



## Environment Overview and Scrutiny Committee

<b>Date:</b>	<b>Thursday, 28 November 2019</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

This meeting will be webcast at  
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### AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP**

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members are reminded that they should also declare whether they are subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

**2. MINUTES (Pages 1 - 6)**

To approve the accuracy of the minutes of the meeting held on 24 September 2019.

**3. FINANCIAL MONITORING REPORT QUARTER 2 2019/20 (Pages 7 - 14)**

**4. WIRRAL COUNCIL ENFORCEMENT POLICY (Pages 15 - 34)**

**5. NOTICE OF MOTION - VERGES & POLLINATORS (Pages 35 - 50)**

6. **MARINE LAKE MANAGEMENT (Pages 51 - 56)**
7. **USE OF GLYPHOSATE FOR WEED CONTROL (Pages 57 - 66)**
8. **2019/20 QUARTER 2 WIRRAL PLAN PERFORMANCE (Pages 67 - 80)**
9. **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE WORK PROGRAMME UPDATE (Pages 81 - 88)**

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## ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 24 September 2019

Present:

Councillor T Anderson (Chair)

Councillors	C Muspratt	A Hodson
	T Cottier	A Brame
	K Greaney	S Hayes
	S Spoor	J Bird (In place of I
	C Blakeley	Williams)
	H Cameron	L Rennie

Apologies

Councillors I Williams

13 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP**

Councillor Lesley Rennie declared a family interest in item 4 (Minute 18, Hilbre Island) as a member of her extended family owned property on Hilbre Island.

14 **MINUTES**

**DECIDED:**

**that the minutes of the meetings of the Environment Overview and Scrutiny Committee held on 18 June 2019 and 2 July 2019 be approved as correct record and signed by the Chairman.**

15 **MUNICIPAL GOLF COURSES SCRUTINY WORKSHOP REPORT**

The Chairman introduced this report by thanking everyone who had attended the visits to the four golf courses which had taken place on Tuesday 13 August 2019, including the Councillors, officers, user groups and course members. There had been a Workshop held on Wednesday 28 August 2019 and the report provided a summary of the key discussion points and findings from that Workshop. He thanked everyone who had taken part in that event and those who had given evidence. The Workshop had been convened for Scrutiny Members to have further discussions with officers and relevant stakeholders around the future provision of municipal golf courses in Wirral.

Members had valued the opportunity of visiting the courses and speaking to the staff there. The Members had seen how passionate the staff were about

municipal golf and benefitted from help provided by the Council. They had noted how a lack of suitable equipment – such as suitably sized grass cutters – made their work harder and required extra manpower.

**RESOLVED:**

**That the Environment Overview and Scrutiny Committee approve the findings of the Municipal Golf Courses Scrutiny Workshop, and reaffirms its commitment to the four municipal golf courses and recommends to the Cabinet Member that:**

- 1) the municipal golf courses at Arrowe Park, Brackenwood, Hoylake and The Warren courses be retained in-house;**
- 2) the Council commission a ground survey to be carried out at each course and the capital programme be amended to carry out what comes out of the survey over the next eight years to ensure that each of the courses is brought up to standard;**
- 3) e-capital money that was frozen be used in consultation with grounds maintenance staff to provide appropriate equipment;**
- 4) a consultative user group be set up to meet once a quarter with each of the golf courses to discuss issues and problems; and**
- 5) there be no reduction in paying capacity on any of the courses.**

16 **LOCAL PLAN UPDATE**

The Assistant Director for Major Growth and Housing Delivery introduced this report and reminded Members of the timetable, which included: bringing the regulation 18 draft Local Plan to cabinet on 18 November 2019 then taking it to Council on 9 December then, if approved by Council, starting a consultation in January 2020 for 8 weeks.

The work was progressing on schedule, and on 25 September the Local Plan QC was visiting the Council to brief all Members. There were monthly meetings with civil servants, although there was still no formal response from the Secretary of State to the Action Plan which had been submitted. The Local Plan Member Advisory Group met every two weeks and discussed issues, and meetings took place with a range of groups over particular subjects.

**RESOLVED:**

**That the update on the Local Plan be noted and a report be brought to the next meeting about the consultation.**

17 **2018/19 OUTTURN AND QUARTER 1 2019/20 FINANCIAL MONITORING REPORT**

The Senior Manager Corporate Finance introduced the report which covered the 2018/2019 budget outturn and the first quarter of the 2019/2020 financial year and the capital budget. There had been an overspend of £1.2 million in revenue in 2018/2019 and an adverse £1.6 million in Quarter 1.

Members questioned the detail in the report. They noted that the Wirral Growth Company had been slower than expected to generate income and the shortfall had been bridged by reserves, and the Local Plan development had required additional expertise as it developed which increased its cost.

Members were concerned about the garden waste bin use which was much less than budgeted for and requested an additional report from waste and Environment Services on the subscriptions and promotion of the scheme.

**RESOLVED:**

**that the report be noted.**

18 **HILBRE ISLAND - UPDATE**

The Assistant Chief Executive and the Senior Manager, Strategic Asset Management provided an update for Members on recent events affecting Hilbre Island. They detailed the background to the incident – in the 1860s walls had been built in local sandstone to protect the island from erosion by blocking openings in the cliff faces. In 2016 a survey was commissioned looking at the walls and giving risk ratings. At the most seaward corner, one wall covering an island littoral opening and overhang was given a high-risk rating as the sea had created a hole since 2004. The Council had responded and options were considered. The most appropriate option which avoided damage to the beach and required minimal equipment was filling the space with a solidifying foam, which was to prevent collapse, and then reinstating the wall. A contractor had been engaged and this was done but a fire began in the foam which caused the island to be evacuated for safety. An investigation had begun, but was still to conclude, and to date no fault had been identified in the product or personnel. Future work would be undertaken by the Coastal Protection Team and an options report would be presented once realistic options were clear.

Members discussed the event and the alternative options considered before the event and for the future, which included: doing nothing; erecting barriers

and signage; filling the opening; and bringing in protective boulders. Most had drawbacks which introduced risks to the environment or to visitors.

A survey had also been carried out of the three Council properties on the island which were falling into disrepair and may cost considerably more if not upgraded in the shorter term.

**RESOLVED: That**

- 1) the Committee note the report and support the continuation of work with Agencies and the Friends of Hilbre Island Group following the fire on Hilbre Island;**
- 2) the Cabinet Member be asked to allow a full options appraisal to be undertaken for a range of actions to be considered based on previous reports and new inspections being conducted; and**
- 3) a Capital bid be produced to improve the listed properties on the island, including vacant properties to bring them back into use.**

19 **UPDATE ON THE COUNCIL'S RESPONSE TO THE CLIMATE EMERGENCY DECLARATION**

The Lead Commissioner for Environment updated the Committee on work in enacting an all-party resolution to declare a Climate Emergency passed at Council on 15 July. The declaration had become a corporate priority which required realigning resources, priorities and processes.

Actions taken and planned included:

- An initiation plan, with quick wins and future plans.
- Briefings for Cabinet and there were planned workshops for all Members.
- The Climate Emergency Action Plan which set out how the Borough could become climate neutral by 2050.
- A climate section has been introduced on to all Committee report templates so all decisions have some consideration of climate effects.
- A summary of actions (appended to the report but not in any order or priority) would form the Plan
- the climate strategy 'Cool Wirral' ended in 2019 and its successor 'Cool Wirral 2' had a consultation to end in October
- The Council was introducing agile working from home, less desk space and less paper
- There will be a sustainability appraisal tool for all projects

- Planning were commissioning a piece of work on climate emergency on the Local Plan
- The Council were trying to reduce red meat consumption in schools
- A tree strategy would be developed to help carbon capture, including a capital bid for a tree planting scheme, and care would be taken that the trees would not cause future problems because of their position
- Members and staff would be encouraged to make public pledges of lifestyle changes
- There was a cross party Members group
- a major planning event for senior officers was scheduled
- Electric Council vehicles would be encouraged.

Members questioned the detail of the Plan and other subjects not included in them such as allotments, climate strikes, air quality around schools, purchasing services and products locally and making cycling safer.

**RESOLVED:**

**That the contents of this report and the steps being taken to respond to the Climate Emergency Declaration be noted.**

20

**RECYCLING TASK & FINISH SCRUTINY REVIEW**

Councillor Allan Brame presented this report. He had taken part in the Review along with ex-Councillor Adam Sykes and Councillor Christina Muspratt.

Councillor Brame explained that Wirral had a target to recycle 50% of its waste, although it had dropped from 40% to 33%. The report detailed typical waste and the two largest items to bring change were textiles and food waste. The Government was introducing incentives and rules about plastic and food collections. The report made suggestions of schemes to help recycling rates, including using the Bidston plant to sort co-mingled waste, encouraging reuse of items and having recycling hubs.

**RESOLVED: That**

- 1) the contents and recommendations of the Recycling Scrutiny Report be supported; and**
- 2) the report be referred to the next appropriate Cabinet meeting.**

21 **2019/20 QUARTER 1 WIRRAL PLAN PERFORMANCE**

Members had been provided with the report on the 2019/20 Quarter 1 (April-June 2019) performance report for the Wirral Plan pledges under the remit of Environment Overview and Scrutiny Committee.

**RESOLVED:**

**That the Environment Overview and Scrutiny Committee note the content of the report.**

22 **WORK PROGRAMME UPDATE**

The Environment Overview & Scrutiny Committee, in co-operation with the other three Overview & Scrutiny Committees, was responsible for proposing and delivering an annual scrutiny work programme. The work programme was to align with the corporate priorities of the Council, in particular the delivery of the Wirral Plan pledges which are within the remit of the Committee and was attached to the report.

Members discussed items to be brought back to Committee including allotment provision and PSPO. Members referenced the request at the July Committee meeting to set up a Task & Finish group regarding trees, with agreement that this group be established as soon as possible to review Wirral's draft tree policy and programme of maintenance. A Task and Finish group was planned for 3 October 2019 at 3pm, involving Councillors Tom Anderson, Allan Brame, Helen Cameron, Steve Hayes and Christina Muspratt.

**RESOLVED:**

**With the addition of items on allotment provision, a PSPO and a Tree Strategy, the proposed Environment Overview & Scrutiny Committee work programme for 2019/20 be approved.**



## Environment Overview and Scrutiny Committee Thursday, 28 November 2019

<b>REPORT TITLE:</b>	<b>Financial Monitoring Report Quarter 2 2019/20</b>
<b>REPORT OF:</b>	<b>Corporate Director Delivery Services (Assistant Chief Exec)</b>

### REPORT SUMMARY

This report sets out the financial monitoring information for the Business Overview & Scrutiny Committee. The report provides Members with detail to scrutinise budget performance for this area of activity. The financial information covers the financial information as at quarter 2 2019/20.

