Public Document Pack

# Overview and Scrutiny Management Committee

Thursday, 12th November, 2020
at 5.30 pm

**PLEASE NOTE TIME OF MEETING**

Virtual Meeting

This meeting is open to the public

**Members**

Councillor S Galton (Chair)
Councillor Fuller (Vice-Chair)
Councillor Bell
Councillor Bunday
Councillor Cooper
Councillor Harwood
Councillor Renyard
Councillor Whitbread
Councillor Fitzhenry

**Appointed Members**

Nicola Brown, Primary Parent Governor
Catherine Hobbs, Roman Catholic Church
Francis Otieno, Primary Parent Governor
Claire Rogers, Secondary Parent Governor
Rob Sanders, Church of England

**Contacts**

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Scrutiny Manager
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## PUBLIC INFORMATION

### Overview and Scrutiny Management Committee

The Overview and Scrutiny Management Committee holds the Executive to account, exercises the call-in process, and sets and monitors standards for scrutiny. It formulates a programme of scrutiny inquiries and appoints Scrutiny Panels to undertake them. Members of the Executive cannot serve on this Committee.

**Role of Overview and Scrutiny**

Overview and Scrutiny includes the following three functions:

- Holding the Executive to account by questioning and evaluating the Executive's actions, both before and after decisions taken.
- Developing and reviewing Council policies, including the Policy Framework and Budget Strategy.
- Making reports and recommendations on any aspect of Council business and other matters that affect the City and its citizens.

Overview and Scrutiny can ask the Executive to reconsider a decision, but they do not have the power to change the decision themselves.

**Use of Social Media**:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council's Guidance on the recording of meetings is available on the Council's website.

**Southampton: Corporate Plan 2020-2025 sets out the four key outcomes**:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

**Procedure / Public Representations**

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

**Smoking Policy:-** The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Fire Procedure:-**

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access is available for disabled people.** Please contact the Democratic Support Officer who will help to make any necessary arrangements.

**Dates of Meetings: Municipal Year 2019/20**

| 2020 | 2021 |
|---|---|
| 11 June | 14 January |
| 9 July | 4 February |
| 13 August | 11 March |
| 10 September | 15 April |
| 15 October | |
| 12 November | |
| 10 December | |

# CONDUCT OF MEETING

## TERMS OF REFERENCE

The general role and terms of reference for the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

## BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

## RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules and the Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

## QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

## DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, ***both*** the existence ***and*** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

## DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.
(ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
(iv) Any beneficial interest in land which is within the area of Southampton.
(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

**1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

**2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

**3 DECLARATIONS OF SCRUTINY INTEREST**

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

**4 DECLARATION OF PARTY POLITICAL WHIP**

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

**5 STATEMENT FROM THE CHAIR**

**6 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meetings held on 15th October, 2020 and to deal with any matters arising.

**7 PROVISION OF AN ENVIRONMENTAL ENFORCEMENT SERVICE - PERFORMANCE UPDATE** (Pages 3 - 10)

Report of the Cabinet Member for Stronger Communities providing the Committee with an update on the performance of the recently established Environmental Enforcement Service.

**8 MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE** (Pages 11 - 14)

Report of the Director, Legal and Business Operations, enabling the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.

Wednesday, 4 November 2020 Service Director – Legal and Business Operations

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SOUTHAMPTON CITY COUNCIL
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

MINUTES OF THE MEETING HELD ON 15 OCTOBER 2020

Present: Councillors S Galton (Chair), Fuller (Vice-Chair), Bell, Bunday, Cooper, Fitzhenry, Harwood, Renyard and Whitbread

Apologies: Appointed Members: Catherine Hobbs, Rob Sanders, Nicola Brown, Francis Otieno and Claire Rogers

Also in attendance: Councillor Leggett, Cabinet Member for Green City and Place

## 19. APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

Apologies were noted from Appointed Member Rob Sanders.

## 20. MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

**RESOLVED** that the minutes of the meeting held on 10th September 2020 be approved and signed as a correct record.

## 21. AIR POLLUTION IN SOUTHAMPTON DURING LOCKDOWN

The Committee noted the report of the Cabinet Member for Green City and Place providing a summary of air quality variations in Southampton during the lockdown period and indicating whether Southampton's experiences were consistent with other cities and those assumptions that support the Council's Clean Air Strategy.

