

Bolsover District Council

Healthy, Safe, Clean & Green Communities Scrutiny Committee

1st March 2019

Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Post Scrutiny Monitoring (Interim Report)

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

This report is public.

Purpose of the Report

- To present the Interim Post-Scrutiny Monitoring Report on the 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 The Committee put together a number of recommendations which aimed to assist the Council, in looking at potential service improvements in relation to enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District
- 1.3 This report acknowledges progress to date by Officers implementing the recommendations.
- 1.4 To date 13 out of 19 recommendations have been achieved, 5 are on track and 1 has been extended but will still complete within the original twelve month monitoring period.

2 Conclusions and Reasons for Recommendation

- 2.1 Committee is required to monitor implementation of their recommendations in accordance with Part 3.6(2) of the Constitution.
- 2.2 Executive asked to be kept informed of the implementation of the recommendations and requested an update after six months. This is shown as Recommendation HSCGC17/18 1.19 within the original report.

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 was 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 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 took 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 There are no alternative options. Members are required to note the service's response to progress against the review recommendations.
- 4.2 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 None directly from this report.

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 None directly from this report.

6. Recommendations

- 6.1 That Members note the progress against the review recommendation.
- 6.2 That Members acknowledge any exceptions to delivery and clarify the additional action required by the service.
- 6.3 That Members make its findings public, in accordance with Part 4.5.17(3) of the Constitution.
- 6.4 That Officers continue to implement the recommendations and submit a final report in six months' time highlighting exceptions to delivery.
- 6.5 That Scrutiny Members submit this report to Executive for information, as per Recommendation HSCGC17/18 1.19 within the original report.

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:</i> <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC:</i> <i>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>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	<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 – Original Service and Executive Response
7.2	Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Action Plan
<p>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>	
<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 –