

Report of the Strategic Director – Environment & Sport to the meeting of the Keighley Area Committee to be held on 22 April 2015

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Subject:

Council Warden Service devolution to Area Committees

Summary statement:

This report provides an update to the report, presented to the meeting of Keighley Area Committee on 3 July 2014, regarding the devolution of the Council Warden Service.

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Overview and Scrutiny Area:
Corporate



1.0 SUMMARY

- 1.1 This report provides an update to the report, presented to the meeting of Keighley Area Committee on 3 July 2014, regarding the devolution of the Council Warden Service.

2.0 BACKGROUND

- 2.1 A report "Council Warden Service devolution to Area Committee" regarding the devolution of the Council Warden Service was presented to the Keighley Area Committee at its meeting on 3 July 2014. This report outlined how the Service was addressing key issues relating to quality of service delivery, performance, involving citizens in service delivery, opportunities and challenges for the Service and finance. This report provides a further update highlighting where developments have occurred.

3.0 Ensuring Quality of Service Delivery

3.1 Community Protection Notices

The previous report made reference to the introduction of the new Anti-social Behaviour Crime & Policing Act 2014 and the role Council Wardens would have in tackling anti-social behaviour. Although there has been some delay in the implementation of this legislation, Council Warden Managers have now undergone training and have been duly authorised to issue Community Protection Warning Letters. The service of warning letters is a legal requirement before Community Protection Notices (CPNs) can be served and the Council Warden Service has been working in partnership with the Environmental Enforcement Team to ensure the process is effective and consistent.

Initially, Council Warden Managers will issue warning letters for cases where householders accumulate rubbish in gardens. The warning letters formally request that the rubbish is removed within a designated timescale.

If the warning letters are not complied with the case is then escalated to an officer from the Environmental Enforcement Team who issues a Community Protection Notice. Failure to comply with a CPN may result in a £100 Fixed Penalty Notice or, if found guilty upon prosecution, a fine up to a maximum of £2,500. However, early indications are that the warning letters are proving to be effective as householders tend to comply with the letters and therefore there is usually no need for further enforcement action.

3.2 Training & Development

Further intensive training with City Centre Wardens has been carried out over the last few months. Whilst City Centre Wardens are extremely effective at enforcing parking contraventions, it was found that further development was needed to ensure staff are equipped with the skills to deal with City Centre-related issues. This training has focussed primarily on their environmental role covering issues such as trade waste, litter enforcement and flytipping, but has also included dealing with anti-social behaviour from beggars, touts and peddlars, rough sleepers, and dealing

with people taking legal highs. This training is now complete and will be rolled out to Wardens in Area Offices over the next few months.

Further training needs will be identified as the Service moves forward and has new challenges. A recent example of this is to provide Wardens with safeguarding training in relation to Child Sexual Exploitation.

3.3 Performance

Litter Action days

To combat the continuing problem of litter Council Wardens have been taking part in litter action days. Area Offices have identified litter hot spots and, working in partnership with the Police, Council Wardens have been handing out £75 fixed penalty fines to people seen dropping litter.

The litter action days will be stepped up after spring this year to coincide with a new district wide, targeted litter awareness campaign aimed at people who drop takeaway litter, cigarette butts, chewing gum and litter from vehicles. The messages will focus on behaviour change followed by tough enforcement action, and Council Wardens will adopt a zero tolerance approach.

Recent action days have resulted in a disproportionate number of fines being handed out to young people, who for various reasons have not been able to pay the fines. The Service has been working with the Council's Restorative Justice Co-ordinator to develop a new educative approach for dealing with young people who can't pay littering fines. This is outlined in section 4.0 below.

3.4 Service Excellence Award

City Centre Wardens have been working with the Council's Benefit Fraud Team to clamp down on the illegal use of Blue Badges. The team has the highest number of successful referrals for prosecution in the North of England and is second best in the Country, next to London, in blue badge fraud detection. The team recently received a Service Excellence Award after being nominated by the Benefit Fraud Team.

3.5 Smart phones

The previous report mentioned that the Service was looking to make some efficiencies around the work of the Wardens by developing handheld technology.

Recent developments with Council Warden smart phones now include the ability for Wardens to log issues such as rubbish in gardens and flytipping whilst on patrol and, if necessary, refer these issues via an eform directly to the Environmental Enforcement Team. This cuts down on administration and processing time by Wardens not having to return to the office and send mails and improves delivery of service to the public.

Wardens' smart phones have also now been configured to record anti-social behaviour. The data will allow for more collaborative working with the Police and

better deployment of resources to deal with anti-social behaviour.