Information has been drawn from the relevant sections of the most recent Cabinet revenue and capital monitoring reports and combined with additional relevant service information to produce a bespoke report for this Overview & Scrutiny Committee. The report includes the following:

- Performance against the revenue budget (including savings).
- Performance against the capital budget.

### RECOMMENDATION/S

That Members of the Environment Overview and Scrutiny Committee note the report and appendices and give their views.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

1.1 Overview and Scrutiny Committees receive regular financial updates throughout the year. These allow Committees to understand the financial position of the Council and to scrutinise decisions and performance as required.

### 2.0 OTHER OPTIONS CONSIDERED

2.1 Not applicable.

### 3.0 BACKGROUND INFORMATION

#### 3.1 Capital Programme 2019/20 Position

**Table 1 – Capital Monitoring at Quarter 2**

	<b>Capital Strategy (as agreed at Council)</b>	<b>Proposed Programme</b>
	<b>£m</b>	<b>£m</b>
Delivery	36.454	25.967
Economic & Housing Growth	27.712	6.076
<b>Total</b>	<b>64.166</b>	<b>32.043</b>

3.1.1 Table 1 provides an update on the 2019/20 capital Programme. A number of significant variations have arisen since the programme was agreed in March 2019. These include the inclusion of additional grant funded schemes, variations to spend forecasts and the re-profiling of expenditure into and out of the 2019/20 financial year. Further detail is provided below.

#### 3.1.2 Economic and Housing Growth

- Investment in properties: Costs with respect to the acquisition of specific properties relating to regeneration have been included in the current year projections with other schemes anticipated to commence in 2020-21 (decrease £8.60m)
- Wirral Waters Investment Fund: the Marine Energy Automotive Park project does not yet have planning permission and therefore, it is anticipated that it will commence in the last quarter of this financial year at the earliest. Anticipated spend £0.375m (decrease £5.62m).
- Housing Infrastructure Fund Marginal Viability: part of Homes England grant of £6m for infrastructure, land remediation, public realm works and utilities provision at Northbank, Wirral Waters. Estimated grant drawdown this year is £1m with the balance reprofiled into 2020/21 (decrease £2.0m).
- Community Bank: A due diligence exercise will review the case to establish a North West Regional Community Bank covering Cumbria, Lancashire and Merseyside. Depending on the outcome the majority of the Council's contribution will not be required this financial year (decrease £4.25m).
- New Ferry Regeneration Strategic Acquisitions: 25 properties have been identified for acquisition with 4 completed to date. Not all those identified will be completed this year (decrease £0.7m).

### 3.1.3 Delivery

- Transport for Growth: Adjustment to Integrated Transport grant allocation £1.1m and balance of funding brought forward from 2018/19 (increase £2.10m).
- Aids, adaptations and DFGs: Substantial additional grant funding was included in the original budget. In May the Council received a further £4.3m. A realistic level of grant allocation is estimated to be £2.5m based on applications and resources available. The balance of funding has been re-profiled into 2020/21 (decrease £3.33m).
- West Kirby flood defence: The expected tender period is December and January with appointment in February. Start on site will not be until the end of the financial year so apart from the ongoing consulting costs and some preliminary site work there will not be any significant capital outlay (decrease £2.37m).
- LED street lighting/column replacement: Contract awarded in September, works commencing October. Majority of expenditure will be incurred December onwards (decrease £5.47m).
- Leasowe Leisure Centre/Evolutions: Various design options are still being considered in order to provide the most economical and effective solution. The scheme itself is unlikely to start until the new financial year (decrease £1.0m)

## 3.2 Revenue Programme 2019/20 Position

**Table 2 – Revenue Monitoring at Quarter 2**

	<b>Budget</b>	<b>Forecast</b>	<b>Variance</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Delivery	53.719	56.460	(2.741)
Economic & Housing Growth	30.405	30.113	0.292
<b>Total</b>	<b>84.124</b>	<b>86,573</b>	<b>(2.449)</b>

### 3.2.1 Economic and Housing Growth: Forecast - £0.292m Favourable Variance Position

- The £0.292m forecast favourable position is a £0.212m improvement from Quarter 1 forecast position (£0.079m). The favourable position is largely to Housing function moving to this directorate from Delivery.

**Table 3: Economic and Housing Growth 2019/20 Full Year Revenue Budget and Forecast Position**

	Full Year				Adv/Fav
	Budget	Forecast	Variance		
	£000	£000	£000	(+ Fav, - Adv) %	
Major Growth & Housing Delivery	23,234	23,374	(140)	-1%	Adverse
Corporate Director for Economic & Housing Growth	(5,193)	(5,250)	57	1%	Favourable
Regeneration & Inward Investment	990	990	(0)	0%	
Housing	9,822	9,447	374	-4%	Favourable
<b>Directorate (Surplus) / Deficit</b>	<b>28,854</b>	<b>28,561</b>	<b>292</b>	<b>1%</b>	<b>Favourable</b>
Support / Admin Building Overhead	1,552	1,552	0		
<b>Total (Surplus) / Deficit</b>	<b>30,405</b>	<b>30,113</b>	<b>292</b>	<b>1%</b>	<b>Favourable</b>

### 3.2.2 Major Growth & Housing Delivery

- The adverse forecast expenditure of £0.140m is due planning related expenses, a review is underway to manage these costs through the capital programme.
- Delivery of the Local Plan remains a key priority. Reserves have been set aside to cover the local plan costs, estimated cost of delivery is £1.400m in 2019/20, £0.200m in 2020/21 and £0.400m in 2021/22.

### 3.2.3 Corporate Director for Economic & Housing Growth Management

- Favourable variance of £0.057m due to salary budget slippage from vacant Director post Apr – Jul 2019.
- Income of £4.150m was originally anticipated in 2019/20 from development within the Wirral Growth company. However, as the partnership with Muse has matured, the partnership agreement has been refocused to ensure any development is designed in consultation with residents, members and partners to ensure the maximum financial benefits can be realised for the Council. This may result in additional income being received in future years. This will be funded by a transfer from the Economic Growth reserve which was established to cover such delays in regeneration developments.

### 3.2.4 Housing Services

- The favourable position within Housing is forecast from the current cost of Supported Housing contracts based on current occupancy rates.

### 3.2.5 Delivery Services: Forecast - £2.741m Adverse Variance Position

- The £2.741m forecast adverse position is a £1.107m deterioration from Quarter 1 forecast position (£1.634m). The adverse position is largely due to delays / reversals of

key decisions relating to income generation and Housing function moving from this directorate to Economic and Housing Growth (£0.374m favourable variance).

**Table 4: Delivery 2019/20 Full Year Revenue Budget and Forecast Position**

	Full Year				Adv/Fav
	Budget	Forecast	Variance (+ Fav, - Adv)		
	£000	£000	£000	%	
Community Services	14,432	15,719	(1,287)	-9%	Adverse
Delivery Services Management	183	189	(6)	-3%	Adverse
Highways & Streetscene Services	26,797	28,201	(1,404)	-5%	Adverse
Asset Management	3,855	3,898	(43)	-1%	Adverse
<b>Directorate (Surplus) / Deficit</b>	<b>45,267</b>	<b>48,008</b>	<b>(2,741)</b>	<b>-6%</b>	<b>Adverse</b>
Support / Admin Building Overhead	8,452	8,452	0		
<b>Total (Surplus) / Deficit</b>	<b>53,719</b>	<b>56,460</b>	<b>(2,741)</b>	<b>-5%</b>	<b>Adverse</b>

### 3.2.6 Community Services

- There are income pressures (£0.49m) within Sport & Recreation caused by: the slippage of the development of the 3G pitches at Leasowe has delayed the income generation in year; a delay to realising commercial opportunities at the West Kirby Lake Sailing Centre facilities whilst awaiting completion of the building improvements and the ongoing negotiations to transfer the Beechwood Leisure Centre to an alternative provider. The commercial team are developing plans to improve the leisure centre offer with new gym equipment and classes. This will increase demand for memberships and improve income streams.
- The expectation of the 2019/20 budget was for the approved budget savings relating to the transfer of operations at the Floral Pavilion and two golf courses to expert providers, to be fully achieved. However, continuing delays in the transfer of the Floral Pavilion (£1.5m capital receipt and £0.55m revenue adverse variance) and Members recommendation to not proceed with the transfer of the Golf Courses (£0.11m) will mean that the saving target will not be realised in 2019/20.

### 3.2.7 Highways & Streetscene

- Due to reduced demand, car parking income is expected to fall short of the budget (£0.3m adverse). A comprehensive review of the transport strategy is being undertaken in this area to recommend improvements to Members
- The termination of the Council's contract with Kingdom, which enforced fines for environmental breaches such as dog fouling, littering, trade waste and smoking offenses, has generated a budget shortfall (£0.5m adverse) within the Waste & Environment Service Area; alternative options are being reviewed with regard environmental enforcement.

- There has been a slower than anticipated take up of the Garden Waste Subscription service, if this trend were to continue the forecast adverse budget variance of £0.2m. Work is underway to attract new subscribers through promotional activity and advertising, to mitigate this variance in year.
- Assisted Travel (£0.4m adverse) is due to the increased demand for home to school transport and adult transport. There is currently a policy review of this area being undertaken to help address this organisation-wide issue of increasing demand Which will be reported in November 2019.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 The financial implications of this report are discussed throughout the report. This is essentially a financial monitoring performance update report.

#### **5.0 LEGAL IMPLICATIONS**

5.1 There are none arising directly from this report.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 There are no implications arising directly from this report.

#### **7.0 RELEVANT RISKS**

7.1 There are none directly relating to this report. The monitoring of financial performance important to ensure robust financial control procedures are in place. The Council faces financial challenges in this period as it seeks to increase income, reduce costs whilst transforming its approach to services. There is a risk in future years that the Council does not achieve a planned approach.

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 No consultation has been carried out in relation to this report.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 No because there is no relevance to equality.

#### **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 This report has no impact on emissions of CO2

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## APPENDICES

### BACKGROUND PAPERS

#### SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
Budget Council	<b>4<sup>th</sup> March 2019</b>
Cabinet – Financial Monitoring Outturn 2018/19	<b>22<sup>nd</sup> July 2019</b>
Cabinet – Quarter 1 Financial Monitoring 2019/20	<b>2<sup>nd</sup> September 2019</b>

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## ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

28<sup>TH</sup> NOVEMBER 2019

<b>REPORT TITLE</b>	<b>WIRRAL COUNCIL ENFORCEMENT POLICY</b>
<b>REPORT OF</b>	<b>MARK CAMBORNE - ASSISTANT DIRECTOR, SAFER WIRRAL SERVICE</b>

### REPORT SUMMARY

The purpose of this report is to seek member approval of the updated Wirral Council Enforcement Policy found in **Appendix 1**. Wirral Council's previous Enforcement Policy was last amended in 2016 and therefore in line with good governance and subsequent changes in the Council's approach to enforcement, it must be updated.

