Dear Sir/Madam,

A meeting of the PLANNING AND ENVIRONMENT OVERVIEW AND SCRUTINY PANEL will be held in Committee Room 'A', Town Hall, Nuneaton on Thursday 5th February, 2015 at 5.00 p.m.

Public Consultation will commence at 5.00 p.m.
Please note that meetings may be recorded for future broadcast.

Yours faithfully,

ALAN FRANKS
Managing Director

To: All Members of the Planning and Environment Overview and Scrutiny Panel

(Councillors J. Sheppard (Chair), J. Foster (Vice Chair), C. Bennett, S. Doughty, J. Glass, N. Grant, W.J. Hancox, D.C. Navarro, T.E. Sheppard, Mr. G. Cartern and Ms. D. Ross).
A G E N D A

PART 1 – PUBLIC BUSINESS

1. **EVACUATION PROCEDURE**

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

Chair to advise the meeting if all or part of the meeting will be recorded for future broadcast.

2. **APOLOGIES** - To receive apologies for absence from the meeting.

3. **DECLARATIONS OF INTEREST/PARTY WHIP** - To receive declarations of Disclosable Pecuniary and Other interests in accordance with the Members' Code of Conduct and of the Party Whip in accordance with the Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b).

   **Note (1):** Following the adoption of the new Code of Conduct, members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

   Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

   Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

   **N.B.** Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

   Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.
Note (2): Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b) states "when considering any matter in respect of which a Member must declare the existence of the whip, and the nature of it before the commencement of the OSP’s deliberations on the matter".

4. PUBLIC CONSULTATION - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

5. CAR PARKING ENFORCEMENT CONTRACT - report of the Team Leader, Parking Management, Traffic and Road Safety Group, Warwickshire County Council attached. *(Page 5) (Overview)*

6. DOG CONTROL ORDERS UPDATE - report of the Principal Officer (Environmental Protection) attached. *(Page 10) (Scrutiny)*

7. ENVIRONMENTAL SUSTAINABLE STRATEGY - Director – Assets and Street Services to provide a verbal update. Report to Follow. *(Overview)*

8. WORK PROGRAMME – attached. *(Page 14) (Overview)*

9. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

**N.B Agenda Item Descriptors**

**Scrutiny** = Members to consider the evidence presented in detail (e.g. service delivery, value for money, performance, customer satisfaction, social outcomes) and make recommendations for any necessary changes/improvements to service provision or resources and/or request further information.

**Overview** = Members to consider the information presented and make observations, comments and/or recommend further considerations to be taken into account and any additions or amendments required.
CORPORATE PLAN AIMS AND PRIORITIES

**Aim 1**
- To improve the quality of life and social justice for residents so it is much closer to that enjoyed by the rest of Warwickshire.

**Priority 1**
- To provide a choice of housing to meet the needs of the residents of the Borough.

**Priority 2**
- To create a healthy, diverse and robust economy which provides employment opportunities for local people.

**Priority 3**
- To work in partnership to improve health and reduce health inequalities for residents in the Borough.

**Priority 4**
- To develop a confident, cohesive and diverse community.

**Aim 2**
- To work in partnership to reduce the level of crime and disorder so that the community is and feels safer.

**Priority 1**
- Dealing with anti-social behaviour by working in partnership and provide diversionary activities to engage with youngsters.

**Priority 2**
- Environmental improvements and support for selective CCTV to reduce fear of crime.

**Priority 3**
- Use of the Council's enforcement powers to support community safety initiatives.

**Aim 3**
- To provide a pleasant environment for those living, working and visiting the Borough.

**Priority 1**
- To create a greener and cleaner environment.

**Priority 2**
- To lead in environmental issues addressing climate change and protection of the environment.

**Aim 4**
- To provide quality services which represent value for money.

**Priority 1**
- To continue to improve the performance and quality of key services.

**Priority 2**
- To improve access arrangements for all Council services and the way that those who use them are treated.

**Priority 3**
- To use value for money procedures to test the way all services are delivered.
CPE report to Scrutiny 12/2/13 – WCC

In addition to the changes for CFM, the Transport and Highways review has identified the potential to increase current surplus levels of £900k in excess of the estimated £300k per annum from re-commissioning the Civil Parking Enforcement (CPE) service.

