

Place and Corporate Overview and Scrutiny Committee

Wednesday 6 December 2017

PRESENT:

Councillor Bowie, in the Chair.

Councillor Ball, Vice Chair.

Councillors Carson, Churchill, Sam Davey, Fletcher, Fry, Mavin, Stevens (Substitute for Councillor Morris), Storer and Tuffin (Substitute for Councillor Penberthy).

Apologies for absence: Councillors Morris and Penberthy.

Also in attendance: Amelia Boulter (Democratic Adviser), Councillor Bowyer (Leader), Councillor Dann, Ruth Harrell (Director of Public Health), Ross Jago (Lead Officer), Nicola Horne (Service Manager), Helen Prendergast (Democratic Adviser) and Councillor Smith.

The meeting started at 2.00 pm and finished at 3.50 pm.

Note: At a future meeting, the Panel will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

31. **Declarations of Interest**

There were no declarations of interest made by Councillors in accordance with the code of conduct.

32. **Chair's Urgent Business**

Councillor Ball wished to raise a motion (as per the Constitution Appendix 4 Rules of Debate).

The Chair called for a five minute recess in order to seek legal advice regarding this matter.

Linda Torney, Assistant Head of Legal Services advised that purpose of the meeting was to consider the decision that had been called-in, as this was not a normal business meeting the non-procedural motion could not be considered.

33. **Call-In: Increasing Environmental Enforcement in Plymouth**

The Place and Corporate Overview and Scrutiny Committee considered the call-in of the executive decision increasing environmental enforcement in Plymouth.

The Committee heard that –

- (a) Councillors Morris, Dann and Smith had called in the decision for the following reasons -
- the decision maker failed to consider alternative courses of action;
 - there was no indication of the impact that outsourcing this work would have on the current staff engaged in activities in this area, or the future of the rest of the services;
 - there were other courses of action not considered by the report; for instance the decision was offered as a choice of either in-house or private provision, with no consideration given to other models, such as that used by CaterEd, as an example;
- (b) Councillors Morris, Dann and Smith considered that –
- there had been a lack of information/consultation regarding this decision; this issue had been raised at the Place and Corporate Overview and Scrutiny Committee meeting held on 6 September 2017, following the release of the advert by G4S for environmental enforcement officers in Plymouth (subsequently the advert had been withdrawn);
 - if scrutiny had been given the opportunity to consider the decision, it could have potentially made recommendations to improve it and also considered different delivery models;
 - consideration needed to be given to upskilling the Council's existing enforcement officers and also increasing capacity within the in-house service;
 - there was insufficient information within the business case to identify how many Fixed Penalty Notices would need to be issued in order to offset the operational costs;
- (d) Councillor Bowyer (Leader) and Ruth Harrell (Director of Public Health) responded that -
- the current available capacity (five officers) had been targeted to specific areas (such as pest control, management of stray dogs as well as enforcement activities); the recommendation focused on increasing the environmental enforcement capacity;
 - there had been a commitment within the 2016 manifesto to tackle litter in the City;

- two delivery models had been identified to expand the capacity across the City, either by employing additional staff or procuring an external provider;
- a pilot scheme would be operated for a trial period of 12 months; if this service was delivered through an external provider, there would be an option of a six month break, in order to evaluate the service provided;
- there would be no impact on the staff currently employed within the authority, as they would continue to deliver the existing functions.

The main points arising from the Committee debating the call-in included –

- the reasons why other delivery models had not been considered as part of this decision;
- whether the decision had been target/financially driven based on the number of Fixed Penalty Notices issued;
- the rationale as to why one of the call-in reasons had been rejected by the Monitoring Officer;
- the reasons why G4S had advertised the environmental enforcement officer jobs when no decision had been made as to the service delivery model;
- whether as part of the Council's transformation programme, Street Services staff had been trained to undertake enforcement issues;
- the suitability of this role for an apprenticeship (the role could attract an apprenticeship levy);
- whether the Trade Unions had been consulted regarding the decision and in what forum this had taken place;
- the risk of reputational damage to the Council, if this service was procured from an external provider;
- whether the Foundation Living Wage would be written into the contract (Appendix I stated that the National Living Wage should be used).

The Leader gave an assurance that the Foundation Living Wage would be written into the procurement documents.

The Committee agreed to confirm that the decision should be implemented.

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