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## **PUBLIC REGULATION, INSPECTION & PROTECTION BEST VALUE REVIEW – FINAL REPORT**

### **1 SUMMARY**

- 1.1 This report contains the conclusions of the Best Value Review of Public Regulation, Inspection and Protection, and proposes an action plan for service improvement for Members' consideration.
- 1.2 An interim report was considered by both the Community Overview & Scrutiny and Environment Overview & Scrutiny Committees in January 2003.

### **2 INTRODUCTION**

- 2.1 The review was wide-ranging and encompassed some 25 services provided by a number of Divisions within the Council. It included:
- Most environmental health functions, including food safety, health and safety enforcement, licensing, pest control, nuisances, air pollution and private sector housing enforcement
  - Planning enforcement
  - Litter, abandoned vehicles, dog fouling, stray dogs; graffiti and fly-posting
  - Dangerous buildings and structures
  - Drainage and surface water control
  - Tree preservation orders and dangerous trees
  - House-to-house, street collections and small lotteries.
- 2.2 As the review dealt with many different services, process reviews of individual functions were not carried out, although some of the investigations carried out by the review team inevitably included consideration of the divisions of responsibility and the work flow between different agencies/parts of the Council.
- 2.3 The review examined each of the areas of work, establishing existing levels of service and costs and, from a customer perspective, identified opportunities to make improvements to service quality, efficiency and effectiveness.
- 2.4 The core review team comprised nine members of staff from the divisions involved in delivery of the services and the Council's Audit & Process Review Unit. Other officers attended specific meetings when appropriate.
- 2.5 In considering the interim reports in January 2003, Members made comments on a number of the topics under review and some general principles:-
- The introduction of a charge for the rodent service could deter residents from dealing with this dangerous issue.

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*Council has reaffirmed the policy of providing a free domestic treatment service for rodents.*

- There is a need to address the issue of short-term sites for itinerant travellers

*The action plan identifies a range of issues to be considered as part of the review of policy and services being carried out in the first six months of 2004.*

- Other authorities might be prepared to co-operate to provide cover for emergencies over a wider area

*Southend Borough Council operates a fairly extensive cover system, employing three technical officers specifically to provide an evening/weekend response to problems. At weekends, they are accompanied by Special Police Officers. There is also a formal stand-by system of qualified environmental health officers. Preliminary discussions with officers at Southend have confirmed that, in principle, it might be feasible to extend the service to Rochford, including relevant staff on the rota. This may require the appointment of additional technical officers, so as not to dilute the cover provided in Southend, plus the costs of standby payments, therefore budget provision would be required. Castle Point Borough Council does not operate a comprehensive formal stand-by system.*

- There is a need to prove a demand for longer opening hours

*The public opinion records did not strongly support the need for enhanced out of hours services.*

- The provision of basic information to Members about key services would assist them in dealing with constituents, including outside office hours

*So far as provision of information to assist Members carry out their role, including outside normal office hours, is concerned, it would be possible to distribute guidance similar to that which is available to the council's out of hours emergency service contractor which describes the response to a range of potential issues. The Member training programme will also continue to provide information about many services.*

- There was disappointment that no formal ditch and watercourse clearance programme existed

*Included within the proposed action plan (17.2)*

- Fly-tipping on private land is a blight on the district which should be cleared more regularly

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*A pragmatic approach is adopted where there will be difficulties in identifying owners (see paragraph 4.40 below). The public opinion research did not support expenditure clearing rubbish on private land generally, which should be the responsibility of the owner.*

- Better information should be provided to residents regarding tree preservation orders

*Included within the proposed action plan (18.3).*

- There is a need to provide an additional civic amenity site, perhaps in partnership with Southend

*Included within the proposed action plan (18.5).*

- 2.6 Members may wish to bear these earlier comments in mind when considering the service areas concerned and the action plan.