The following amendment to the report was duly noted – paragraph 25 Shipping Activity delete '$SO_2$ concentrations' replace with '$NO_2$ concentrations'.

Councillor Leggett, Cabinet Member for Green City and Place was in attendance and with the consent of the Chair addressed the meeting.

The Committee discussed the following with the Cabinet Member:

- Transboundary issues in Southampton and, in particular, comparisons with other coastal cities.
- The influence of particulates on people's health.
- How data was being gathered, modelled and ratified across the City.

The Committee acknowledged the work that was being undertaken and requested that they were kept informed of the findings.

22. **CITY VISION - PROGRESS UPDATE**

The Committee considered the report of the Cabinet Member for Green City and Place detailing a progress update on the City Vision.

Councillor Leggett, Cabinet Member for Green City and Place was in attendance and with the consent of the Chair addressed the meeting.

The Committee discussed the level of engagement with the consultation in particular areas of under representation and how this was being addressed.

**RESOLVED** that a breakdown of the source of responses to the consultation, in particular the percentage of responses generated by the People's Panel, was circulated to the Committee.

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| **DECISION-MAKER:** | OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE |
| **SUBJECT:** | PROVISION OF AN ENVIRONMENT ENFORCEMENT SERVICE |
| **DATE OF DECISION:** | 12 NOVEMBER 2020 |
| **REPORT OF:** | CABINET MEMBER FOR STRONGER COMMUNITIES |



| **CONTACT DETAILS** | | | | |
|---|---|---|---|---|
| **Executive Director** | **Title** | Executive Director – Community, Culture and Homes | | |
| | **Name:** | Mary D'Arcy | Tel: | 023 8083 4611 |
| | **E-mail** | mary.d'arcy@southampton.gov.uk | | |
| **Author:** | **Title** | Service Manager – Environmental Health, Trading Standards and Community Safety | | |
| | **Name:** | Gavin Derrick | Tel: | 023 8083 7537 |
| | **E-mail** | gavin.derrick@southampton.gov.uk | | |



| **STATEMENT OF CONFIDENTIALITY** | | |
|---|---|---|
| Not Applicable | | |
| **BRIEF SUMMARY** | | |
| This paper provides an overview of the environmental enforcement services introduced in 2020 to tackle littering and fly-tipping in Southampton. | | |
| **RECOMMENDATIONS:** | | |
| | (i) | That the Committee are asked to note the contents of this report. |
| **REASONS FOR REPORT RECOMMENDATIONS** | | |
| 1. | Southampton City Council has developed the capability to take enforcement action to deter fly tipping and littering offences in Southampton through the creation of two new environmental protection officer posts to tackle fly tipping and the establishment of a partnership with East Hampshire Commercial Services to deal with littering offences.<br><br>Members are asked to note activity during the initial period of operation of the Council's environmental enforcement services. | |
| **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED** | | |
| 2. | Not applicable – The consumer protection and environmental service required the additional resource provided through the two new posts and the partnership arrangement with East Hampshire Commercial Services (EHCS) to provide the capacity for enforcement activity. EHCS provide a specialist enforcement service to tackle littering through the use of fixed penalties. | |
| **DETAIL (Including consultation carried out)** | | |