The policy provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with legislation enforced by the Council's various regulatory services. It is designed to help officers, businesses and the general public understand our objectives and methods for achieving compliance and the criteria we consider when deciding the most appropriate response to a breach of legislation.

The key changes to the policy document include the removal of references to a robust approach to litter and dog fouling by authorised third parties. Other changes have expanded the scope of the policy to include safety within sports grounds which was previously absent. Minor formatting issues and phrasing have also been reviewed.

This matter affects all wards within the Borough.

This matter is not a key decision.

### RECOMMENDATION/S

That members of the Committee note and comment as required on the updated Wirral Council Enforcement Policy contained within Appendix 1.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To continue to ensure that the Council's regulatory services operate under a Policy which has been regularly reviewed in line with good governance.
- 1.2 To reflect the change in direction from the use of third party contractors to undertake enforcement activities and specifically to move away from the Robust Enforcement / Zero Tolerance Approaches used to tackle littering and dog fouling.
- 1.3 To continue to provide a number of regulatory services across the Council with a clear policy to ensure that enforcement, when absolutely required, is conducted in a consistent, proportionate, transparent and targeted fashion.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 No other options have been considered

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Council is required by the [Regulator's Code](#) to publish their Enforcement Policy explaining how they respond to non-compliance. It is recognised as an important document for regulators in meeting their responsibility under the statutory principles of good regulation, set out in Section 21 of The Legislative and Regulatory Reform Act 2006, to be accountable and transparent about their activities.
- 3.2 The Council's Enforcement Policy was approved by Cabinet on 11 September 2014 and a subsequent update was approved on 7 March 2016 and provides guidance on the range of options that are available to achieve compliance with legislation enforced by the following services:

- Building Control
- Environmental Enforcement
- Environmental Health
- Housing Standards
- Licensing
- Planning

- Trading Standards
- (Safety of Sports Grounds)

3.3 It is designed to help businesses and individuals understand our objectives and methods for achieving compliance and the criteria we consider when deciding the most appropriate response to a breach of legislation.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are none arising from this report

#### **5.0 LEGAL IMPLICATIONS**

5.1 Local Authorities are required by the Regulators' Code to publish an enforcement policy explaining how they respond to non-compliance.

#### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

6.1 There are none arising from this report

#### **7.0 RELEVANT RISKS**

7.1 There are none arising from this report

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 Officers from each of the services were consulted and contributed to the policy and were satisfied that it reflected the provisions for regulation within their service.

8.2 The draft policy was subject to an online Public Consultation during November and December of 2018. Responses, totalling seven, were mainly concerned with the historical use of third party enforcement contractors, with other responses offering little constructive comment, instead using the survey as an opportunity to evaluate the Council in general.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 There are none arising from this report

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no direct implications, however powers available to some officers support the improvement of local air quality, for example through enforcement of the Clean Air Act 1993, which governs Smoke Control Areas including smoke from chimneys and the Environmental Protection Act 1990 which provides a legal basis and enforcement mechanism for other smoke and atmospheric issues to be controlled.
- 10.2 The regulation of specific commercial installations capable of emitting pollutants to the atmosphere also provide relevant authorised officers with powers to take enforcement action where specific atmospheric pollutant limits are breached.
- 10.3 This policy does not directly contribute to tackling climate change, however there is no known enforcement activity conducted under it which could act to the contrary.

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## APPENDICES

1. Wirral Council Enforcement Policy 2019

## BACKGROUND PAPERS

None

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	Monday 7 <sup>th</sup> March 2016



**WIRRAL COUNCIL**

**ENFORCEMENT POLICY**

**2019**

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8. HOW ENFORCEMENT DECISIONS ARE MADE
9. WHO DECIDES WHAT ENFORCEMENT ACTION IS TAKEN
10. APPEALS
11. LIAISON WITH OTHER REGULATORY BODIES AND ENFORCEMENT AGENCIES
12. CONSIDERING THE VIEWS OF THOSE AFFECTED BY OFFENCES
13. REVIEW OF THE ENFORCEMENT POLICY
14. COMMENTS OR COMPLAINTS

## 1. EXECUTIVE SUMMARY

Wirral Council's primary objective is to achieve regulatory compliance. We will seek to promote advice, guidance, and support to assist businesses and individuals to comply, but where it becomes necessary to take enforcement action, we will do so. There is a wide range of enforcement tools available to us as an authority to deal with non-compliance, which include:

- Compliance Advice, Guidance and Support
- Voluntary Undertakings
- Statutory (Legal) Notices
- Financial Penalties Such as Fixed Penalty Notices, Civil Penalties
- Banning orders
- Rent Repayment Orders
- Injunctive Actions / Enforcement Orders etc.
- Simple Caution
- Prosecution
- Refusal / Suspension / Revocation of Licences

Wirral Council will always choose an enforcement method that is relevant and proportionate to the offence or contravention.

This policy sets out the following Team's approach to dealing with non-compliance:

- Building Control
- Environmental Health
- Housing Standards
- Licensing
- Planning
- Trading Standards
- Environmental Enforcement
- Health, Safety & Wellbeing Team (Safety of Sports Ground Functions)

This policy provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with legislation enforced by the above services. It is designed to help you understand our objectives and methods

for achieving compliance and the criteria we consider when deciding the most appropriate response to a breach of legislation.

Wirral Council's decisions relating to which action to take will have regard to current statutory guidance and codes of practice, particularly the [Regulators' Code](#), [The Code for Crown Prosecutors](#) and the [Human Rights Act 1998](#).

The Council also has a duty to consider how it uses its powers to investigate offences proportionately and must have regard to the [Powers of Entry Code of Practice](#).

## **2. INTRODUCTION**

2.1 Wirral Council is committed to avoiding unnecessary regulatory burdens on businesses or individuals and seeks to encourage and promote compliance. Wirral Council recognises that decisions about enforcement action can have serious implications for all involved. The purpose of this policy is to ensure that:

- Decisions about enforcement action are fair, proportionate and consistent
- Officers apply current Government guidance and relevant codes of practice
- Everyone understands the principles that are applied when enforcement action is considered

## **3. LEGAL STATUS OF THE ENFORCEMENT POLICY**

3.1 This policy is intended to provide guidance for officers, businesses, and individuals. It does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest. Officers of Wirral Council will act in accordance with this policy.

## **4. SCOPE AND MEANING OF ENFORCEMENT**

4.1 This policy is based on the following statutory principles of good regulation:

- Transparency
- Accountability
- Proportionality
- Consistency
- Targeted action where it is needed

4.2 This policy applies to the legislation enforced by officers in:

- Building Control
- Environmental Enforcement
- Environmental Health
- Housing Standards

- Licensing
  - Planning
  - Trading Standards
  - Safety of Sports Grounds
- 4.3 'Enforcement' includes any action taken by officers aimed at ensuring that businesses and individuals comply with the law and promote positive Citizen Behaviour Change. This includes guidance as well as formal action.

## **5. GENERAL PRINCIPLES**

- 5.1 Wirral Council aims to support businesses and individuals to comply with the Law and grow within the Borough. Where appropriate, positive feedback will be provided to those it regulates to encourage and reinforce good practice. Wirral Council will encourage and promote compliance through clear advice and guidance, and will share information within our organisation and with other regulators regarding compliance where appropriate and lawful to do so.
- 5.2 Where we consider that formal action is necessary each case will be considered on its own merits. However, the general principles that apply to the way each case will be approached are set out in this policy.
- 5.3 Wirral Council is a public authority for the purposes of the Human Rights Act 1998. We will, therefore, apply the principles of the European Convention for the Protection of Human Rights, and will undertake its duties in accordance with the Equality Act 2010.
- 5.4 This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulators' Code.
- 5.5 In certain instances we may conclude that a provision in the Regulators' Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the code will be properly reasoned, based on material evidence and documented.
- 5.6 Wirral Council is committed to ensuring that officers, or authorised persons acting upon it's behalf, have the necessary knowledge and skills to support businesses and individuals to be regulated in accordance with this policy.

## **6. WIRRAL COUNCIL'S APPROACH TO DEALING WITH NON-COMPLIANCE**

- 6.1 Wirral Council is committed to:
- clearly explaining the non-compliance and any advice given, actions required or decisions taken, with reasons for these
  - provide an opportunity for dialogue in relation to advice given, actions required or decisions taken in relation to non-compliance
- 6.2 Wirral Council will:

- provide details of who is responsible for managing investigations and making decisions on enforcement action in accordance with its scheme of delegation which is available via its website ([www.wirral.gov.uk](http://www.wirral.gov.uk)) within the Council's Constitution
- communicate with businesses or individuals in the most appropriate means which may include telephone, face to face, email, or letter
- ensure that officers or authorised persons acting upon it's behalf register any conflicts of interest to ensure that decisions made are fair and transparent
- work with other enforcement agencies and will share information where appropriate and in accordance with the law
- ensure that all those it regulates will be treated fairly and with respect
- in certain circumstances, seek to raise awareness and increase compliance levels by publicising unlawful practices or criminal activity. Where appropriate the results of specific court cases may be published.

6.3 The action that Wirral Council chooses to take depends upon the particular circumstances and the conduct of the business or individual in respect of the breach.

In these cases where there has been a deliberate breach of the law the Council will issue a Fixed Penalty Notice where this is available in the relevant legislation and where appropriate.

6.4 Wirral Council is committed to ensuring that, where appropriate, those regulated are able to request advice on non-compliance without automatically triggering enforcement action, particularly where action to resolve non-compliance is being taken.

6.5 If we receive information that may lead to enforcement action against a business or individual we will notify that business or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public.

6.6 During the progression of enforcement investigations/actions, businesses or individuals and witnesses will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a Court or other enforcement agencies when required and/or in accordance with the Data Protection Act 2018 and General Data Protection Regulations and subject to other statutory provisions.

6.7 Wirral Council will respond appropriately to all complaints of non-compliance, subject to any risk-based prioritisation scheme used by the investigating department. This response will include careful consideration of how to respond to anonymous complaints depending upon the individual circumstances.