### **3 METHODOLOGY FOR THE REVIEW**

- 3.1 The review sought to

- Challenge the need for the service
- Critically examine the elements of each service
- Consider quality, cost-effectiveness and efficiency
- Compare with other service providers
- Develop an action plan of improvements.

- 3.2 The early stages of the review involved identifying the anticipated issues of concern for customers in each service area.

- 3.3 Subsequently, the areas that were identified where service improvements might be made were examined in greater depth and options for delivering those improvements were evaluated. Where a service, or element of a service, was assessed as already being of a high standard, no further work was carried out unless an improvement which could easily be implemented at little or no resource cost was identified. Appendix 1 provides an overview of the service areas reviewed and the key potential service improvements that were identified.

- 3.4 In some instances, potential areas for improvement were discounted by the review team after evaluation, and have not been included in the action plan as options. The reasoning for this decision in each case is set out in italics.

- 3.5 Views were sought from the Rayleigh & District Chamber of Trade and the Federation of Small Businesses on their assessment of the District/Council services and on their priorities.

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Their responses are at Appendix 2. Not surprisingly, both organisations ranked some safety and health issues (such as food safety) high in priority, but there were wide variations between the two on many of the other issues. The Federation of Small Businesses also assessed the Council's performance/quality of the district significantly lower than the Rayleigh and District Chamber of Trade.

- 3.6 As part of the review, Council approved the use of public opinion research consultants to test residents' views on a range of issues. Following discussions with several companies it became clear that to attempt to conduct such research across all the areas under review would be impracticable. The research, therefore, was focussed mainly on the "street scene"/environmental aspects of the review, on which most residents would be likely to have an informed view. This also had the advantage of linking with elements of the public space Key Line of Enquiry under the District's Comprehensive Performance Assessment and the "Our Environment" Best Value review.
- 3.7 As part of their work, the consultants brought together a small sample group of residents who had participated in the research, to attempt to obtain qualitative feedback on the reasons for the results obtained. This process is known as a "reflector group". The report is at Appendix 3.
- 3.8 This research cost £5280 from an approved budget of £10,000.

#### **4 DISCUSSION/SPECIFIC ISSUES**

- 4.1 Perhaps inevitably with such a wide-ranging review, the picture which has emerged of current performance is a mixed one.
- 4.2 The action plan contains both detailed, service-specific improvements and cross-cutting changes. The more significant ones are discussed below.

##### **Licensing Act 2003**

- 4.3 Members have previously been advised of this major piece of legislation, which received Royal Assent in July 2003. It transfers responsibility for liquor licensing from the Magistrates' Courts to Local Authorities and creates a new framework for personal licences and premises licences to control a variety of premises and activities. There will be a transitional period, probably from June 2004, during which applications will be made by both existing liquor licence holders and public entertainment licence holders, plus a number of new premises caught within the provisions of the new legislation. The Act is expected to fully come into effect in early 2005, at which time the existing public entertainment licensing framework will cease. It is estimated that there will be in the order of 200 premises licences, compared to the current 32 public entertainment licences, and 400—500 personal licences.

