

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Response to the Comments of the Safer Stronger Communities Select Committee on the Review of Lewisham's Crime, Enforcement & Regulation Service (CER) and the Environmental Health Service	
<b>Key Decision</b>	No	Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Community Services	
<b>Class</b>	Part 1	Date: 13 July 2016

## 1. Purpose

- 1.1 This report sets out the response to the views and comments arising from the Safer Stronger Communities Select Committee about discussions held on the officer report entitled Review of Lewisham's Crime, Enforcement & Regulation Service (CER) and the Environmental Health Service at its meeting on 14 April 2016.

## 2. Recommendations

It is recommended that the Mayor:

- 2.1 Approve the responses from the Executive Director for Community Services to the comments from the Safer Stronger Communities Select Committee.
- 2.2 Agree that this report should be forwarded to the Safer Stronger Communities Select Committee.

## 3. Background

- 3.1 The Crime, Enforcement & Regulation Service was developed as a new and streamlined service, intended to contribute to the Community Safety and wider Safety agenda by ensuring that a range of officers are delivering on a range of outcomes across a number of cross cutting agendas. The aim of this new team was fundamentally to enable a much more flexible approach to service delivery, and hopefully, ultimately assist the public in accessing better services. The Crime, Enforcement & Regulation Service works to ensure better coordination and consistent execution of the Local Authority's duties across the areas of Crime Reduction, Licensing, Trading Standards and Public Health & Nuisance, whilst maintaining areas of specific expertise and a general focus on casework.
- 3.2 The Environmental Health Service (EH) consists of Environmental Protection (EP) and Food and Safety Team (FST). These services include Food Hygiene and Standards, Commercial Health and Safety, Infectious Disease Control, the Regulation and Enforcement of Sports Grounds and Stadia and also encompasses Special Treatment Licensing. The new EH service continues to provide professional advice and protection to the public of Lewisham (both residents and visitors). It undertakes delegated functions including enforcement from Government departments, agencies and legal statutes. It strives to provide a level playing field for local and national

businesses working locally and also provides technical support advice and enforcement to a wide range of internal departments within the Council.

- 3.3 It was agreed that the merging and development of these two distinct and new services was as a response to the significant financial challenges the Council faces whilst also considering how some of the services could be better aligned to deliver statutory services more efficiently but with a shift to delivering ONLY those which were deemed high risk / greatest volume / significant impact. This moved the delivery model to a risk-based approach and not a regular and routine service.

#### **4. Responses to the Referral from the Safer Stronger Communities Select Committee**

- 4.1 The Safer Stronger Communities Select Committee received a report on the 14 April which updated them on the new Crime, Enforcement and Regulation Service and the Environmental Health Service after 6 months of the new service being in operation.
- 4.2 Following the Committee a referral was made to Mayor and Cabinet on the 14 April 2016. Set out below are the concerns raised by the Committee and our response to each.

##### Referral 1

- 4.3 The Committee was concerned about the depleted resources available to the environmental services including those areas dealing with contaminated land. The Committee sought assurances that adequate resources have been put in place to both minimise the risk of a major incident occurring and, should a major incident occur, that sufficient resources are in place to respond given the potentially serious consequences.

##### Response

- 4.3.1 The Council has a statutory responsibility under Part 2A of the Environmental Protection Act 1990 concerning contaminated land. Part 2A requires that local authorities cause their areas to be inspected with a view to identifying contaminated land. It operates on a risk assessment basis where the Council prioritises areas where inspections may be necessary. Only land where unacceptable risks are clearly identified, after a risk assessment has been undertaken, should be considered as meeting the Part 2A definition of contaminated land.
- 4.3.2 Guidance from DEFRA however has also stated that 'Enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists. The Part 2A regime is one of several ways in which land contamination can be addressed. For example, land contamination can be addressed when land is developed (or redeveloped) under the planning system, during the building control process, or where action is taken independently by landowners.' Contaminated Land Statutory Guidance, DEFRA, April 2012.
- 4.3.3 To this end the Environmental Protection Team has continued to provide a service to the Development Control Team, in assessment of site contamination reports for new developments. This service has not been altered since the reorganisation, in fact Environmental Protection have received acknowledgement from Planning that there has been an improved service

since the reorganisation. It is however acknowledged that this has been largely due to the assistance and support of an external consultant working for the Council. This consultancy is provided on request and over the last year or so this has resulted in one day a week consultancy costs, with additional resources and time provided from the existing members of the Team.