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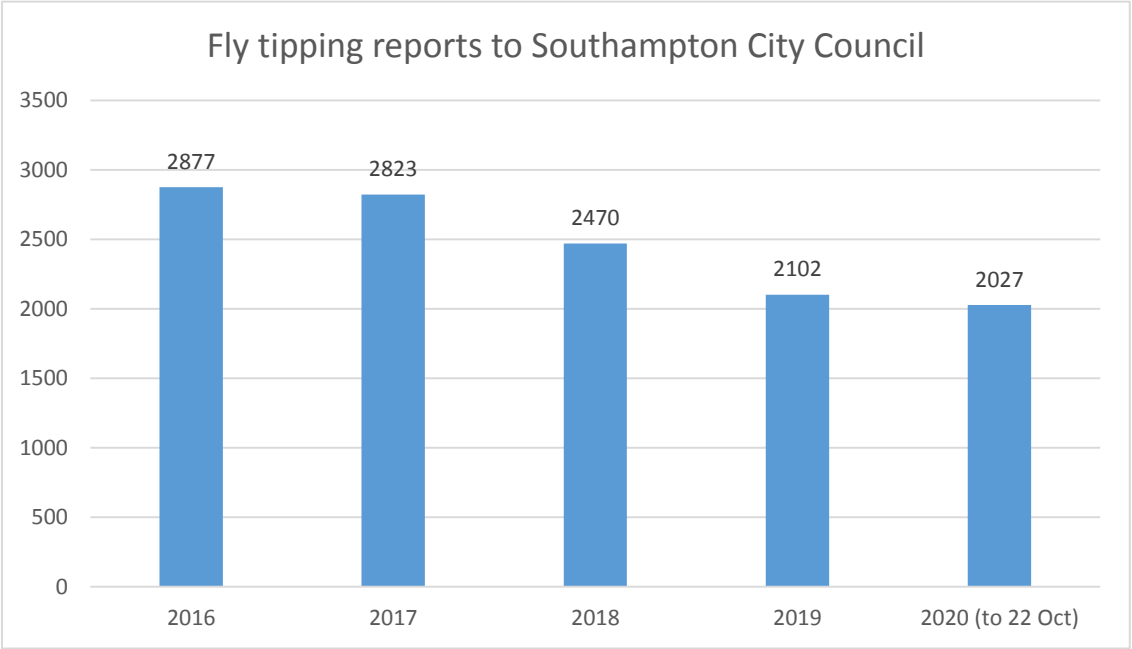
| 3. | Environmental crimes, such as littering and fly-tipping can have a detrimental impact on quality of life for the city's residents and in some circumstance can present economic and public health risks. |
| 4. | Littering and fly-tipping are criminal offences and there are a range of sanctions available to local authorities, including the use of fixed penalties as an alternative to prosecution. |
| 5. | Previously enforcement activity was carried by the Council's City Patrol Service, which comprised four uniformed officers with CCTV equipped vehicles who investigated a range of environmental crimes, including littering, fly tipping, dog fouling, graffiti, fly posting etc. |
| 6. | The City Patrol Service was disbanded in April 2015 and in the years that followed no Council service was focussed on taking enforcement action in response to littering and fly tipping complaints. The environmental health service did investigate fly tipping complaints and took enforcement action (including prosecution) but the resources available for this activity were limited. |
| 7. | In 2020, the Council's capability for tackling littering and fly tipping has increased significantly with the creation of two new environmental protection officer posts (focussed on fly tipping enforcement activity) and the introduction of a partnership with East Hampshire Commercial Services (EHCS) to provide uniformed officers to tackle littering offences. |
| | **Environmental Protection Officers – fly tipping enforcement** |
| 8. | The Council's two new environmental protection officers started on 21 September 2020. The officers are focussed on investigating fly tipping within the city and pursuing enforcement action against offenders. |
| 9. | The officers both have backgrounds in investigation and law enforcement and have 'hit the ground running', with a number of active investigations in progress. |
| 10. | Partnership working is key to successful outcomes (particularly where an offender fly tips in a different local authority's area) and the officers are building working relationships with the neighbourhood police teams in the city; the enforcement officers working for neighbouring local authorities (e.g. Test Valley, Eastleigh and New Forest); the Environment Agency and other Southampton City Council teams such as City Services and our CCTV operator. |
| 11. | The officers actively participate in the Hampshire Fly Tipping Partnership, which provides a network for local authority enforcement officers and other stakeholders to share intelligence and best practice across the county. |
| 12. | The officers have already worked with in partnership with Test Valley Borough Council on the prosecution of a Southampton resident who was convicted on 21 October at Southampton Magistrates Court and received a fine and costs of £2,679.50. |
| 13. | The officers are engaging with residents and businesses who are identified as failing to comply with the duty of care when disposing of waste material, initially through the use of written warnings. The officers are looking to develop the use of all enforcement tools available within the legislation, including the use of fixed penalties when appropriate. |
| 14. | Prosecuting fly tipping offenders can be challenging, particularly prolific offenders who are used to the criminal justice system and investigation can be |

time consuming but already the officers are building cases and it is anticipated that legal proceedings will follow in the coming months.