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- 4.4 The review team have given consideration to this important development and talks have been held with neighbouring Local Authorities to see whether joint, lead-authority or contracted arrangements for service delivery might be desirable. The analysis is at Appendix 4. The overall conclusion was that there were some areas, such as training, where contracted and/or joint service provision is practicable, but for the core administration of the new framework all the authorities were extremely cautious because of the political sensitivity of the work to be undertaken and the short implementation timetable. Arrangements therefore need to be put in place quickly to undertake the initial work including preparation of the Council's draft licensing policy for consultation, establishing the process for dealing with applications and notifications and setting up IT systems. This is complicated because at the time of writing this report the Government still has to publish six sets of regulations and the statutory guidance that will spell out much of the essential detail, including the statutory fee structure.
- 4.5 The review team identified that as well as the work generated by processing applications, issuing licences and enforcement – which will all be the responsibility of the licensing team – there is the potential for significant impacts on other areas of the Council's work:-
- Administrative & Member Services – IT systems; additional mail/calls; Appeals & Licensing Committee/Sub-Committee meetings
  - Environmental Protection – consultation on an increased number of premises with respect to noise implications
  - Legal Services – provision of legal advice to Members and officers and dealing with appeals through the Courts
  - Building Control – potentially, consultation on an increased number of premises with respect to fire safety implications (subject to clarification by Government about the inclusion of fire safety in the licensing regime and the role of the Fire Authority)
  - Corporate Policy/Community Safety – links with the Community Planning/LSP process; crime & disorder issues/substance misuse
  - Health & Safety enforcement – consultation on an increased number of premises with respect to safety issues
- 4.6 Additional staffing will be needed to administer the new licensing regime. Until it is clear which premises will apply for licences, the nature of the operations that are being applied for and the level of public or other comment or objection, it is difficult to judge what the long-term workload will be, but until the new regime is fully implemented and bedded in, it is estimated that three new posts will be required – a Licensing Manager, a Licensing Officer and an Administrative Assistant, with the Licensing Officer post being a temporary (3 year) appointment, to allow a re-evaluation of workload and organisation at an appropriate time.

In the meantime, the public entertainment licensing work currently undertaken by a number of staff within the Safety, Food & Regulation Unit of the Housing,

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Health & Community Care Division will be consolidated so that it is dealt with by one officer, who will then be able to move to the newly established licensing team. The new posts need to be filled as quickly as possible after the revised budget 2003/04 and estimates for 2004/05 have been agreed. Until the Regulations and statutory fee structure are published, it is unclear what the income and, therefore, net cost to the authority in implementing this Government initiative will be.

### **Consolidation of Licensing Activities**

4.7 There are common features of many “licensing” activities:-

- Determination of appropriate standards (having regard to legal requirements, guidance etc)
- Processing of applications, consultations, issuing of licences, permits, permissions etc, including record keeping.
- Monitoring and enforcement.

4.8 The review team concluded that there would be advantages in grouping these types of functions wherever practicable within a single licensing team to consolidate expertise and maximise efficiency in processing. Three alternative options for the most efficient organisational arrangements for a licensing team were considered by the review team.

- Legal Services – may offer the advantage of separating the administrative and technical aspects but has the potential disadvantages of involving legal officers in operational decisions, when they might later be called upon to give impartial legal advice to a Licensing Committee. It would also involve learning new skills in managing practical enforcement activities in the field.
- Administrative & Member Services – would require the development of a range of new skills and knowledge.
- Housing, Health & Community Care – has the advantage that some officers have been involved with the current licensing regimes, have been leading on the Council’s response for the new legislation and the technical/fieldwork skills already exist. But has the potential disadvantages of mixing the administrative and technical roles, and the Division already has a demanding agenda.

Corporate Management Board have concluded that in the short – medium term (the next two years) there is a need to establish the service as quickly and efficiently as possible to deal with the new Licensing Act implementation, and that this is most likely to be achieved by the Housing, Health & Community Care Division, given the factors outlined above. Many licensing functions are already undertaken within the Housing, Health and Community Care Division and, subject to Members’ agreement, the formation of a team to deal with the new Licensing Act as previously outlined could form the core of a comprehensive licensing unit.

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4.9 Over the next two years, the prime task for the team will be to implement the new Licensing Act, including the assimilation of public entertainment licensing. But in the medium term the team could deal with:-

- street trading consents
- pavement permissions
- gaming machine permits/licences
- scrap metal dealers licences
- small lotteries licensing
- house to house/street collections
- motor salvage operators registration
- sex establishment licensing
- game dealers' licences

These duties are currently undertaken by staff in various parts of the organisation, largely for historic reasons. They do not require detailed technical knowledge for effective administration.

4.10 An issue is whether Hackney Carriage and Private Hire and driver licensing should be transferred to a consolidated licensing team at some stage.

4.11 Some Members may recall the report of the Peer Group which was requested to undertake a review of the functionality, administration and legality of the taxi licensing function at Rochford to advise a Member Review in 2002.