The new Bradford Council app is proving useful to Wardens when reporting unlicensed skips on highways. The app allows Wardens to check if a skip company has applied for a permit to place a skip on a highway. If there is no permit then Wardens are able to notify the officers in the Highways Section who then take appropriate enforcement action.

The Bradford Council app also has information about Council services which the Wardens are using when they are asked for advice by members of the public. Wardens are actively encouraging the public to use this app and online services to report issues and to access Council services.

4.0 Involving Citizens in Service Delivery

Restorative Justice – Litter Awareness Courses for Juveniles.

Recently, a number of littering fines have been issued to juveniles (young people aged 16 to 18 years). In the majority of cases these juveniles have not been able to pay the fine. In such cases of non-payment the Council can prosecute the matter and if the person is found guilty of the littering offence they will receive a fine and a criminal record.

However, legal advice recommends that for minor offences such as littering, if possible, juveniles should be steered away from receiving a criminal record and alternative sanctions should be sought.

In view of this the Service has been working with the Council's Restorative Justice Co-ordinator and Youth Service to develop a new approach based on the principles of restorative justice

Wardens will continue to issue Fixed Penalty Notices (FPNs) for littering offences to persons aged between 16 and 18 years of age. If the fine is paid the matter will be closed. If the person cannot/does not pay the fine, they will be offered an alternative option of a formal warning or an offer of restorative justice.

If they refuse the alternative options then the Council, as a last resort, would prosecute the offender in the Youth Court.

Where juveniles opt for restorative justice they will be referred to the Restorative Justice team for attendance at a Litter Awareness Session lasting 2 hours.

The session will involve offenders meeting with businesses/residents (victims of littering) to discuss the effects of littering on the community. The Youth Workers will deliver an educational presentation in a creative manner which will raise awareness about the impact of littering.

Where appropriate (for tobacco related littering), offenders will be signposted to smoking cessation classes.

There will be 4 sessions a year starting in May 2015 to be held at City Hall Police briefing room. This coincides with a litter awareness/ enforcement campaign which

is proposed.

Anyone with a valid reason not to attend will be offered a separate session (possible one to one) on another day with a restorative justice volunteer.

Anyone failing to attend a session without a valid reason will be prosecuted in the Youth Court.

It is hoped that this new and innovative approach will get the message across to a particularly “hard to reach” group without criminalising young people.

5.0 Opportunities and challenges for the Service

5.1 Management Reductions

It was agreed at the Council’s budget meeting on 26th February to merge the roles of the Street Cleansing Managers and the Warden Managers.

There are currently 6 Council Warden Managers and 6 Street Cleansing Managers – one of each in the 5 Area Co-ordinator’s Officers and one of each in the City Centre Team. During the 2015/16 financial year the 2 managerial roles will be merged and the number of managers will be reduced from 12 to 6. This will result in savings of £75,000 in 2015/16 and £75,000 in 2016/17.

This new combined role will require managers to develop technical and operational expertise across both disciplines – street cleansing and the functions carried out by Wardens such as parking enforcement, dealing with environmental issues and encouraging active citizenship.

A comprehensive training and development programme is currently being put together which will equip these managers with the necessary skills to manage effectively and deliver a quality service.

5.2 Environmental Enforcement

It was agreed at the Council’s budget meeting that the Environmental Enforcement Team would move from Environmental Health to Neighbourhood and Customer Services with a budget cut of £15,000 in 2015/16 and £15,000 in 2016/17. The Team enforces all aspects of waste legislation e.g fly tipping, business waste, rubbish in gardens and litter from businesses. The move will allow for a stronger working relationship between Enforcement Officers, Council Wardens and Clean Teams and will lead to a much more joined up approach when dealing with environmental problems affecting our neighbourhoods.

5.3 Body Worn Cameras

The Service has recently invested in a small number of body worn cameras. Council Wardens are often the subject of verbal abuse and in some cases acts of violence and aggression. The cameras give Wardens greater confidence when on patrol as they act as a deterrent for any abuse, but they also record these incidents as evidence for the Police. Since the introduction of the body cameras there has been a decrease in the numbers of reports of violence and aggression towards staff.

6.0 Finance

6.1 The Council Warden Service budget

The total Council Warden budget for the 79 Council Wardens (including Warden Managers) has been set at £2,081,900 for the financial year 2015/16.

