor progress on the recommendations and report in twelve months’ time highlighting exceptions to delivery.

7. Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>No</p>
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Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	<p>Aim: Supporting Our Communities to be Healthier, Safer, Cleaner and Greener</p> <p>Priorities:</p> <ul style="list-style-type: none"> • Ensuring a high standard of environmental maintenance and cleanliness • Developing attractive neighbourhoods

8. Document Information

Appendix No	Title
7.1	Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Action Plan
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<p>Documents stored in: S:\Governance and Monitoring\Scrutiny BDC\RES\Healthy, Safe Clean and Green Communities Scrutiny Communities\2017-18\Environmental Enforcement\Report</p> <p>Please contact Scrutiny & Elections Officer where further information is required.</p>	
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Report Reference –