The Peer Group reported:-

*“Rochford is an unusual authority in having the taxi licensing function resting with the Revenue and Housing Management function. We believe this to be unique in the U.K. In all other local authorities known to us, all licensing functions remain within the environmental health department (or equivalent). This is an important issue, particularly with the liquor licensing function transferring from the Magistrates Courts.*

*We recommend consideration be given to combining all licensing functions under one Head of Service.”*

4.12 A move of the taxi licensing function needs to be considered against the background of the recent creation of a transportation team within the Revenue and Housing Management Division, the expertise that has been acquired over the last four years by that Head of Service and the important work that the team have to carry out over the next two years with the implementation of Decriminalised Parking Enforcement (DPE) .

4.13 On balance, this is considered to be an inappropriate time to risk diverting attention from the implementation of DPE and the Licensing Act, but transfer of taxi licensing to a consolidated licensing team should be considered again

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in the medium term. The implementation of the outcomes of the housing stock option appraisal process, coupled with succession planning issues, will require a review of the Council's organisation/structure in 2005, and this could provide a sensible time frame to consider the location of the licensing unit functions and taxi licensing for the longer term.

**Our approach to enforcement**

- 4.14 The Council does not have a good track record in enforcing against offenders who carry out low level environmental crimes such as littering, fly tipping, unauthorised street trading, abandoning vehicles, or allowing dog fouling. This is largely for two reasons – the difficulty in gathering sufficient evidence to secure a prosecution and the absence of staff out and about whose clear responsibility it is to monitor for these offences.
- 4.15 The information that the review team gathered from a variety of sources – the Comprehensive Performance Assessment framework, the public opinion survey and Government publications such as “Living Spaces” point very clearly to the high priority given by the public to these issues and the need for the Council to be seen to be making a difference “on the streets”.
- 4.16 Various options were considered. The contracts inspectors could be trained, but this would divert them from their important task of effectively monitoring the street cleaning and refuse collection contracts. This was a problem recognised by Members when the contracts were last renewed. One or more specially appointed wardens could be employed, solely for these duties, but the impact would be small unless sufficient numbers were employed to regularly patrol the various parts of the District, and to cover holidays, sickness etc. The option being recommended is that enforcement of these crimes be included within the remit of the patrol enforcement officers that will be appointed to implement Decriminalised Parking Enforcement. It would be important that the two aspects of the job were given equal priority which will not be possible unless the proposed parking enforcement team is increased by at least one to allow sufficient time for all the staff to give proper attention to the environmental crime enforcement role and for the Council income stream from DPE to remain uninterrupted.

**Information and Education**

- 4.17 For many of the areas reviewed, it was concluded that there was a need to provide more information for the public to divert some requests currently being received, to promote and encourage positive action or behaviour and to help prevent or deter incorrect action or behaviour.
- 4.18 A co-ordinated and planned information campaign over a period of, perhaps 1-2 years was seen as the best way of avoiding conflicting messages and overlapping events that dilute each other's impact.



- 4.19 The provision of useful, timely information for customers was identified many times during the review as an area that can be improved. The re-design of the Council's website will assist in this respect, but it will be essential that all services provide appropriate information and keep it up to date. Useful links to other reputable organisations and agencies enhance the value of the Council's website to customers.

For example, one issue arising from the public opinion research was the regular posting on the website of a list of organisations authorised to conduct house-to-house and street collections. This would enable members of the public to check whether a collection was bona fide, and encourage reporting of unauthorised collections.

The review also identified the potential for IT to provide enhanced service for its customers, through the development of interactive services, for example, allowing the reporting of problems, or the making of licence applications etc on line (as is now possible through the planning portal for planning applications).