6.8 All investigations will be carried out lawfully having regard to the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Wirral Council:

- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Criminal Justice and Police Act 2001
- Human Rights Act 1998
- Protection of Freedoms Act 2012 and Powers of Entry Code of Practice

6.9 These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

6.10 Our authorised officers or persons authorised to act on behalf of the Council will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

6.11 In investigating alleged or potential authorised officers and persons authorised to act on behalf of the council will consider the Councils duty to take reasonable steps to ensure that everyone has an equal opportunity to understand what an investigation is about and have the opportunity to exercise any right of appeal, reply or offer an explanation etc.

## **7. DECIDING WHAT LEVEL OF ENFORCEMENT ACTION IS APPROPRIATE**

7.1 In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure
- The past performance of a business or individual
- The current practice of a business or individual
- The risks being controlled
- Legal, official or professional guidance
- Local priorities of the Council
- The available actions made available by law for the particular offence involved

7.2 Where a team has a detailed policy dealing with a particular task or area it is referred to below.

7.3 There are a number of potential enforcement options available to Wirral Council. The action taken varies from advice through to proceedings in Court. Examples of the main types of action that can be considered are:

- Compliance Advice, Guidance and Support
- Voluntary Undertakings
- Statutory (Legal) Notices
- Financial Penalties including Fixed Penalty Notices
- Injunctive Actions / Enforcement Orders etc.
- Simple Caution
- Prosecution
- Refusal / Suspension / Revocation of Licences

## **Compliance Advice, Guidance and Support**

- 7.4 Wirral Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning (in the form of a letter or email) , to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a warning cannot be cited in court as a previous conviction but it may be presented in evidence.
- 7.5 Wirral Council recognises that where a business has entered into a partnership with a Primary Authority, the Primary Authority will provide compliance advice and support, and Wirral Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the Primary Authority.
- 7.6 Detailed information on the workings of Primary Authorities may be found at the Office for Product Safety and Standards website.
- 7.7 Where more formal enforcement action is taken, such as a simple caution or prosecution, Wirral Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

## **Voluntary Undertakings**

- 7.8 Wirral Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. Wirral Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

## **Statutory (Legal) Notices**

- 7.9 In respect of many breaches Wirral Council has powers to issue statutory notices. These include Stop Notices, Prohibition Notices, Hygiene Emergency Prohibition Notices, Improvement Notices, and Abatement Notices. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default.
- 7.10 A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Any rights of appeal will also be made clear in the notice.
- 7.11 Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges or with Land Registry. Some notices are required to be published or may be disclosed in response to request under Freedom of Information and Environmental Information Regulations. Where appropriate and legal to do so, notices may be made available in the public domain.

7.12 Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (i.e. a breach of the notice) Wirral Council or its contractors may carry out any necessary works to satisfy the requirements of the notice. Where the law allows, we will charge the business or individual served with the notice for all the reasonable costs we incur in carrying out the work, including administrative and supervisory costs.

7.13 The Council will follow its debt recovery processes to recover this public money.

7.14 In some instances where the business or individual charged for such costs fails to pay within the specified time limit, where the law allows, these charges can be registered against their property as a local land charge.

### **Financial penalties**

7.15 Wirral Council has powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, Wirral Council may commence criminal proceedings or take other enforcement action in respect of the breach.

7.16 If a fixed penalty is paid in respect of a breach Wirral Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches. Wirral Council is only able to issue fixed penalty notices where it has specific powers to do so, for example when specified in certain legislation or as a result of breaching an active Public Space Protection Order (PSPO). If fixed penalty notices are available, their issue is at Wirral Council's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice. When Fixed Penalty Notices are issued we will make it clear how they can be challenged by persons receiving them.

### **Penalty Charge Notices**

7.17 Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the enforcer in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not appear on a person's criminal record and we may choose to issue a PCN without first issuing a warning

7.18 Civil Penalties can be used in certain circumstances related to privately rented residential accommodation, as an alternative to prosecution. The council can set the level of civil penalty up to a maximum of £30,000. Both decisions whether to prosecute or use civil penalties and setting the level of a civil penalty will be taken in line with a local Housing Standards policies.

### **Injunctive Actions, Enforcement Orders etc.**

7.19 In some circumstances Wirral Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring.

The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

7.20 Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

7.21 Wirral Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, Wirral Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

### **Seizure Proceedings**

7.22 Certain legislation enables authorised Officers to seize goods, for example unsafe food, documents, sound equipment that is being used to cause a statutory noise nuisance, unsafe products or any goods that may be required as evidence for possible future court proceedings. When we seize goods we will give the person from whom the goods are taken an appropriate receipt and will ensure they are informed of the powers used and any rights of redress that they have.

### **Voluntary Deprivation**

7.23 Voluntary Deprivation allows for the owner of (or another person possessing rights to) illegal goods, property, equipment etc. to voluntarily surrender them to Wirral Council. In doing so, the owner of the items thereby renounces all rights, claims and ownership of the said items. Wirral Council will then be responsible for the disposal of the said items. This process is used to prevent illegal items from re-entering the market place or being used in such a way that may cause further problems.

### **Forfeiture Proceedings**

7.24 This procedure may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem. In appropriate circumstances, we will make an application for forfeiture to the Magistrates Courts.

### **Simple Caution**

7.25 Wirral Council has the power to issue simple cautions as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, Wirral Council is likely to consider prosecution.

7.26 A simple caution may appear on the offender's criminal record. It is likely to influence how Wirral Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

7.27 Regard will be had to Ministry of Justice Guidance “Simple cautions for Adult Offenders” and other relevant guidance when considering and administering Simple Cautions

## **Prosecution**

7.28 Wirral Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute Wirral Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

7.29 Prosecution will only be considered where Wirral Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s), and it is in the public interest.

7.30 The public interest must be considered in each case where sufficient evidence is present. Wirral Council will balance factors for and against prosecution carefully and fairly.

7.31 Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the defendant. Some factors may increase the need to prosecute but others may suggest that another course of action would be more suitable.

7.32 Before deciding that prosecution is appropriate, Wirral Council will consider all relevant circumstances carefully and will have regard to the following public interest criteria:

- The prevalence of the type of offence
- The need for a suitable deterrent
- The risk of danger or injury to the public
- The failure to comply with a statutory notice or to respond to advice about legal requirements
- The disregard of legal requirements for financial reward
- Significant financial loss, potential or actually, to a third party
- A history of similar offences
- Persistent breaches of legislation
- Where fraud, guilty knowledge or negligence is a factor

7.33 A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

7.34 For certain housing related offences, a specific policy is also available to guide officers in making decisions about whether to prosecute or use civil penalties, as an alternative.

## **Proceeds of Crime Applications**

- 7.35 Applications may be made under the Proceeds of Crime Act for confiscation of assets. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Applications are made after a conviction has been secured.

## **Refusal/Suspension/Revocation of Licences**

- 7.36 Wirral Council issues a number of licences, consents, and permits and has a role to play in ensuring that appropriate standards are met in relation to those issued by other agencies. Most licences, consents, and permits include conditions which require the licence holder to take steps to ensure that, for example, a business is run in a lawful and responsible manner. Breach of relevant legislation or conditions attached to a licence may lead to its suspension, revocation or refusal of future applications.
- 7.37 When considering future licence applications, Wirral Council will take previous breaches and enforcement action into account.
- 7.38 In the private housing rental sector, where appropriate, operating without the license may result in either prosecution or civil penalty, and, in addition a rent repayment order.
- 7.39 In the private housing rental sector, where appropriate, operating without the license may result in either prosecution or civil penalty, and, in addition a rent repayment order.

## **Interim Management Orders and Final Management Orders**

- 7.40 Wirral Council has the power to make both Interim and Final Management Orders in relation to private sector rented properties, in certain circumstances. These orders allow the Council to take control of the management of a property for a period of time

## **Rent Repayment Orders (RRO)**

- 7.41 In some circumstances, Wirral Council may seek a RRO when taking action to for certain offences related to privately rented residential accommodation. A RRO forces an owner to repay rent previously received, to the Council. A separate policy providing more detail on when the Council should seek a rent repayment order is also available.

## **Banning Orders**

- 7.42 Wirral Council may apply for a Banning Order against a person who has been convicted of a Banning Order offence. If granted such an order would prevent a person from, for example, letting or managing a rented house

## **Use of Other Legal Powers**

- 7.43 Certain Enforcement Officers have additional powers that enable them to carry out

their duties: for example take photographs, leave a workplace undisturbed as part of an accident investigation, and take samples or measurements. These powers are to allow Wirral Council to carry out its duties. Where these powers are exercised by officers they will be carried out lawfully and in accordance with statutory codes of practice and with due regard to guidance and best practice.

7.44 Wherever appropriate Wirral Council will seek to recover costs of enforcement action against a business or individual subject to the enforcement action, where appropriate and legal to do so.

## **No Action**

7.45 In certain circumstances, contravention of the law may not warrant any action. This can be where there is insufficient evidence or it is not in the public interest to proceed. Some areas of legislation only allow the Council to take action where it is expedient to do so, taking into account the level of harm caused by the contravention. In certain cases it may not be considered expedient to take enforcement action. All such decisions will be made transparently.

## **8. HOW ENFORCEMENT DECISIONS ARE MADE**

8.1 In determining the most appropriate enforcement action, based on professional judgement, legal guidance, statutory codes, and having regard to the ['Regulatory Justice: Making Sanctions Effective Report'](#) (Macrory Review 2006), Wirral Council will:

- aim to change the behaviour of the offender
- aim to eliminate any financial gain or benefit from non-compliance
- consider what is appropriate for the particular offender and regulatory issue.
- be proportionate to the nature of the offence and the harm caused
- aim to restore the harm caused by regulatory non-compliance, where appropriate
- aim to deter future non-compliance

8.2 Senior Managers will monitor and review decisions taken against this policy.

## **9. WHO DECIDES WHAT ENFORCEMENT ACTION IS TAKEN**

9.1 Decisions about the most appropriate enforcement action to be taken are based upon professional judgement, legal guidelines, statutory codes of practice and priorities set by the Council and/or Central Government. This will be further reinforced, where considered necessary, by the introduction of practice and procedure notes which will seek to guide officers in the appropriate line of action to take.

9.2 Where appropriate, decisions about enforcement will involve consultation between or approval from:

- Investigating Officer(s)
- Managers
- Council Solicitors or Counsel
- Elected Members of Wirral Council

9.3 Businesses and individuals will be provided with a timely explanation in writing of any rights to representations or rights to appeal, and practical information on the process involved.

## **10. APPEALS**

10.1 In some circumstances a business or individual subject to Enforcement Action taken by Wirral Council may have a right to appeal the decision. Where such a right exists the business or individual will be advised in writing of that right, including details of how to exercise that right.