15. The demand on the service is high and the officers are prioritising enforcement activity by targeting repeat offenders, who are often operating as a 'waste disposal' business and focussing on fly tipping 'hop spots'.

16. Southampton residents can report fly tipping incidents via the Council's website (the preferred reporting route) or via the contact centre. Fly tipping is on the increase across the country and has been subject to national media attention, although the number of fly tipping incidents reported to Southampton City Council is not reflecting the national trend. The graph below shows the number of reported fly tipping incidents received by Southampton City Council over the past five years:




17. The number of reported incidents received by the Council during the six month period April – September 2020 is summarised in the table below:

| Month (2020) | Reported fly tipping incidents |
|---|---|
| April | 181 |
| May | 151 |
| June | 241 |
| July | 281 |
| August | 223 |
| September | 274 |
| **Total** | **1351** |

18. It is not possible to investigate every reported fly tipping incident and often there will be no lines of enquiry to pursue (for example a mattress may appear on a

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| | pavement, with no evidence to identify the source and no witness to provide any information to support an investigation). In these situations prompt removal is the most appropriate cause of action, but may not satisfy the person reporting the incident as there is a strong desire for punitive action by the Council which may not be possible without robust evidence identifying an offender. Publication of successful enforcement action by the environmental protection officers will help to provide a deterrent over the coming months. |
| | **Littering Enforcement - East Hampshire Commercial Services Limited** |
| 19. | The Council has entered a partnership with East Hampshire Commercial Services Limited (EHCS) to provide littering enforcement within Southampton. The coronavirus restrictions delayed the launch of this partnership, with enforcement activity starting on 23 June 2020. |
| 20. | EHCS provide uniformed officers who patrol open spaces in the city to deter littering offences. The officers are authorised to issue fixed penalties to individuals who are observed dropping litter in an open public space. The officers operate a 'zero tolerance' approach, so that a person observed dropping litter will be approached, their name and address details will be obtained**,** and a fixed penalty notice will be issued. |
| 21. | The fixed penalty for dropping litter is £75, with a reduction for payment within ten days to £55. |
| 22. | EHCS are paid £55 for each fixed penalty which is issued. Offenders can pay the fixed penalty through the Southampton City Council website (the preferred method of payment) or by telephone via the contact centre. Some fixed penalties are paid by cheque. |
| 23. | EHCS are responsible for follow up activity including the pursuit of non-payment and the preparation of legal proceedings for those offenders who do not pay the fixed penalty. |
| 24. | Enforcement activity has been higher than initially anticipated and the table below shows the fixed penalties issued during the first months of operation: |

| **Month** | **Fixed penalties issued** |
|---|---|
| June<br>(part month from 23/06/2020) | 30 |
| July | 302 |
| August | 673 |
| September | 716 |
| October<br>(part month up to 19/10/2020) | 423 |
| **Total** | **2144** |

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| 25. | Enforcement activity initially focussed on the city centre and the commercial districts. Officers have also been directed to areas which have been subject to complaints about littering. The table below shows the geographical distribution |

of fixed penalties issued across the city:

| Location | Fixed penalties issued |
|---|---|
| City Centre | 1745 |
| Shirley | 250 |
| Bitterne | 56 |
| Portswood | 49 |
| Woolston | 31 |
| Millbrook / Redbridge | 10 |
| Other | 3 |
| **Total** | **2144** |

26. Analysis of fixed penalties which are paid shows that approximately 90% are paid within 10 days (at £55) with almost 10% of payments made after the ten days (at £75) – see table below:

| | Fixed penalties paid | Percentage |
|---|---|---|
| Payment within ten days - £55 | 1306 | 90.6% |
| Payment after ten days - £75 | 136 | 9.4% |
| **Total** | **1442** | **100%** |

In the period 23 June 2020 – 19 October 2020, a total of 2,144 fixed penalties have been issued.