#### **Out of Office Hours Service**

- 4.20 Callers to the Council outside normal office hours are able to leave messages if the matter is non-urgent, or to contact the emergency service operated for the Council. That service has an "out of hours plan" which determines what the response should be to various situations. For non-urgent issues, the caller is requested to contact the Council on the next working day. For issues that do need further action by the Council, a series of contact names and telephone numbers is given for the emergency service operator to call. There are about 30 Officers whose names appear on the out of hours plan, plus the sheltered scheme wardens.
- 4.21 The number of calls to the out of hours service varies, from around 30 up to 80 per month, typically about 45. More calls seem to be received in winter than in summer.
- 4.22 The highest number of calls relate to housing maintenance issues that are referred directly to the appropriate contractor(s). The actual number of calls to officers varies from around 8 per month to 23, typically about 13 per month. Not every such call requires an officer to attend on site.
- 4.23 The out of hours plan lists officers to be contacted and dependent on the subject area, this can range from one person up to six, although three to five names is usual.
- 4.24 The staff listed are not paid any standby allowance and there is no guarantee that they will be available to receive a call. This has been identified both in this review and in the Emergency Planning review as an issue that needs to be considered. Although the frequency of a significant event happening that

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needs an emergency response is relatively low, the risk to the Authority if no appropriate response is available is high for real emergency situations, for example, structural damage to buildings, major food poisoning incidents and serious accidents in premises where the Council is the enforcing authority.

Recently, the Health Protection Agency has requested all Councils to sign up to a joint protocol for the control of communicable disease. This involves a commitment to an out of hours response which cannot under present arrangements be guaranteed. Similarly, Essex Police are seeking agreement of all Councils to an operational protocol for the response to unlicensed 'rave' type events. Similar issues arise with an appropriate out of hours response.

- 4.25 Any decision to move to a more formal stand by arrangement which will guarantee staff availability has potential cost and operational implications. Some recompense to staff who are on standby will be needed to ensure a sufficient level of participation in any scheme. To include all the staff who are within the current arrangements is likely to cost, perhaps, up to £60,000 p.a. Reducing the number would reduce the cost but would mean that the appointed staff would have to undertake cover duty on a rota at a frequency that would increase the more the number is reduced. There is no doubt that being on 24/7 callout imposes restrictions on the relaxation and freedom of staff who have already worked their contracted hours, and participating in such a system may not be attractive to some staff, even with a payment. Also, reducing the number of core staff on rota means that those on call would have to deal with wider range of issues. Even with a core of staff on standby, there is no guarantee of being able to contact a colleague with technical expertise in the area concerned. For some work, for example food safety, this presents a high level of risk and arrangements for paid standby need to be considered for certain key specialists as part of the overall package.
- 4.26 Being on standby duty itself is unlikely to trigger the rest period requirements of the Working Time Regulations, but if an officer was called, during the night for example, this would require the minimum rest periods to be implemented and could mean that the Officer was unavailable for work part or all of the following day.
- 4.27 There is also the issue of whether a responsive service should be provided to deal with nuisance complaints about noise, odours and similar issues. Council has decided on a number of occasions over recent years not to make budget provision for introducing such a service, given the nature of the District and other, higher priority, demands on the Council's limited resources.
- 4.28 The Comprehensive Performance Assessment framework for public space suggests that a high scoring Council will ensure that all callers reporting pollution problems will receive clear advice and an effective response and that an out of hours emergency number will be well advertised and reliably answered. It will not be possible to score highly in respect of problems arising

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outside hours unless it is possible, where necessary, for a suitably trained officer to attend. However, the public opinion research did not strongly support the need for this service. Officers dealing with a range of pollution problems and other environmental health work do undertake planned work outside normal office hours.