## **11. LIAISON WITH OTHER REGULATORY BODIES AND ENFORCEMENT AGENCIES**

11.1 Where appropriate, enforcement activities will be co-ordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

11.2 Where an enforcement matter affects a wide geographical area beyond the Council's boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity co-ordinated with them.

11.3 Where appropriate, and in accordance with the law, Wirral Council will share intelligence with other regulatory bodies and agencies, examples including:

- Government Agencies
- Police Forces
- Fire Authority
- Other Local Authorities
- Other prosecuting agencies

## **12. CONSIDERING THE VIEWS OF THOSE AFFECTED BY OFFENCES**

12.1 Wirral Council undertakes enforcement on behalf of the public at large and not just in the interest of any particular individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views expressed by those affected will, where appropriate, be taken into account when making enforcement decision.

## **13. REVIEW OF THE ENFORCEMENT POLICY**

13.1 This policy will be reviewed every three years.

## **14. COMMENTS OR COMPLAINTS**

14.1 Wirral Council want to give the best possible service, so we need to know when we are doing something well and when things can be improved. Details of how to provide feedback, including complaints about our service can be found on our website

[www.wirral.gov.uk](http://www.wirral.gov.uk)

14.2 If you wish to contact Wirral Council regarding the application of this policy please use the contact details below. When contacting Wirral Council please state clearly whether you wish to make a comment, compliment or complaint. Wirral Council operates a formal complaints procedure which assists in resolving complaints as quickly as possible.

web : [www.wirral.gov.uk](http://www.wirral.gov.uk)

email : [comments@wirral.gov.uk](mailto:comments@wirral.gov.uk)

post : Information & Advice Team Wirral Council  
P.O. Box No. 2  
Birkenhead  
Wirral  
CH41 6BU  
Telephone : 0151 606 2020

This policy is available on the Council's website.

If you would like a paper copy of the policy please contact us using the details above

Wirral Council is committed to making information accessible to everyone. You can use the above contact details or visit your local One Stop Shop for support and advice if you need information translated or in another format such as large print, braille or audio.

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## ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

28 NOVEMBER 2019

<b>REPORT TITLE</b>	Notice of Motion – Verges and Pollinators
<b>REPORT OF</b>	Colin Clayton, Assistant Director, Community Services

### REPORT SUMMARY

In July 2019 Council resolved a motion “Verges and Pollinators” which stated:

*“Council notes the public interest in, and appreciation of, the scheme in Rotherham where the main Ring Road has, for some years, had areas planted with native wildflowers.*

*As these have created an attractive visual environment and encouraged pollinators Council requests Cabinet to instruct officers to:*

- a) report in detail on such a scheme, the cost of introduction and potential maintenance*
- b) offer advice on suitable areas for similar planting in Wirral*
- c) consider an area for an initial trial scheme in Wirral*
- d) draw up proposals for consultation regarding further areas where this could be introduced; and*

*present this report for consideration by the Environment Overview & Scrutiny Committee with a timetable that might enable a trial scheme to commence in 2020.*

*In the meantime, Council requests Cabinet to ensure that officers work proactively with residents who wish to create wildflower meadows on council-owned land in appropriate locations.”*

This paper provides the requested report for consideration.

## **RECOMMENDATION/S**

That Members note and consider the contents of the report to provide guidance on future work regarding pollinator verges.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

1.1 Officers were asked to present this report in line with the “Verges and Pollinators” motion as passed by Council in July 2019.

### **2.0 OTHER OPTIONS CONSIDERED**

2.1 None, no other option would meet the requirements of the “Verges and Pollinators” motion as passed by Council in July 2019.

### **3.0 BACKGROUND INFORMATION**

3.1 Rotherham Borough Council commissioned the planting of Rotherham Ring Road in 2013 to create an eight mile long river of flowers along the central reservation. The planting is formed from native wildflowers and bulbs with supplementary non-native flower species. The scheme has been successful both as an attractive floral display and for wildlife. It requires less frequent maintenance than the previous planting, being managed on a two year cycle.

3.2 The planting on the Rotherham Ring Road central reservation is a seed mix provided by Pictorial Meadows Ltd, who also provided the planting mix used at London’s Olympic site. A mix of annual plant species was selected to cover a long flowering period through use of different species with later flowering species’ new growth hiding the old growth of earlier flowering species. Species include attractive ruderals (flowers that grow on newly tilled soil) such as Poppies, Cornflowers and Corn Marigolds, along with Californian Poppies, Red Orache and Fairy Toadflax. Naturalised bulb areas include Alliums.

3.3 The seeds are sown/planted in April, visibility splays are cut in July to ensure road users’ sight lines are preserved. A full cut is undertaken in November.

- 3.4 This regime results in less grounds maintenance work and has led to savings in mowing costs of approximately £23,000 for each two year cycle for Rotherham Borough Council.
- 3.5 Officers have liaised with Wirral Wildlife, a group of the Cheshire Wildlife Trust. This has resulted in a list of possible suitable sites for similar planting to the Rotherham Ring Road scheme:
- 3.6 A553, from Moreton to Meols. From the junction of Millhouse Lane and Hoylake Road to the junction of Birkenhead Road and Heron Road.
- 3.7 Junction of The Rake and Beechwood Road, Bromborough, areas of grass in front of shopping parade and in areas around street trees.
- 3.8 Lowfields Avenue, Eastham, large area of grass opposite junction with Norley Avenue.
- 3.9 Plymyard Avenue, Eastham, areas of grass at junction with Eastham Rake.
- 3.10 Upton Road, Upton, areas of grass at junction with Houghton Road at entrance to the Woodchurch Estate.
- 3.11 Levers Causeway, Storeton. Adjusting the cutting times for long grass could help existing wildflowers thrive. At present cutting may take place when Umbellifers are in flower.
- 3.12 Other potential sites include Thingwall Road, Irby and the Upton Bypass.
- 3.13 Two trial areas are proposed, Levers Causeway and the junction of Plymyard Avenue and Eastham Rake.
- 3.14 These two sites will be trialled for pollinator verge planting, their success will be measured by their overall establishment, biodiversity and visual impact and reception from residents and communities against cost and value.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The trial of pollinator verges at Levers Causeway would be relatively straightforward requiring a change in the current grass cutting regime. As this would only mean a change in the timings of existing grounds maintenance work there would be no additional cost of trialling this site.
- 4.2 Appendix 1 provides a map of two areas of grass at the junction of Plymyard Avenue and Eastham Rake, these are labelled A and B.
- 4.3 Area A is 240m<sup>2</sup> in area, Area B is 140m<sup>2</sup> in area, this provides a total trial area at this site of 380m<sup>2</sup>.
- 4.4 Costings provided by a potential seed supplier are at £102 for 1kg of wildflower seed. This is to be sown at a frequency of 2g per m<sup>2</sup>.
- 4.5 The method for trialling pollinator verges at the junction of Plymyard Avenue and Eastham Rake would involve cutting and removing existing grass, marking out areas, removal of top layer of turf and sowing seed. This work would require approximately 18 hours of work by two labourers.
- 4.6 The total cost of trialling sites A & B would be approximately £952.80.
- 4.7 Other methods exist for establishing wildflower meadows which may have reduced labour time and greater establishment/success rates but are substantially more expensive.
- 4.8 Application of a soil seed mix, delivered to site, approximately £7.80 per m<sup>2</sup> this would result in a cost of £2964, not including any labour costs.
- 4.9 Application of wildflower turf, delivered to site, approximately £12.80 per m<sup>2</sup> this would result in a cost of £4864, not including any labour costs.
- 4.10 The Council's budgetary pressures may preclude or otherwise affect the Council's ability to undertake and fund non statutory spending into the future.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 There are no legal implications of this work which will be carried out on Council owned land.

## **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

6.1 The trials will be undertaken using existing resources, should a wider programme of pollinator verges be adopted in the future further studies would be undertaken of any resource impacts.

## **7.0 RELEVANT RISKS**

7.1 Trial areas may be unsuccessful in establishing, due to poor weather and other ground factors. The success of the two trial sites will be monitored and reviewed before further pollinator verges are established.

7.2 Residents may dislike the presence of pollinator verges, preferring a mown grass verge. The trials are small in scale and will be useful for gauging public reaction and opinion on pollinator verges.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Engagement will be undertaken with Residents and Members prior to any trial.

8.2 Mechanisms can be created for Residents and Members to suggest sites for future pollinator verges in line with the “Verges and Pollinators” motion. We need to first assess the success, efficiency and impact of the establishment process as described above in the two trial sites proposed.

## **9.0 EQUALITY IMPLICATIONS**

9.1 None because there is no relevance to equality.

9.2 Future actions arising from this work may require an Equality Impact Assessment (EIA) an EIA will be undertaken at a future date if required.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are likely to be positive environmental impacts from the establishment of pollinator verges, especially if they become widespread into the future following the proposed trials. Pollinator verges provide habitat and food sources for pollinating insects and other wildlife. There are no climate implications of this work at present. In the future should pollinator verges become widely adopted, reduced grounds maintenance may result in lower fossil fuel usage by the Council and its contractors.

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## **APPENDICES**

Appendix 1: Plymyard Avenue/Eastham Rake Areas A & B



VERGES&POL(7).pdf

## **BACKGROUND PAPERS**

**N/A**

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Full Council</b>	<b>15<sup>th</sup> July 2019</b>

**ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE****28 NOVEMBER 2019**

<b>REPORT TITLE</b>	Progress report on future alternatives to Glyphosate for Weed Control
<b>REPORT OF</b>	Colin Clayton, Assistant Director, Community Services

**REPORT SUMMARY**

This report presents the current position regarding Wirral Council's use of glyphosate and proposed measures to reduce its usage, whilst developing and monitoring the Council's weed control strategy - balancing the operational challenges with our commitment to protecting our environment and the Glyphosate Free Wirral motion as passed by Council.

The report will propose longer term measures that if agreed, would eliminate the use of glyphosate in some areas of high public footfall and recreational activity, whilst maintaining local environmental quality on streets and highways, recognising that in the short term, the continued use of glyphosate may be essential. Officers are also mindful that a long-term plan (post 2022) will also need consideration in the event that licensing of glyphosate-based products is withdrawn. This report does not consider the management of Hoylake Beach which is being managed as a separate issue.

**RECOMMENDATION/S**

1. That Members note the intention to utilise the next 12 months to examine all potential weed control solutions as alternatives to glyphosate.
2. That Members note this research will form the basis of a further report to this committee in November 2020 identifying the outcomes.
3. That Members further note that a 12 month trial ceasing glyphosate use in some settings will commence with immediate effect.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The purpose of this report is to update Members on the recent work around glyphosate following the Glyphosate Free Wirral motion as passed by Council.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 This report will discuss alternative weed control methods to glyphosate, however it is not possible at this early stage to present options that would constitute a full replacement.