The nature of the CPE Service area is such that it is self-financing. The financial aim of the refined target operating model is to reduce the operating costs. The costs of the refined target operating model will depend on the sum tendered by the lowest tenderer. It is therefore not possible to predict this in absolute terms. However it is possible to predict that it will be less than the cost of the current operating model. The business case is built upon this premise and the future operating model is expected to be more cost effective than the status quo because:

- A competitive environment generally results in lower prices than a non-competitive solution
- Potential for reduced management costs and other overheads.
- Potential for a streamlined set of processes and therefore lower administrative costs.
- Potential for more cost effective deployment of staffing resource and thus reduced staffing costs.

A meeting has been held with District/Borough Council partners (current providers). At the meeting it was agreed that there exists a common interest in providing a high quality, cost effective service whosoever provides it. The District/Borough representatives consider it essential that quality be built into the evaluation process. The tenders would be evaluated using a mix of quality and price.

The District/Borough representatives consider that the aims and objectives for the Service should be clearly defined and that any future specification should reflect this.

A further report will be presented enacting the decision which deals with the procurement matters.

**Timescales associated with the decision and next steps.**

4.2.1 *Implementation milestones:*
a) The HR changes to bring together Fleet Management and Fleet Maintenance are fully completed. - February 2013
b) In order to re-commission the Civil Parking enforcement contracts, the following key milestones are proposed:
   - OJEU prior notice published - April 2013
   - OJEU contract notice published - August 2013
   - Prequalification submissions assessed - October 2013
   - Invitation to Tender sent - November 2013
   - Tenders closed - February 2014
   - Contract awarded - April 2014
   - Contract starts - October 2014
**Success measures:**

a) The financial savings from the CFM changes are delivered. – by April 2013

b) The potential for longer term savings for CFM are analysed and articulated before the end of the first year of operating under the new arrangements. – by April 2014.

c) Increased surplus levels from the Civil Parking Enforcement contract are delivered commencing from 2015/16.

d) Key performance measures for the new operating model are yet to be determined and these will be built into the tender specification. However it is envisaged that the success criteria will seek to achieve:

- Enforcement costs will be reduced.
- Transition costs will be recouped within 3 years.
- The level of compliance with parking regulations will be maintained or improved.
- The income from parking fees (as opposed to penalties) will be maintained.
- Customer satisfaction with the service will be maintained.

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**Civil Parking Enforcement (contained in APP A of Communities OSC – WCC on 12/2/13)**

The Civil Parking Enforcement (CPE) Service is currently delivered by three District/Borough Councils on behalf of WCC. The service generates a significant surplus which is used to further support activities across the Business Unit as defined by Cabinet. The Review highlighted the potential for further efficiencies and proposed that the service be subject to market testing.

Discussions have been held with the District/Borough Councils regarding the proposed transformation route and they have expressed a desire to continue to deliver the service with potential efficiency changes. They do not consider that the Service should be subject to competitive tendering.

Officers have also met with colleagues from Buckinghamshire County Council who have recently tendered their CPE service to share their experience. Potential costs savings are anticipated on current operating costs in excess of £300k per annum. Additionally the proposed operating model will not only result in these cost savings but will also provide WCC with greater control of the service.

**Minutes of meeting**

2.16 Civil Parking Enforcement

2.17 Philippa Young addressed the Committee and informed members that Civil Parking Enforcement was currently delivered by the District & Borough Councils
on behalf of WCC. Due to this arrangement there is a significant level of duplication across the Councils and it is not cost effective. The proposal was to tender the service so that prices would be determined by competition – delivering estimated cost savings for WCC of £300,000 per year. The new arrangement would also provide WCC with a lot more control over the service. However, it was accepted that there was a risk to the relationship between WCC and the District & Borough Councils.

2.18 Councillor Michael Doody addressed the Committee and made the following points:
• The proposal would cut out the District & Borough Councils
• The scheme is unlikely to save the money stated in the report.
• Losing the small income from on-street parking would hurt local Councils and mean a reduction in services and benefits for local areas.
• A members working group should be set up to consider the proposal in more detail and should include representatives from the District & Boroughs.

(Councillor Michael Doody left the room)

2.19 Councillor Chris Saint addressed the Committee and made the following points:
• Sometimes issues have to have a local perspective.
• Local Councils will have to cover significant losses from this scheme.
• Competition is important but so is level of service.
• Enforcement in smaller centres is important and there are worries that it will get lost. Councils can respond to the needs of local communities in ways a commercial supplier might not.
• A member working group would allow the consideration of the fine detail of this scheme.

(Councillor Chris Saint left the room)

2.20 Graeme Fitton said that the savings of £300,000 per year would mostly come from the reduction in back office administration. Currently there are three centres (based within District & Borough Councils) – under the proposal this would be reduced to one. Officers considered the stated savings to be very achievable.