- 4.29 If a standby rota arrangement for out of hours emergencies is established, as described above, then that system could be used to filter and determine those calls where a technical officer needs to make a site visit, but for some types of work this will require a second tier standby arrangement of suitably trained officers who can, if necessary, serve notices, obtain access warrants, carry out immediate remediation measures, gather evidence and so on. As has previously been reported to the Council, this is likely to cost a minimum of £25,000 p.a.
- 4.30 In conclusion, the present system for emergency calls has worked reasonably well over many years, given the characteristics and size of the district, but the “hit and miss” nature of the arrangements does potentially leave the authority exposed to a high level of risk should a significant event occur that demands a response. It is suggested that a review of the staff included in the out of hours and emergency plans be carried out with a view to reducing the number, having regard to the issues discussed above. Then negotiations can be carried out with staff with the objective of agreeing a standby rota system, with lump sum payment. A decision is also needed on whether to proceed with a responsive out of hours service for environmental nuisance issues.
- 4.31 Arrangements for the sheltered housing schemes will not be included in any such review. The new management regime is working well from an administrative point of view and all tenants are being surveyed as to their perception of the service.
- 4.32 Before embarking on a review of out of hours arrangements, there needs to be an in-principle understanding that it will lead to a significant revenue budget costs.

### **Licence Fees**

- 4.33 The review considered the Council's current fees for animal welfare licences and public entertainment licences . For both, the Council's fees are broadly in the middle of the range of fees charged by other Essex Councils.
- 4.34 The Council's present policy is to waive public entertainment licence fees for school premises and to consider other applications individually. The Head of Housing, Health & Community Care has delegated authority to determine waiver applications up to £1,000. In the past, Members have always granted either 80% or 100% waivers for charitable and community events, but in considering a recent application from a Parish Council the committee

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indicated that it was unlikely that a future application would receive any waiver. (Minute 331/03)

- 4.35 As mentioned previously, the whole regime for licensing public entertainments will change with full implementation of the Licensing Act, probably early in 2005. There will be a statutory fee structure.
- 4.36 In the intervening period it would be possible for the Council to change the previous practice and no longer grant waivers to Parish and Town Councils because they have revenue gathering powers. This could be implemented from the start of the new financial year. If notice is given promptly following this meeting, the costs likely to be incurred in running the events can be budgeted for by the bodies concerned. The same policy could be applied to Street Trading Consent fee waivers.

**“The Polluter Pays” principle**

- 4.37 In considering a number of issues, the question of how far the Council should go in providing clearance services arose. For example, with abandoned vehicles some authorities have declared an amnesty, often for a limited period or in a specific area or estate where there is a big problem. With fly-tipping, providing a free, easy to use disposal service would undoubtedly reduce the likelihood of dumping.
- 4.38 The review group considered that recommending such services would not only be potentially costly, but would also send out the wrong message and be open to abuse. What is suggested is the development of a balanced approach, with reasonably accessible disposal facilities and services and stronger enforcement against those committing offences. This links with the approach described in 4.14 – 4.16 above. This was supported by the public opinion reflector group.

With abandoned vehicles, recovery of costs will become more practicable once the law changes to make the last registered keeper the responsible person, but implementation details are still awaited from the Government.

- 4.39 The Council's free bulky household goods collection service probably helps to prevent some fly tipping but demand has undoubtedly grown as waste disposal charges have increased and retailers have stopped collecting goods when supplying new items. Many other local authorities make a nominal charge for such services and this principal was supported by the public opinion reflector group. It is recommended that negotiations be undertaken with the Council's waste collection contractor to introduce a bulky goods collection charge of £10.00 (inclusive of VAT) for a single item, and a further £5.00 for each additional item. The contractor would collect and retain the income and administer the scheme and the Council would no longer be obliged to pay the contractor for the service, which currently costs approximately £45,000 per year. The contractor would be able to extend the

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service beyond the current policy limitations to include, for example, garden furniture, so extending customer service.

- 4.40 Consideration was given to the removal of waste dumped on private land, but it was felt that owners should be responsible for clearance of waste from their land.

However, in the general interests of the community and the local environment, the Council currently adopts a pragmatic approach to removing limited dumped waste from sites where ownership cannot be established or where there are potentially many jointly responsible owners, such as alleyways. This approach has resulted in a considerable reduction in public complaints.