### **3.0 BACKGROUND INFORMATION**

- 3.1 Like the majority of Local Authorities in the UK, Wirral Council employs a system of weed control, either through its own operations or via commissioned services, that uses glyphosate as the principal chemical means by which to control the presence of weeds on land within its ownership.
- 3.2 Glyphosate based herbicides have been used for over 40 years and are generally considered cheap, effective and readily available herbicides essential to grounds maintenance functions. They are a systemic herbicide meaning that there has to be a weed present in some stage of growth for the active ingredients to contact prior to being absorbed and killing the weed. Until the early 2000s many Local Authorities used residual based herbicides as a preventative method, which could be sprayed without weed growth being present and stopped weeds growing due to their capacity to remain in soil and detritus. Concerns around the environmental impact of residual herbicides led them to be banned.
- 3.3 The use of glyphosate based products is legal in the UK, being licenced until December 2022. Nonetheless, a report from the International Agency for Research on Cancer in 2015, found that glyphosate was “a probable human carcinogen”, sparking a worldwide debate as to the validity of its continued usage. Recent court rulings in the USA have found in favour of claimants who cite glyphosate use as having caused them to develop cancer. There are also over 18,400 more lawsuits progressing through the US Courts. The scientific data is however conflicting, with

the European Food Safety Authority and the European Chemicals Agency's Committee for Risk Assessment have found no safety concerns that would prevent continuing approval.

- 3.4 At this time there is no overall international consensus on the risks and glyphosate remains a legal product in the UK to use. With regard to category of risk Glyphosate falls within the same World Health Organisation carcinogenic category as meat and shift work, whilst bacon and sausage fall into a higher level of 'carcinogenic' risk category.
- 3.5 Weed control in public areas such as street pavements and footpaths is a crucial service undertaken by the Council on behalf of communities. A good quality, consistent weed control programme reduces slip and trip hazards and potential access issues, reduces the damage caused by root growth to urban surfaces and improves aesthetic appeal.
- 3.6 The Council currently delivers highway weed control through an outsourced contract with Mancoed VM Services covering all streets and adopted highways. This contract is operational until May 2021 and recommissioning options are currently being considered. Parks and Countryside services also utilise glyphosate in management of Council land.
- 3.7 Risks associated with the use of glyphosate in highways are managed by Mancoed through their submitted method statements and risk assessments. In amenity areas, such as parks, legally enforceable conditions of use are imposed on the way products can be applied to ensure the public are not exposed to levels of herbicides that would harm health or have unacceptable effects on the environment. Parks and Countryside service's use of the product is targeted and then only by authorised and qualified operatives who have the skills and knowledge to use it within the conditions specified.
- 3.8 UK law requires operators hold at least NPTC PA1 and PA6 certifications to use glyphosate professionally. Training covers the safe use, storage and handling of pesticides with emphasis on techniques that minimise use and off-target drift. All Man Coed and Wirral Council employees who use the product are suitably qualified. The specific PPE requirements are always detailed in the product label.
- 3.9 In July 2019 Wirral Council passed a Glyphosate Free Wirral motion which stated

*“Council requests Cabinet or recommends that cabinet resolves to:*

*Request that officers establish how the Wirral can move from a borough where there is clearly a problem with the prevalence of long established and persistent weeds on footways, roadsides and traffic islands to a borough where the alternative controls and courses of action suggested can be introduced as set out.*

*Grant an exception to the above ban regarding the control of Japanese knotweed, Hogweed or other invasive species. In such cases, all means possible will be used to minimise the spread of the chemicals into the surrounding area.*

*Write to the prime minister to inform the government of this Council’s opposition to glyphosate-based herbicides and to call for a UK-wide programme to phase out their use.”*

3.10 This report to Environment OSC forms part of Officers response to this motion.

### **Current Position and Alternative Solutions**

3.11 The use of glyphosate by Wirral Council remains by far the most efficient and cost-effective method for the wholesale treatment of common weeds. Some alternative methods do enable specific niche use, but none will deliver the value and efficiency of total systemic herbicide (e.g. glyphosate), particularly when addressing the scale of treatment required for streets / pavements/ roadside channels.

3.12 Whilst the Council considers its position regarding the future strategic policy around the universal treatment of weeds in the Borough, the wholesale withdrawal of glyphosate at this time would prove both costly and operationally challenging due to:

**Cost** – There is no current market solution that delivers the existing treatment requirements within existing budgets.

**Service Delivery** – Current commissioned services specifications mandate the use of chemical treatment as the primary solution for the control of weeds and unwanted vegetation.

**Operational Solutions** – Whilst other treatment methods are available on the market, none are likely to deliver a solution on the scale and frequency required.

**Unique Challenges** – Glyphosate is widely considered as the only permissible solution that is available to combat the infestation of invasive weeds such as

Japanese Knotweed and Giant Hogweed. A complete ban on glyphosate at this time would leave no other solution.

- 3.13 The Council does however recognise that work needs to start with immediate effect to identify a package of solutions that will eventually lead to the complete phasing out of Glyphosate. This could both present opportunities and mitigate risks as follows:

**Environmental Protection** –We want Wirral to be a clean, safe and attractive place to live and work therefore should strive to eliminate the use of any potential environmental or health damaging products.

**Future Certainty** – In 2022, there remains a risk that the licence for glyphosate based products could be withdrawn. Acting now to identify and implement non-chemical solutions will put the Council at an advantage should the licence for glyphosate not be renewed.

**Creating Opportunities** - Advancing research into alternatives now into future solutions could lead to innovative future delivery models and greater use of mechanical, thermal and community-based solutions to municipal weed control.

#### **Next Steps and Alternatives**

- 3.14 Work to identify solutions to glyphosate based herbicides has commenced with Officers contacting other regional local authorities and market-based solution providers. Currently Liverpool, Sefton and Cheshire West and Chester have confirmed that they are broadly adopting the same approach as Wirral in that they will look to reduce their use of glyphosate whilst trialling alternative solutions. Wirral officers have also arranged several demonstrations of thermal and mechanical weed control solutions.
- 3.15 Officers recently arranged a combined demonstration of non-chemical weed control using a combination of thermal treatment via a propane fired burner and mechanical scrubbing away of weeds using rotating steel wire discs attached to power units. Whilst these methods technically work further understanding would be needed of operational cost and performance on a larger scale. Preliminary indications by the Contract Manager is that this would not be a practical system to use on highways across the borough.

- 3.16 Officers have also seen a demonstration of hot foam technology, which kills weeds via heat. The foam product uses palm oil as an ingredient which would likely affect the sustainability of this product's use.
- 3.17 From December 2019 the Council will pilot a 12 month trial of no glyphosate use in parks, play areas and cemeteries. With the exception of the treatment of invasive weeds such as Japanese Knotweed, Marestalk, Giant Hogweed and tree stumps. During this 12 month trial period the effects of reduced weed control will be monitored. Weed control will be principally driven by customer demand, highlighting to officers the type of infrastructure where weed growth causes most concern and the level of weed growth which the public will tolerate if glyphosate is not to be used and also other impacts (e.g. infrastructure damage from increased weed growth). Where weed control is undertaken, except for invasive weeds and tree stumps, physical methods will be used to control weeds, for example strimming and hoeing.
- 3.18 Discussions are also underway with Biffa, who hold the Council's street cleansing contract to explore possibilities for removal of weeds in some areas using manual methods negating use of secondary removal methods.
- 3.19 Officers will continue to investigate alternative methods of weed control for Wirral's highways and footways. Examples of alternative methods which have been seen by Officers are not capable of weed control on the scale required for the Borough's highways. The current highways weed control contract is delivered by sprayers mounted upon quad bikes which can cover large stretches of highway rapidly.
- 3.20 Therefore alternative solutions for weed control on highways would likely involve spraying from quad bikes, to achieve weed control at the scale required. Glasgow City Council officers have examined alternative weed control sprays and officers are liaising with them over success of trials and costings.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The current Mancoed contract for the control of weeds on highways using glyphosate costs the Council approximately £250,000 per annum. In the 2018 spraying season (April-September) the Parks and Countryside service spent £7398 on glyphosate whilst only spending £1313.90 on glyphosate in the 2019 spraying season. This demonstrates the Council's ongoing commitments to reduce glyphosate spraying and use.

- 4.2 The costs associated with the cessation of glyphosate as the primary method of the control of weeds and unwanted vegetation across all the Council's estates and assets are currently unknown, this would be subject to the identified optimum of mix of alternative treatment technologies. This would involve an analysis of initial costs, ongoing service and maintenance costs and necessity for any new training of staff. If a new method of weed control was more time consuming this would also increase cost whether delivered in house or contracted out due to increased staff time.
- 4.3 Notwithstanding, it is anticipated that deploying any other means of controlling weeds and unwanted vegetation, other than glyphosate, will lead to a significant increase in associated cost.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 Section 89(2) of the Environmental Protection Act 1990 places a duty on Local Authorities in respect of publicly maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean – meaning the removal of detritus as well as litter and refuse. The removal of detritus is deemed to be practicable from metalled surfaces only. Weed growth from seeds germinating in moist detritus would therefore be considered as requiring removal by the Council under the Act.

## **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 6.1 It is anticipated that deploying any other means of controlling weeds and unwanted vegetation, other than glyphosate, will lead to a significant increase in both mechanical and physical / staffing resource requirements.
- 6.2 A good quality, consistent weed control programme has the potential to reduce the damage caused by root growth to highway assets, urban surfaces and reduce long term maintenance costs.

## **7.0 RELEVANT RISKS**

- 7.1 Stopping the immediate use of Glyphosate in a 12 month trial, in the areas identified above will likely lead to an increase in visible weeds in the short term. This in turn could compromise the structural integrity of some hard surfaces and be unsatisfactory to residents.

7.2 It is possible that despite extensive solutions being sought, there may in fact be no suitable solution that is capable of replacing glyphosate for broad coverage areas – streets, footways, passageways etc.

7.3 In the event that an alternative solution or package of solutions for weed control is identified it is likely to cost more than current weed control methods. This is especially true for methods that require new equipment either as capital spend if purchased or revenue spend if leased.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Consultation and research will be undertaken with the amenity services market, appropriate service providers / suppliers and neighbouring / national local authorities.