- 4.3.4 In addition to the above the Environmental Protection Team are seeking to upgrade their existing GIS system. With this upgrade it will be possible to identify on a prioritised basis, areas of land that may need inspection. The local authority needs to take a strategic approach to carrying out its inspection duty under section 78B(1) and guidance states that this approach should be 'rational, ordered and efficient, and it should reflect local circumstances' also the local authority should set out its approach as a written strategy, which it should formally adopt.
- 4.3.5 With the improvement/upgrade to the existing GIS system, the Environmental Protection Team will over the coming year review the existing strategy and publish a revised strategy for the Council to adopt. At this stage a further review of the Team's staffing capacity will be undertaken to ensure it can meet the further demands on the service. It will also continue to provide the same level of service to Planning, so that ongoing remediation of land in the borough continues to happen.

#### Referral 2

- 4.4 The Committee was also concerned about the increased reliance by the service on external agencies to provide advice and support to residents (such as Consumer Advice). The Committee specifically highlighted the dependence on organisations in the voluntary sector in light of reducing budgets in both the voluntary sector and public sector more generally.

#### Response

- 4.4.1 In 2006, Consumer Direct was created by the Office of Fair Trading to provide a central point of contact for the residents of all participating Trading Standards regions across the country. The service was created as local Trading Standards teams were receiving high volumes of calls for civil advice, the information provided by consumers was only being recorded locally (which meant that organised regional crime was not being identified effectively) and also because local authority budgets were slowly reducing. In 2010 bids were opened up to private companies in order to ensure value for money and to aid the evolution of the resources available. The Citizens Advice Bureau bid for the opportunity to participate in this scheme which fits exactly with their purpose and it meant they would receive a central government grant strengthening their ability to help people solve their civil disputes. They won the bid and created the Citizens Advice Consumer Service. By participating in this service, which was created with the sole purpose of supporting the trading standards functions of all local authorities, we are contributing to the national intelligence lead approach to enforcement allowing us to tackle more serious crime locally and contribute to protecting the consumers across the country without any detriment to our local populous
- 4.4.2 Whilst the Crime, Enforcement & Regulation Service will continue to utilise all and any positive opportunities, engagement and support from Lewisham's voluntary sector in this current climate of reducing budgets, the service has not seen any increased reliance by the service on external agencies to provide advice and support to residents over the past year.

### Referral 3

- 4.5 The Committee noted the good work done by the new Crime, Enforcement & Regulation Service (CER) and the Environmental Health Service during and following reorganisation. The Committee felt this work should be adequately supported by a dedicated communications strategy as well as general support from the Council's communications service, especially with regards to information on the service being available in one place on the Council's website.

### Response

- 4.5.1 The Crime Enforcement & Regulation Service and the Environmental Health Service Managers have met with the Council's Head of Communications to progress the development of a dedicated communications strategy for these service areas. All of the key information which the public would / may need on these service areas has now been collated and we are currently working with a dedicated communications officer to develop how this will be presented on the website. A diary of key dates for these services across the calendar year is also being collated, which will assist in ascertaining the level of communications support needed throughout the year and feed into the Safer Lewisham Board's Communications and Campaign plan for 2016/17.

## **5. Financial Implications**

- 5.1 There are financial implications in respect of implementation of the above which will be delivered within the current financial envelope.

## **6. Legal Implications**

- 6.1 There are no specific legal implications arising from this response, save for noting that the Council's Constitution provides that the Executive may respond to reports and recommendations by the Overview and Scrutiny Committee.

## **7. Crime and Disorder Implications**

- 7.1 There are none of specific reference to the referrals made.

## **8. Equalities Implications**

- 8.1 One of the Partnership's key outcomes is to ensure equity in representation and that equality and diversity issues are followed in the work of the Partnership.

## **9. Environmental Implications**

- 9.1 Environmental implications in respect of contaminated land is critical and due regard and consideration is given as outlined above.

## **Background papers**

[Review of Lewisham's Crime, Enforcement & Regulation Service \(CER\) and the Environmental Health Service](#) at the meeting of the Safer Stronger Communities Select Committee on 14 April 2016.

Referral from Safer Stronger Communities Select Committee to Mayor and Cabinet – 18 May 2016.

<http://councilmeetings.lewisham.gov.uk/documents/s43546/SSCSC%20Referral%20to%20MC%20on%20Enforcement%20Service%2014042016.pdf>

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