#### **Preventing future pollution**

- 4.41 One of the highest responses from the public opinion survey relates to the need to introduce a proactive service to target industrial sites to prevent future pollution.
- 4.41 When the small public opinion reflector group was questioned about this, it seems that they all had waste disposal issues in mind when they responded to the survey. What concerned them was that waste disposal sites are properly managed and controlled and that the Council makes its voice heard in debates about future waste disposal options, particularly major facilities which might be proposed locally.
- 4.42 This is useful feedback which is being referred to the Best Value 'Our Environment' review which is considering the strategic issues.

#### **Preventing Flooding**

- 4.44 The public opinion survey also showed strong support for carrying out an increased level of clearance of ditches and watercourses, to help reduce the risk of flooding. This was identified by the review group as an area where the current resources only allow a small amount of proactive work. An increased budget provision is recommended in the action plan.

#### **Planning Enforcement**

- 4.45 The planning enforcement workload means that many cases are not able to be progressed in reasonable timescales. There is a prioritisation system when the case is first raised and this dictates the speed of initial response, but once the initial assessment and action has been taken, there is no system to ensure that the highest priority work is dealt with first.
- 4.46 It is proposed that a priority system be introduced, which will allow customers to be given a realistic assessment of when their case will be dealt with and ensure that resources are directed to the most important tasks. With current

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resources there are likely to be some lower priority cases that will not be dealt with.

### **Protecting our Trees**

- 4.47 The present arrangements for dealing with dangerous trees using environmental health staff, who are dependent on advice from the Woodlands and Environmental Staff is not the most efficient or effective use of resources.
- 4.48 Tree preservation orders are dealt with by Woodlands and Environmental Staff, but they have not been provided with enforcement training and the team's work has been dominated for some time by the development of the Cherry Orchard Jubilee Country Park. However, some external funding is now available and Members have recently agreed to increase staffing in the team by three posts.
- 4.49 Conditions relating to tree protection are sometimes included in planning permissions. Planning enforcement officers are dependent on the Woodlands and Environmental staff for technical advice when it comes to determining what work can properly be carried out to a tree.
- 4.50 Since all the enforcement work concerning trees relies heavily on the technical assessment of their condition and what can or cannot safely be done to them, it is logical to consolidate all this work with the staff who have that expertise. Training in enforcement action will need to be given. It is proposed that this transfer of duties takes place on 1 April 2004.

### **Housing Enforcement**

- 4.51 The main issue identified by the review is the imbalance between workload and the staff resource available. Many cases are not able to be progressed quickly enough and some important areas of work cannot be tackled, such as identification and inspection of houses in multiple occupation.
- 4.52 It is proposed that a priority system be introduced, which will allow resources to be directed more consistently at higher priority work and give customers a realistic assessment of when their case will be dealt with.
- 4.53 It is also proposed that estimates be obtained for the use of agency/consultancy staff to undertake initial survey work to identify and risk-rate houses in multiple occupation so that future resource needs can be properly assessed.

### **Outplacement of Service Provision**

- 4.54 Some services considered in the review have already been tested through competitive tendering, for example, pest control, collection of litter/dog waste and much of the food premises inspection programme.

4.55 Because of the scope of the review and time pressures, only limited investigation was carried out of the potential to outsource further work, but the conclusion was that there seem to be two potential options for testing further services through a competitive process.

- Some individual services or parts of a service. An example might be health and safety enforcement inspections
- Much larger service blocks, potentially involving transfer of significant numbers of Council staff to a contractor.

4.56 Members will recall that the Council's health & safety enforcement work was subjected to an external review by the Health & Safety Commission approximately 18 months ago, and that the improvement plan which was put in place is now well advanced. For the first time in a number of years, the Council is undertaking a prioritised programme of inspections, and this will take at least 5 years to complete with existing resources. Experience since the inspection programme started shows that because businesses have gone for a long time without regulatory inspection, there are often significant and/or multiple issues to be dealt with. Outsourcing the inspections whilst this situation prevails is not advisable, since the contractors will either pass on all the problems they identify for Council Officers to resolve or, alternatively, incur substantial costs which will be passed on to the Council in following through their initial inspections with follow-up visits, service of notices, prosecutions etc.