## **9.0 EQUALITY IMPLICATIONS**

9.1 None because there is no relevance to equality.

9.2 Future actions arising from this work may require an Equality Impact Assessment (EIA) an EIA will be undertaken at a future date if required

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 The environmental and climate implications of any alternatives to glyphosate will be considered as part of their evaluation. This has already been noted in demonstrations which have already been seen. For example, Officers noted the use of palm oil in the detergent additive of hot foam weed control technology. Palm oil is a controversial ingredient due to concerns around the clearing of rainforests to create palm oil plantations. Similarly thermal weed control often relies upon burning propane, a finite resource which also releases CO<sub>2</sub> when combusted. This demonstrates that it will be important to fully consider the environmental and climate impacts of any alternative to glyphosate.

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**APPENDICES**

N/A

**BACKGROUND PAPERS**

N/A

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Full Council</b>	<b>15<sup>th</sup> July 2019</b>

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## ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

28<sup>TH</sup> NOVEMBER 2019

<b>REPORT TITLE</b>	<b>WEST KIRBY MARINE LAKE MANAGEMENT UPDATE</b>
<b>REPORT OF</b>	<b>COLIN CLAYTON, ASSISTANT DIRECTOR – COMMUNITY SERVICES</b>

### REPORT SUMMARY:

The report aims to inform the EO&S Committee of the environmental and civil engineering issues affecting the water and sea wall of the West Kirby Marine Lake. Through a soft market tasting exercise, two independent sets of specialist companies have detailed the steps required to provide solutions for the council to consider. The issues affecting the marine lake are an invasive seaweed, the accumulation of silt on the lakebed and the degradation of the lake wall bordering the Dee Estuary over which the incoming high tide flows. The first two items impact negatively on the ability to conduct water sports. Boat propellers are fouled with the weed and sailing boats and windsurfing boards become grounded where there is insufficient depth of water.

A company specialising in marine ecology, estuary regulations & permissions and civil engineering projects is requested for the Council to consider the initial identified stages

### RECOMMENDATION/S

‘Note and comment prior to submission to Cabinet Member (for decision).

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The West Kirby Marine Lake, with its views across the Dee Estuary to Hilbre and North Wales is possibly the finest outdoor location on Wirral. The Marine Lake is enjoyed by all those who enjoy water sports or visit this location. The lake is of local, regional, national & international importance with competitors for the annual Wilson Trophy (sailing) travelling from Australia and the Americas as well as Europe to compete.
- 1.2 A new Council sailing centre built of larch; steel & glass is due for completion in March 2020. The centre runs water sports activities throughout the year. At the south end of the lake, West Kirby Sailing Club enjoys a large membership and hosts many competitions & events on the lake as well as providing general sailing opportunities for its membership.
- 1.3 Since 2017, the issues of weed growth and reducing lake depth due to a build-up of silt has created problems for those sailing & windsurfing. The lake is integral not only to West Kirby, but to the whole of Wirral's visions of delivering on Environment and Business. The lake was last drained in 2009.

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 Currently there are three options. One is not to do anything, allow the weed & silt to increase thus rendering the lake unusable as a location for non-tidal water sports. The lake would continue to decline and at some point, be breached by the continuous erosion of the tides. The combined effects would result in the new council owned sailing centre to be without a lake on which to sail. West Kirby Sailing Club would only be able to operate on the Dee Estuary. Lake licence fees would be lost. West Kirby as a town may start to decline as a popular visitor destination.
- 2.2 The second option is to do the minimum of the future identified works. This may lead to a short-term fix, resulting in the lake & wall being dredged and repaired in a further ten years. (Last drained and repaired in 2009). Was this a minimal option then? The weed solution is yet unknown. Can this be eradicated, or is annual maintenance required? consultancy to advise.
- 2.3 The third option is to begin the process of investigating the steps required to secure the future of the lake as a sailing venue and for Wirral Council to continue delivering on its Environmental pledges of Leisure & Cultural Opportunities for all, Attractive Local Environment and Wirral's Residents Leading Healthier Lives. For Business we have pledged that we need to ensure that Assets and Buildings are Fit for Purpose. These pledges in turn contribute towards a Vibrant Tourism Economy with Increased Inward investment.

### 3.0 BACKGROUND INFORMATION

- 3.1 Three inter-related issues are currently impacting on the usability of the water space of the marine lake at West Kirby also on the integrity of the outer wall of the lake.

- a) Since the last dredging operation in 2009 there has been a build-up of wind-blown sand and tide-borne silt within the lake which is significantly reducing the available depth of water in many locations.
- b) In 2018 reports were received of an invasive species of seaweed within the lake, thought to be sargassum muticum. The seaweed has since been observed to grow rapidly during May - June and has formed large rafts of floating weed which fouls propellers and rudders of sailing craft and impedes users of the lake. The weed has also been observed to anchor on the wall structures that provide the boundary to the lake. The weed is dormant in the autumn & winter then awakens its lifecycle in springtime.
- c) Inspections of the outer lake wall have identified areas of degradation thought to be as a result of marine growth anchoring into and dislodging the asphaltic bonded aggregate the forms the lining to the lake. At some locations the stone core to the wall and lake walkway can be observed.

3.2 West Kirby Marine Lake sits within the Dee Estuary which is protected by many international and national environmental designations. Operations to manage or remove the seaweed and/or silt will require permissions and licences from environmental regulators as will works to repair the lake outer wall. We believe the weed cannot be totally eradicated, only managed. (Marine Ecologist to confirm). Furthermore, methods of removal may require the lake to be emptied of water which itself will require estuary permissions. (Investigations into alternatives yet to be determined). Additionally, the tidal refilling operation is likely to cause significant damage to the lake wall and walkway due to its current degraded condition. The action of the sea water rushing over the wall at high tide causes the wall to degrade.

3.3 Soft market testing with two companies have concluded that there should be three key steps to progressing the actions required. Firstly, through a tender process, engage with a consultancy that can advise on the marine ecology and civil engineering issues. A list of options would be prepared for the Council to consider alongside estimated costs. Secondly, depending on the preferred option, a second tender process would commence to engage with a company who would design, and project manage the option selected. Thirdly the work of physical removal of the weed & silt along with the lake wall repairs. This again would require tendering for. There may be options for external funding that a consultancy might consider.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are three key elements to the finances. The first is the engagement of a specialist consultancy to investigate the issues then prepare options for Council appraisal. An action plan would be produced for the three inter-related issues listed above. Soft market testing indicates a sum between £40,000 - £47,500 to engage with a marine & civil engineering company. Once the options were considered by the Council, a tender for the physical removal of the weed, silt and lake walls would be necessary. That figure will become known once the consultancy has been engaged and can commence the appraisals. It would then be necessary to again engage with a consultancy to design and project manage the selected scheme. Each of these steps would be costed once the options are selected. Only the initial consultancy price would be known at the outset.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 West Kirby Marine Lake sits within the Dee Estuary which is protected by many international and national environmental designations. Due to the estuary's populations of waders and wildfowl, the location is of significant conservational importance. Such regulatory bodies overseeing the Dee Estuary include non-exhaustively; Crown Estates, Natural England, Natural Resource Wales, The Environment Agency, the North West Inshore Fisheries Conservation Authority and the Marine Management Organisation (MMO).

## **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 6.1 The key implication is the timing of these works in relation to the opening of the new Sailing Centre building. The building is scheduled to be complete in Feb / March 2020 in time for the peak sailing season. It has not yet been determined when the lake works will commence. We would not want works to commence on the lake at the time of opening.
- 6.2 Staff from the Flood and Coastal Risk Management and Wirral Sailing Centre will liaise with the appointed consultancy to deliver the selected option.
- 6.3 Those using the lake require a licence to launch their craft. Loss of sales of those licences maybe incurred. (It is not yet known if the lake is to be drained).
- 6.4 The environmental issues referred to within the legal section above will have their own resource implications. These will be included in the action plan drawn up by a consultancy.

## **7.0 RELEVANT RISKS**

- 7.1 Key risk is the possible draining of the lake at a time when the new Sailing Centre is opened. If it is recommended that the lake should be drained, then we would be asking for this to be carried out from Autumn onwards.
- 7.2 Consultants would advise on likely timescales relating to permissions, licences and consents required by appropriate regulatory bodies.
- 7.3 It would be necessary to speak with the West Kirby Sailing Club and the Wirral Sailing Centre over planned lake courses, activities, events and general access. All lake users pay a licence fee. This can range from a day licence to a full annual licence. All Sailing Club members pay an annual licence.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Both the Wirral Sailing Centre and West Kirby Sailing Club have full sailing programmes operating on the lake over the summer months. It will be essential to provide the Sailing Club with all ongoing plans.
- 8.2 A consultant would in collaboration with the Council prepare a Stakeholder Engagement Plan setting out a strategy and an action plan for managing and implementing all communications with statutory consultees, stakeholders and the local community.

## 9.0 EQUALITY IMPLICATIONS

9.1 There is no relevance to equality.

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 A build-up of 'weed' impacting upon operations on the lake has been noted by users and confirmed by visual inspection through the water column. There are concerns this weed may be the invasive *Sargassum muticum*, however there is a need for official expert identification. Following recommendations from the Merseyside Environmental Advisory Service, council officers have been in contact with Dr Geraldine Reid from the World Museum Liverpool who has confirmed her availability to assist in the identification process.

10.2 Council officers have also been in contact with Natural England who have advised against the draining of the lake in removal attempts, unless the weed can be captured and disposed of during draining. This is due to the possibility of any such draining leading to a further spread of a possible invasive weed elsewhere, a potential offence under the Wildlife and Countryside Act. The presence of the weed may therefore impact upon routine draining and dredging plans, as well as disposal of dredged "arisings" on the Dee Estuary foreshore as was previous practice.

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## APPENDICES

## BACKGROUND PAPERS

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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## ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

28 NOVEMBER 2019

<b>REPORT TITLE</b>	Progress report on future alternatives to Glyphosate for Weed Control
<b>REPORT OF</b>	Colin Clayton, Assistant Director, Community Services

### REPORT SUMMARY

This report presents the current position regarding Wirral Council's use of glyphosate and proposed measures to reduce its usage, whilst developing and monitoring the Council's weed control strategy - balancing the operational challenges with our commitment to protecting our environment and the Glyphosate Free Wirral motion as passed by Council.

The report will propose longer term measures that if agreed, would eliminate the use of glyphosate in some areas of high public footfall and recreational activity, whilst maintaining local environmental quality on streets and highways, recognising that in the short term, the continued use of glyphosate may be essential. Officers are also mindful that a long-term plan (post 2022) will also need consideration in the event that licensing of glyphosate-based products is withdrawn. This report does not consider the management of Hoylake Beach which is being managed as a separate issue.