27. Although the enforcement activity operates on the basis of 'zero tolerance' of littering, there are circumstances where the enforcement officers approach a suspected offender but do not issue a fixed penalty. This may be due to the individual being identified as under 18 years of age; or vulnerable; or a non-UK resident. There are 33 recorded approaches which did not lead to a fixed penalty being issued for these reasons.

28. There are circumstances where a fixed penalty is issued, but subsequently withdrawn or not pursued due to:

- false information being provided by the offender
- medical information being provided as mitigation by the offender
- evidence being provided that the offender is under 18 years old
- evidence being provided that the offender is vulnerable
- the offender no longer residing in the UK.

29. In the period 23 June 2020 – 19 October 2020, a total of 130 fixed penalties were withdrawn or not pursued for the reasons above. In case the offender is sent written confirmation that the fixed penalty has either been withdrawn or will not be pursued. This equates to 5.7% of fixed penalties which are issued being withdrawn or not pursued. EHCS are not paid for fixed penalties which are withdrawn or not pursued.

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| 30. | Fixed penalties are not always paid. If an offender does not pay the penalty, reminder letters are sent by EHCS warning that legal proceedings will commence if the penalty remains unpaid. EHCS will then prepare legal proceedings. The first batch of prosecutions were heard at Southampton's Magistrates' Court in September 2020. Five cases were set before the Court and all were proven in absentia. Each offender was fine £220 for littering, together with a cost award of £85 and a £34 victim surcharge, totalling £339. |
| 31. | A further 30 cases were heard by the Magistrates on 27 October 2020 and proven in absence. Again, offenders received a Court fine of £220 and were ordered to pay £168.75 costs together with a £34 victim surcharge. The Court summons led to two offenders paying the fixed penalty to prevent the matter being dealt with at Court. |
| 32. | A further 40 unpaid fixed penalties are to be considered by the Court on 1 December 2020, followed by 80 cases listed on 8 December 2020 and another 80 cases to be heard on 5 January 2021**.** |
| 33. | The number of unpaid fixed penalties issued during the period 23 June – 19 October 2020 totals 700. This means that two thirds of fixed penalties are paid – see below. Some of the unpaid fixed penalties are withdrawn or not pursued. Fixed penalties which remain unpaid are pursued through the Court (see above). |

| Total fixed penalties issued | 2144 | Percentage |
|---|---|---|
| Paid | 1444 | 67.4% |
| Unpaid | 700 | 32.6% |

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| 34. | There is a lag period between the fixed penalty being issued and the payment being received. Some offenders will make late payment, often in response to a final reminder letter notifying imminent prosecution or the receipt of the Court pack. The table below reflects this pattern, with a higher proportion of payments being received in the months at the start of the enforcement activity. |

| **Month fixed penalty issued** | **Percentage paid** |
|---|---|
| June | 83% |
| July | 76% |
| August | 79% |
| September | 69% |

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| 35. | Unpaid fixed penalties can have cost implications for Southampton City Council, as EHCS are paid £55 per fixed penalty issued (less those which are withdrawn) but the Council may not receive the income to offset this payment to EHCS if the offender does not pay the fixed penalty. This gap is partially offset by the late payments, where the offender pays the Council £75, but EHCS are still paid £55 for issuing the fixed penalty. As the contract continues officers will keep this under review. |
| 36. | Active communications are prepared to publicise the anticipated successful outcome at Court for those offenders who chose to not pay the fixed penalty and were prosecuted. Publicising these convictions, including the penalty imposed by the Court, should encourage the payment of fixed penalties by other recipients**.** |
| 37. | In the period 23 June – 19 October 2020, EHCS have provided 200 officer days of enforcement activity in Southampton (i.e. 2 officers patrolling for one |