There is the additional difficulty that further increasing outsourcing of environmental health functions would deplete the establishment of competent technical staff, making it impossible to respond effectively to emergencies and to deal with technical and legislative changes.

4.57 The review team considered the outsourcing of one or more larger service blocks. This has taken place in a small number of instances elsewhere around the country, but to be attractive to the large companies that have the experience and capacity to handle the work, any contract would probably have to include many of the Council's functions. The team's conclusion was that Rochford is simply too small to consider this kind of major outsourcing yet still retain the capacity to deal with the strategic and policy agenda, emergencies etc. This is consistent with the conclusion drawn from informal discussions held with KPMG as part of the Finance Best Value Review.

## **5 WAY FORWARD AND ACTION PLAN**

5.1 The proposed action plan for improvement to regulation, inspection and protection services is attached at Appendix 5.

5.2 The plan seeks to target the key issues arising from the review where improvements could be made from the customer's perspective and an

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indication is given of the relative priority of each proposal where there are resource implications.

5.3 The Committee is requested to confirm those improvements with cost implications that Members wish to be included for consideration in the revised budget for 2003/04 and the draft revenue estimates for 2004/5.

5.4 In the context of Comprehensive Performance Assessment it is important for there to be clarity around what are, and are not, priorities. Those proposals which after consideration are not agreed, will be easily identifiable as low or non-priorities. For future development of the CPA framework, it will be necessary to record why issues are deemed low or non-priorities

## **6 RESOURCE IMPLICATIONS**

6.1 Resource implications for the various actions being proposed are set out in the report and action plan.

## **7 RISK MANAGEMENT**

### **7.1 Strategic Risk**

The report and draft action plan set out a number of proposed cross-cutting changes which affect the way that the Council operates.

### **7.2 Resource Risk**

The most significant resource risk is the uncertainty around the long-term administration and enforcement of the new Licensing Act framework, and the extent to which the new costs will be offset by fee income.

### **7.3 Operational Risk**

The establishment of new teams and the moving/consolidation of functions will inevitably have a temporary impact on service provision, but with careful planning and implementation, this can be minimised. There is also an operational risk in doing nothing, in that some anomalies and inefficient working practices will continue.

### **7.4 Reputation Risk**

The proposals are designed to help the Council maintain and enhance its reputation as an efficient organisation by directing resources at priority issues identified by residents and improving service provision.

### **7.5 Information Risk**



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The action plan proposes improvements to communication using IT and other methods.

**7.6 Regulatory Risk**

The Council has a duty to implement the new Licensing Act provisions.

**8 CRIME & DISORDER IMPLICATIONS**

8.1 Many of the proposals made in the report and action plan strongly support the enhancement of community safety, particularly those relating to the Licensing Act and reducing environmental street crime.

**9 ENVIRONMENTAL IMPLICATIONS**

9.1 Many of the proposals in the report and action plan are designed to improve the quality of the local environment, for example, by reducing littering, fly-tipping, fouling etc.

**10 PARISH IMPLICATIONS**

10.1 The proposals regarding the removal of fee waivers for public entertainments and street trading affect those Parishes which organise such events.

**11 RECOMMENDATION**

It is proposed that the Committee **RESOLVES**

- (1) To consider and approve, with any amendments required, the action plan.
- (2) To include the items from the action plan which are agreed by this Committee for consideration in the revised budget for 2003/04 and for the draft revenue estimates 2004/05.

Graham Woolhouse

Head of Housing, Health & Community Care

**Background Papers:**

Audit Commission – Comprehensive Performance Assessment framework for District Councils

For further information please contact Graham Woolhouse on:-

Tel:- 01702 318044

E-Mail:- [graham.woolhouse@rochford.gov.uk](mailto:graham.woolhouse@rochford.gov.uk)