2.21 Graeme Fitton said there was a misconception that the proposal would lead to more aggressive enforcement. The level of enforcement would be set by WCC in the contract specification – it would not be decided by the operator. The scheme will not be fixed at the start – it can be amended based on local feedback.

2.22 Councillor Clare Hopkinson asked if on and off-street parking could still be managed as a single operation under the new proposal. Graeme Fitton responded that District & Borough Councils could join the scheme which would lead to greater savings for them.

2.23 The Chair asked how WCC was handling the sensitive issue of the District & Borough Councils both having an input into the specification of the contract and potentially bidding for the contract. How can WCC draw from local Council's knowledge without stopping them competing in the tendering process? Monica Fogarty responded that WCC does want input from the District & Borough
Councils on how the service can be efficient and effective but it was a fine line to tread due to procurement regulations.

2.24 Councillor Richard Chattaway addressed the Committee and made the following points:
- Parking enforcement is not just applicable to town centres. Residents across localities expect a level of enforcement that is not currently happening.
- There are currently different levels of service across the County. Going to tender is not necessarily the answer to fixing those problems.
- Other services that have previously been outsourced to the private sector have been brought back under WCC due to costs and quality of service.
- The focus should be on the quality of service.
- A joint member-led group should look at the issue in more detail.

2.25 Monica Fogarty clarified that the recommendation was for ‘competitive testing’, the assumption that the service was being outsourced to the private sector was not correct. The proposal in the report allows the service to test the competitiveness of competing providers; the District and Borough Councils might demonstrate that they can run the service more efficiently.

2.26 Councillor David Johnston said there were concerns about the quality of independent parking providers. The service needs to be looked in a broader context as part of the shopping experience. Councillor Johnston also endorsed the idea of a member working group.

2.27 The Chair addressed the Committee and made the following points:
- There were concerns that driving maximum revenue from parking enforcement would disadvantage smaller towns like Kenilworth that have relatively few on-street parking spaces.
- WCC have not consulted or engaged with local town centre partnerships or the wider business community.
- Separating on and off-street does not seem to make sense. An enforcement officer patrolling a car park would not be able to enforce an adjacent road. Separating services may be cheaper for the County Council but what would be the cost to the public purse as a whole? A separation of the two services would also lead to confusion when interfacing with the public. Public perception of the service would be negatively affected.

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2.28 The Portfolio Holder reiterated that the proposal was to market-test the service and ensured members that WCC hoped to engage with key stakeholders at the next stage of the process. There was an opportunity to save a significant amount of money from the back office and when facing increasingly large budget cuts these options had to be considered.

2.29 The Chair asked if WCC would still go ahead with the proposal if it was true that the scheme would cost Warwick District Council an additional £200,000. The Portfolio Holder disputed the figure but said he was the Portfolio Holder for WCC and the County Council was his focus.

2.30 The Chair asked officers if there was time for a working group of members to have further input into the process to help address concerns raised in meeting. Officers agreed there was time for a focussed working group to have an input into the ‘soft market-testing stage’ of the process.

### 2.31 Resolved

1. That the Communities Overview and Scrutiny Committee support the recommendations related to; County Fleet Management, County Fleet Maintenance, and the further Redesign and Improve options.

2. That the Communities Overview and Scrutiny Committee ask Cabinet to approve a member working group that would have an input into the Civil Parking Enforcement market testing process.
1. **OBJECTIVES OF SCRUTINY**

To scrutinise the dog control orders activities undertaken by Nuneaton and Bedworth Borough Council.

2. **WHAT IS THE PANEL BEING ASKED TO CONSIDER?**

Members are asked to note the information provided.

3. **WHO CAN THE PANEL INFLUENCE?**

The Panel’s considerations will influence activities in connection with the Council’s dog control orders.

4. **INFORMATION TO BE PRESENTED TO THE PANEL**

4.1 The Dog Control Orders made under the Clean Neighbourhoods and Environment Act 2005 came into force on 1\textsuperscript{st} February 2014. The Dog Control Orders require dog owners to:

- **Clear up when a dog has fouled** – there is a requirement for owners to remove faeces deposited by their dog from any land to which the public have access in the area of Nuneaton and Bedworth Borough Council and which is open to the air (including land which is covered but open to the air on at least one side).
- **Keep dogs on a lead in some areas** – to keep a dog on a lead at all times in the following areas: Oaston Road Cemetery, Bucks Hill Cemetery, Attleborough Cemetery, Coventry Road Cemetery, Marston Lane Cemetery, all roads within the Borough of Nuneaton and Bedworth (as defined by Section 142 of the Road Traffic Regulation Act 1984) and all sports grounds, fields, parks and...
pitches not subject to the Dogs Exclusion (Nuneaton and Bedworth Borough Council) Order 2014, when in use for authorised sporting activities.