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| | day is calculated as 2 officer days). On average, each officer issues approximately 10 fixed penalties per day (9.9 fixed penalties per officer day). |
| 38. | This is a relatively short period of time and of course will remain under review to ensure that the contract and outcomes are both cost effective and support the desired behaviour change across the city. |
| 39. | The performance by EHCS is reviewed by the service manager for environmental health, trading standards and community safety who meets with the EHCS account manager every month. |
| **RESOURCE IMPLICATIONS** | |
| **Capital/Revenue** | |
| 40. | The unpaid fixed penalties have financial implications for Southampton City Council due to EHCS receiving the full £55 due for each fixed penalty issued, with Southampton City Council receiving all payments made by offenders paying a fixed penalty. An unpaid fixed penalty creates a deficit for Southampton City Council which is only partially offset by the addition payments made when a fixed penalty is paid late at £75. |
| 41. | The deficit accrued during the initial four months of operation is approximately £28,000. This is over and above the budget assumption on unpaid fines, but is not a final figure as this will reduce as late payments are made and prosecutions are concluded. Options will be reviewed in the second quarter of the arrangement to ensure this is reduced as follows;<br><br>• Raising the amount of each fixed penalty to £80 (or £65 for payment within ten days). EHCS will still receive £55 per fixed penalty, with the surplus offsetting the unpaid fixed penalties. This level is consistent with fixed penalties issued by other local authorities;<br><br>• Reviewing the operating model, so that Southampton City Council pays EHCS a daily rate for the services of the enforcement officer and retains the payments made by individuals issued with a fixed penalty. |
| 42. | It should be noted that the arrangement with EHCS can be terminated with three months written notice should the costs to the Council significantly outweigh the benefits going forward. |
| **Property/Other** | |
| 43. | Not applicable |
| **LEGAL IMPLICATIONS** | |
| **Statutory power to undertake proposals in the report:** | |
| 44. | Part II of the Environmental Protection Act 1990 provides local authorities with powers to take enforcement action in response to fly tipping and littering offences. |
| **Other Legal Implications:** | |
| 45. | Southampton City Council has established a deed of delegation allowing East Hampshire Commercial Services to issue fixed penalties for littering within the city boundary. The arrangement can be terminated by either party with three months written notice of termination. |

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| | The deed of delegation has been established in accordance with the relevant provisions of the Local Government Act 1972, the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012. |
| **RISK MANAGEMENT IMPLICATIONS** | |
| 46. | The deficit created by unpaid fixed penalties requires revision to the operating model to be agreed with East Hampshire Commercial Services to ensure any financial risks are controlled. |
| **POLICY FRAMEWORK IMPLICATIONS** | |
| 47. | Not applicable. |

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| **KEY DECISION?** | **No** |
| **WARDS/COMMUNITIES AFFECTED:** | All Wards |
| SUPPORTING DOCUMENTATION | |
| **Appendices** | |
| 1. | None |

**Documents In Members' Rooms**

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|---|---|
| 1. | None |
| **Equality Impact Assessment** | |
| Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out? | **No** |
| **Data Protection Impact Assessment** | |
| Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out? | **No** |
| **Other Background Documents**<br>**Other Background documents available for inspection at:** | |
| **Title of Background Paper(s)** | **Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)** |
| 1. Not applicable | |

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| **DECISION-MAKER:** | OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE |
| **SUBJECT:** | MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE |
| **DATE OF DECISION:** | 12 NOVEMBER 2020 |
| **REPORT OF:** | DIRECTOR - LEGAL AND BUSINESS OPERATIONS |

**CONTACT DETAILS**

| | | | | |
|---|---|---|---|---|
| **Executive Director** | **Title** | **Deputy Chief Executive** | | |
| | **Name:** | **Mike Harris** | **Tel:** | **023 8083 2882** |
| | **E-mail** | **Mike.harris@southampton.gov.uk** | | |
| **Author:** | **Title** | **Scrutiny Manager** | | |
| | **Name:** | **Mark Pirnie** | **Tel:** | **023 8083 3886** |
| | **E-mail** | **Mark.pirnie@southampton.gov.uk** | | |

**STATEMENT OF CONFIDENTIALITY**

None

**BRIEF SUMMARY**

This item enables the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.