Area Team	Number of posts	Budget (£) 2015/16 (including £200,000 savings)
City Centre Team	23	606,000
Bradford East (including 1 Warden Manager)	13	318,200
Bradford South(including 1 Warden Manager)	11	287,400
Bradford West (including 1 Warden Manager)	13	339,300
Keighley (including 1 Warden Manager)	10	271,300
Shipley (including 1 Warden Manager)	9	237,200
TOTAL	79	2,081,900

7.0 OTHER CONSIDERATIONS

7.1 Proposals for Area Committee decision-making

There are a number of factors to take into account when considering how to deploy resources at an Area level. For example, the Council policy on parking enforcement (as set out in Bradford Council's application to Central Government when taking on responsibility for the function) is based on national statutory guidance. The policy expects a consistent, fair and transparent approach within the district to parking enforcement. With effect from 23rd January 2012 the civil enforcement function passed from Civil Enforcement Officers employed by Parking Services to Council

Wardens. Council Wardens are now the Council's designated Civil Enforcement Officers. As such, Council Wardens are expected to deal with all cars parked in contravention in accordance with the district policy. This means that Council Wardens need to have a regular presence in parking hotspots and deal with any cars they find parked in contravention. Statutory guidance clearly states that discretion is a back-office function and it is therefore not the decision of a Council Warden as to whether they deal with a car parked in contravention. The Council Warden has to issue a PCN and this can be appealed by the customer.

In terms of the deployment of Council Wardens, the Area Committee will have to consider the range of functions the Warden has to carry out and the risks associated with not balancing these. For example, if Council Wardens are not deployed to parking hotspot areas there is a likelihood of increased contraventions, safety and congestion implications, complaints and reduced income. Similarly, if Council Wardens do not deal with environmental issues there will be an affect on the visual amenity and the likelihood of an increase in complaints and anti-social behaviour.

8.0 OPTIONS

8.1 As this Service has now been devolved, the Area Committee can decide how to shape the Service within the previously-mentioned parameters.

9.0 FINANCIAL AND RESOURCE APPRAISAL

9.1 Initial allocations to Areas for 2015/16 will be in line with the proportional allocations made across Areas by services in 2013/14, taking into account the budget reductions referred to above. The level of budget is shown in 6.1.

10.0 RISK MANAGEMENT

10.1 The financial risks posed are limited by the nature of the expenditure delegated.

11.0 LEGAL APPRAISAL

11.1 Legal implications of the devolution of budgets to Area Committees have been reviewed by the City Solicitor, and any issues and constitutional amendments were made at the Council's Annual General Meeting.

11.2 Area Committees now have the opportunity to consider how to implement the constitutional changes related to devolution. Legal Services will continue to advise and support Committees regarding the legal implications of any proposed changes they seek to make.

12.0 OTHER IMPLICATIONS

12.1 LINKS TO AREA COMMITTEE ACTION PLAN 2014 – 2017

12.2 An increased level devolution of the services will allow the Area Committee to further address local priorities for those services.

13.0 EQUAL RIGHTS

- 13.1 Area Committee decisions will need to be made in line with Equal Rights legislation. This will require Area Committees to assess the potential equality impact of any decisions they make.

14.0 SUSTAINABILITY IMPLICATIONS

- 14.1 Increased local decision-making has the potential to create more sustainable solutions to local issues.

15.0 GREENHOUSE GAS EMISSIONS IMPACTS

- 15.1 No specific issues.

16.0 COMMUNITY SAFETY IMPLICATIONS

- 16.1 Increased local decision making has the potential to improve community safety through more closely addressing local priorities.

17.0 HUMAN RIGHTS ACT

- 17.1 There are no Human Rights Act implications arising from this report.

18.0 TRADE UNION IMPLICATIONS

- 18.1 There are no Trade Union implications.

19.0 WARD IMPLICATIONS

- 19.1 The information in this report is relevant to all Wards in Bradford South.

20.0 NOT FOR PUBLICATION DOCUMENTS

- 20.1 There are no not for publication documents.

21.0 RECOMMENDATIONS

- 21.1 Keighley Area Committee notes the information in this report which is intended to inform decisions on the devolved service of the Council Wardens in the Keighley Area.

22.0 APPENDICES

- 22.1 None

23.0 BACKGROUND DOCUMENTS

- 23.1 'Devolution to Area Committees' (Document AG), Report of the Strategic Director of Environment and Sport to the Council Executive, 9th October 2012.

- 23.2 'Devolution of Council Service budgets and responsibilities to Area Committees from 2012-13 onwards' (Document U), Report of the Strategic Director of Environment and Sport to the meeting of the Council Corporate Governance and Audit Committee on 5 October 2012, Devolution to Area Committees.
- 23.3 'Council Warden Service devolution to Area Committee' (Document 'E'), Report of the Interim Strategic Director – Environment & Sport to the meeting of the Keighley Area Committee on 3 July 2014.