- **Put dogs on a lead when asked to do so** – to keep a dog on a lead when told to do so by an authorised officer on any land to which the public have access in the area of Nuneaton and Bedworth Borough Council and which is open to the air (including land which is covered but open to the air on at least one side).
- **Keep dogs out of some areas** – any enclosed children's play areas, multi-use games areas, BMX tracks, Green Gyms, basketball courts, tennis courts, 5-a-side or skate park sites signed as a 'dog exclusion zone', and the Heart of England Crematorium.

4.2 The orders were developed in consultation and collaboration with a number of internal departments and external agencies including the Dogs Trust, the RSPCA and Nuneaton Dog Training Club who all promote responsible ownership. There was a full public consultation in April and May 2013 on the Orders that was publicised on the Council’s website, the Council’s Twitter page, the Council’s In Touch newspaper, and also through editorial pieces and within the public notices pages of the press. The response was in general positive and the aforementioned dog-related organisations were supportive of the proposals. When the orders came into force on 1st February 2014 there was a lot of publicity around the orders. The introduction of the orders was publicised in the same way as the public consultation but also included coverage on local radio.

4.3 The penalty in relation to any offence in the above four Dog Control Orders is a fixed penalty notice to the sum of £75 to be paid within 14 days, reduced to £50 if paid within 10 days. If the fixed penalty notice is not paid or is not the appropriate amount, the council may prosecute the offender in the Magistrates court where the maximum fine is currently £1000 and where the recovery of costs can also be sought.

4.4 During the introductory period for the orders, 1st February 2014 – 30th April 2014, authorised officers continued to issue fixed penalty notices for instances of failure to remove dog fouling as this was deemed to be a continuation of well-established and enforced legislation within the borough, the Dog (Fouling of Land) Act 1996. The other offences were, during this period, dealt with by means of an educational/awareness approach. Authorised officers took the opportunity to inform the public of the new orders in parks and on the streets and if offences were seen then the offenders of the new orders were requested to place the dog on a lead or remove the dog from an exclusion zone. If this request was complied with then no further action was taken i.e. no fixed penalty notice issued. If the request was not complied with then the authorised officer would issue a fixed penalty notice. This approach was greatly appreciated by the public as many claimed, and some still claim, to be unaware of the orders despite all of the previously mentioned promotion.
4.5 Since the introduction of the Dog Control Orders, 17 fixed penalty notices have been served, 15 for dog fouling offences and 2 for dogs off lead offences. From the number of service requests we receive, our residents’ greatest concern in relation to dog control is still dog fouling, with 272 requests for service since 1st February 2014 to present. We have received 27 service requests relating to dogs off lead and 7 relating to dogs in exclusion zones. Of the 17 fixed penalty notices issued, 15 have been paid. One of the unpaid penalties led to a prosecution file being submitted and we are now awaiting a Court date. The other unpaid penalty has not been enforced due to the offender being of no fixed abode (he lives on a house boat) and despite all efforts to trace the offender we have been unable to do so.

4.6 On the 20th October 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 came into force. The implications for the Dog Control Orders are that they stay in force as they are but now have the same requirements as the Public Space Protection Orders under this new legislation. This means that the Orders will need to be reviewed before 20th October 2017 to decide if they remain as they are, any are altered or if any are revoked. They will then have to be reviewed at least every 3 years to ensure that they remain fit for purpose.

5. SUMMARY/CONCLUSION

5.1 Nuneaton and Bedworth Borough Council Dog Control Orders came into force on 1st February 2014.

5.2 They require owners to clean up when a dog has fouled, keep their dog on a lead in some areas, put their dog on a lead when asked to do so and keep their dog out of some areas.

5.3 Failure to adhere to the Dog Control Orders results in a fixed penalty notice being issued and if this is not paid can lead to a prosecution.

5.4 When the orders were introduced there was a 3 month educational/advisory period relating to the Orders not previously enforced under other legislation.

5.5 17 fixed penalty notices have been issued, 15 of which have been paid.

5.6 Dog fouling is still our residents’ biggest concern in relation to dog control.

5.7 The Dog Control Orders will need to be reviewed before 20th October 2017.

6. RECOMMENDATIONS
It is recommended that the contents of this report are noted by the Panel.
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