**RECOMMENDATIONS:**

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| | (i) | That the Committee considers the responses from Cabinet Members to recommendations from previous meetings and provides feedback. |

**REASONS FOR REPORT RECOMMENDATIONS**

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| 1. | To assist the Committee in assessing the impact and consequence of recommendations made at previous meetings. |

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

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| 2. | None. |

**DETAIL (Including consultation carried out)**

| | |
|---|---|
| 3. | Appendix 1 of the report sets out the recommendations made to Cabinet Members at previous meetings of the Overview and Scrutiny Management Committee (OSMC). It also contains summaries of any action taken by Cabinet Members in response to the recommendations. |
| 4. | The progress status for each recommendation is indicated and if the OSMC confirms acceptance of the items marked as completed they will be removed from the list. In cases where action on the recommendation is outstanding or the Committee does not accept the matter has been adequately completed, it will be kept on the list and reported back to the next meeting. It will remain on the list until such time as the Committee accepts the recommendation as completed. Rejected recommendations will only be removed from the list after being reported to the OSMC. |

| | | | |
|---|---|---|---|
| **RESOURCE IMPLICATIONS** | | | |
| **<u>Capital/Revenue</u>** | | | |
| 5. | None. | | |
| **<u>Property/Other</u>** | | | |
| 6. | None. | | |
| **LEGAL IMPLICATIONS** | | | |
| **<u>Statutory power to undertake proposals in the report</u>:** | | | |
| 7. | The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000. | | |
| **<u>Other Legal Implications</u>:** | | | |
| 8. | None | | |
| **RISK MANAGEMENT IMPLICATIONS** | | | |
| 9. | None. | | |
| **POLICY FRAMEWORK IMPLICATIONS** | | | |
| 10. | None | | |
| **KEY DECISION** | No | | |
| **WARDS/COMMUNITIES AFFECTED:** | None directly as a result of this report | | |
| **<u>SUPPORTING DOCUMENTATION</u>** | | | |
| **Appendices** | | | |
| 1. | Monitoring Scrutiny Recommendations – 12 November 2020 | | |
| **Documents In Members' Rooms** | | | |
| 1. | None | | |
| **Equality Impact Assessment** | | | |
| Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out? | No | | |
| **Data Protection Impact Assessment** | | | |
| Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out? | No | | |
| **Other Background Documents**<br>**Equality Impact Assessment and Other Background documents available for inspection at:** | | | |
| Title of Background Paper(s) | Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable) | | |
| 1. | None | | |

# Overview and Scrutiny Management Committee: Holding the Executive to Account

**Scrutiny Monitoring – 12 November 2020**

<table>
<tr><th>Date</th><th>Portfolio</th><th>Title</th><th>Action proposed</th><th>Action Taken</th></tr>
<tr>
<td>15/10/20</td>
<td>Green City and Place</td>
<td>Southampton City Vision Local Plan Update</td>
<td>1) That a breakdown of the source of responses to the consultation, in particular the percentage of responses generated by the People's Panel, is circulated to the Committee.</td>
<td>Below is a breakdown of the responses received, firstly by method and secondly from the various 'lists' who received a link to the survey.<br>There was a single on-line survey, and all groups/databases received the same link so it is not possible to breakdown the number who responded from each list. Also there may be some that are on both the 'People's Panel' and the 'Your City, Your Say' database.<br>Information on the number on the 'People's Panel' and if it is possible to identify them from responses has been requested, awaiting response from Corporate Consultation and will forward once information is received.
<table>
<tr><th>Total</th><th>3018</th></tr>
<tr><td>Paper</td><td>45</td></tr>
<tr><td>Face to face</td><td>272</td></tr>
<tr><td>On-line survey</td><td>2670</td></tr>
<tr><td>Email</td><td>30</td></tr>
<tr><td>Easy-read</td><td>1</td></tr>
</table>
<table>
<tr><th></th><th>Total on list</th><th>Number responded</th></tr>
<tr><td>Statutory Consultation bodies</td><td>128</td><td>27</td></tr>
<tr><td>General Consultation bodies</td><td>224</td><td>22</td></tr>
<tr><td>People's Panel</td><td></td><td></td></tr>
<tr><td>Your City, Your Say database</td><td>3885</td><td></td></tr>
</table>
The low number of responses from both Statutory and General consultation bodies is common at this first stage. Most prepare lengthy responses once a draft plan is prepared when they are able to comment on policy wording and specific sites.</td>
</tr>
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