### RECOMMENDATION/S

1. That Members note the intention to utilise the next 12 months to examine all potential weed control solutions as alternatives to glyphosate.
2. That Members note this research will form the basis of a further report to this committee in November 2020 identifying the outcomes.
3. That Members further note that a 12 month trial ceasing glyphosate use in some settings will commence with immediate effect.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The purpose of this report is to update Members on the recent work around glyphosate following the Glyphosate Free Wirral motion as passed by Council.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 This report will discuss alternative weed control methods to glyphosate, however it is not possible at this early stage to present options that would constitute a full replacement.

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- 3.6 The Council currently delivers highway weed control through an outsourced contract with Mancoed VM Services covering all streets and adopted highways. This contract is operational until May 2021 and recommissioning options are currently being considered. Parks and Countryside services also utilise glyphosate in management of Council land.
- 3.7 Risks associated with the use of glyphosate in highways are managed by Mancoed through their submitted method statements and risk assessments. In amenity areas, such as parks, legally enforceable conditions of use are imposed on the way products can be applied to ensure the public are not exposed to levels of herbicides that would harm health or have unacceptable effects on the environment. Parks and Countryside service's use of the product is targeted and then only by authorised and qualified operatives who have the skills and knowledge to use it within the conditions specified.
- 3.8 UK law requires operators hold at least NPTC PA1 and PA6 certifications to use glyphosate professionally. Training covers the safe use, storage and handling of pesticides with emphasis on techniques that minimise use and off-target drift. All Man Coed and Wirral Council employees who use the product are suitably qualified. The specific PPE requirements are always detailed in the product label.
- 3.9 In July 2019 Wirral Council passed a Glyphosate Free Wirral motion which stated

*“Council requests Cabinet or recommends that cabinet resolves to:*

*Request that officers establish how the Wirral can move from a borough where there is clearly a problem with the prevalence of long established and persistent weeds on footways, roadsides and traffic islands to a borough where the alternative controls and courses of action suggested can be introduced as set out.*

*Grant an exception to the above ban regarding the control of Japanese knotweed, Hogweed or other invasive species. In such cases, all means possible will be used to minimise the spread of the chemicals into the surrounding area.*

*Write to the prime minister to inform the government of this Council’s opposition to glyphosate-based herbicides and to call for a UK-wide programme to phase out their use.”*

3.10 This report to Environment OSC forms part of Officers response to this motion.

### **Current Position and Alternative Solutions**

3.11 The use of glyphosate by Wirral Council remains by far the most efficient and cost-effective method for the wholesale treatment of common weeds. Some alternative methods do enable specific niche use, but none will deliver the value and efficiency of total systemic herbicide (e.g. glyphosate), particularly when addressing the scale of treatment required for streets / pavements/ roadside channels.

3.12 Whilst the Council considers its position regarding the future strategic policy around the universal treatment of weeds in the Borough, the wholesale withdrawal of glyphosate at this time would prove both costly and operationally challenging due to:

**Cost** – There is no current market solution that delivers the existing treatment requirements within existing budgets.

**Service Delivery** – Current commissioned services specifications mandate the use of chemical treatment as the primary solution for the control of weeds and unwanted vegetation.

**Operational Solutions** – Whilst other treatment methods are available on the market, none are likely to deliver a solution on the scale and frequency required.

**Unique Challenges** – Glyphosate is widely considered as the only permissible solution that is available to combat the infestation of invasive weeds such as

Japanese Knotweed and Giant Hogweed. A complete ban on glyphosate at this time would leave no other solution.

- 3.13 The Council does however recognise that work needs to start with immediate effect to identify a package of solutions that will eventually lead to the complete phasing out of Glyphosate. This could both present opportunities and mitigate risks as follows:

**Environmental Protection** –We want Wirral to be a clean, safe and attractive place to live and work therefore should strive to eliminate the use of any potential environmental or health damaging products.

**Future Certainty** – In 2022, there remains a risk that the licence for glyphosate based products could be withdrawn. Acting now to identify and implement non-chemical solutions will put the Council at an advantage should the licence for glyphosate not be renewed.

**Creating Opportunities** - Advancing research into alternatives now into future solutions could lead to innovative future delivery models and greater use of mechanical, thermal and community-based solutions to municipal weed control.

#### **Next Steps and Alternatives**

- 3.14 Work to identify solutions to glyphosate based herbicides has commenced with Officers contacting other regional local authorities and market-based solution providers. Currently Liverpool, Sefton and Cheshire West and Chester have confirmed that they are broadly adopting the same approach as Wirral in that they will look to reduce their use of glyphosate whilst trialling alternative solutions. Wirral officers have also arranged several demonstrations of thermal and mechanical weed control solutions.
- 3.15 Officers recently arranged a combined demonstration of non-chemical weed control using a combination of thermal treatment via a propane fired burner and mechanical scrubbing away of weeds using rotating steel wire discs attached to power units. Whilst these methods technically work further understanding would be needed of operational cost and performance on a larger scale. Preliminary indications by the Contract Manager is that this would not be a practical system to use on highways across the borough.

- 3.16 Officers have also seen a demonstration of hot foam technology, which kills weeds via heat. The foam product uses palm oil as an ingredient which would likely affect the sustainability of this product's use.
- 3.17 From December 2019 the Council will pilot a 12 month trial of no glyphosate use in parks, play areas and cemeteries. With the exception of the treatment of invasive weeds such as Japanese Knotweed, Marestalk, Giant Hogweed and tree stumps. During this 12 month trial period the effects of reduced weed control will be monitored. Weed control will be principally driven by customer demand, highlighting to officers the type of infrastructure where weed growth causes most concern and the level of weed growth which the public will tolerate if glyphosate is not to be used and also other impacts (e.g. infrastructure damage from increased weed growth). Where weed control is undertaken, except for invasive weeds and tree stumps, physical methods will be used to control weeds, for example strimming and hoeing.
- 3.18 Discussions are also underway with Biffa, who hold the Council's street cleansing contract to explore possibilities for removal of weeds in some areas using manual methods negating use of secondary removal methods.
- 3.19 Officers will continue to investigate alternative methods of weed control for Wirral's highways and footways. Examples of alternative methods which have been seen by Officers are not capable of weed control on the scale required for the Borough's highways. The current highways weed control contract is delivered by sprayers mounted upon quad bikes which can cover large stretches of highway rapidly.
- 3.20 Therefore alternative solutions for weed control on highways would likely involve spraying from quad bikes, to achieve weed control at the scale required. Glasgow City Council officers have examined alternative weed control sprays and officers are liaising with them over success of trials and costings.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The current Mancoed contract for the control of weeds on highways using glyphosate costs the Council approximately £250,000 per annum. In the 2018 spraying season (April-September) the Parks and Countryside service spent £7398 on glyphosate whilst only spending £1313.90 on glyphosate in the 2019 spraying season. This demonstrates the Council's ongoing commitments to reduce glyphosate spraying and use.

- 4.2 The costs associated with the cessation of glyphosate as the primary method of the control of weeds and unwanted vegetation across all the Council's estates and assets are currently unknown, this would be subject to the identified optimum of mix of alternative treatment technologies. This would involve an analysis of initial costs, ongoing service and maintenance costs and necessity for any new training of staff. If a new method of weed control was more time consuming this would also increase cost whether delivered in house or contracted out due to increased staff time.
- 4.3 Notwithstanding, it is anticipated that deploying any other means of controlling weeds and unwanted vegetation, other than glyphosate, will lead to a significant increase in associated cost.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 Section 89(2) of the Environmental Protection Act 1990 places a duty on Local Authorities in respect of publicly maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean – meaning the removal of detritus as well as litter and refuse. The removal of detritus is deemed to be practicable from metalled surfaces only. Weed growth from seeds germinating in moist detritus would therefore be considered as requiring removal by the Council under the Act.

## **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 6.1 It is anticipated that deploying any other means of controlling weeds and unwanted vegetation, other than glyphosate, will lead to a significant increase in both mechanical and physical / staffing resource requirements.
- 6.2 A good quality, consistent weed control programme has the potential to reduce the damage caused by root growth to highway assets, urban surfaces and reduce long term maintenance costs.

## **7.0 RELEVANT RISKS**

- 7.1 Stopping the immediate use of Glyphosate in a 12 month trial, in the areas identified above will likely lead to an increase in visible weeds in the short term. This in turn could compromise the structural integrity of some hard surfaces and be unsatisfactory to residents.

7.2 It is possible that despite extensive solutions being sought, there may in fact be no suitable solution that is capable of replacing glyphosate for broad coverage areas – streets, footways, passageways etc.

7.3 In the event that an alternative solution or package of solutions for weed control is identified it is likely to cost more than current weed control methods. This is especially true for methods that require new equipment either as capital spend if purchased or revenue spend if leased.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Consultation and research will be undertaken with the amenity services market, appropriate service providers / suppliers and neighbouring / national local authorities.

## **9.0 EQUALITY IMPLICATIONS**

9.1 None because there is no relevance to equality.

9.2 Future actions arising from this work may require an Equality Impact Assessment (EIA) an EIA will be undertaken at a future date if required

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 The environmental and climate implications of any alternatives to glyphosate will be considered as part of their evaluation. This has already been noted in demonstrations which have already been seen. For example, Officers noted the use of palm oil in the detergent additive of hot foam weed control technology. Palm oil is a controversial ingredient due to concerns around the clearing of rainforests to create palm oil plantations. Similarly thermal weed control often relies upon burning propane, a finite resource which also releases CO<sub>2</sub> when combusted. This demonstrates that it will be important to fully consider the environmental and climate impacts of any alternative to glyphosate.

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**APPENDICES**

N/A

**BACKGROUND PAPERS**

N/A

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Full Council</b>	<b>15<sup>th</sup> July 2019</b>

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## Environment Overview and Scrutiny Committee Thursday, 28 November 2019

<b>REPORT TITLE:</b>	<b>2019/20 Quarter 2 Wirral Plan Performance</b>
<b>REPORT OF:</b>	<b>Managing Director for Delivery</b>

### REPORT SUMMARY

This report provides the 2018/19 Quarter 2 (July - September 2019) performance report for the Wirral Plan pledges under the remit of Environment Overview and Scrutiny Committee.

Relevant Wirral Plan 20/20 pledge(s) are:

- Leisure and culture opportunities for all
- Wirral residents live healthier lives
- Community services are joined up and accessible
- Good quality housing that meets the needs of residents
- Wirral's neighbourhoods are safe
- Attractive Local Environment for Wirral residents

The report, which is included as Appendix 1, provides an overview of the progress in Quarter 2 and available data in relation to a range of outcome indicators and supporting measures.

This matter affects all Wards within the Borough.

### RECOMMENDATION

Members of the Environment Overview and Scrutiny Committee are asked to note the content of the report and highlight any areas requiring further clarification or action.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To ensure Members of the Environment Overview and Scrutiny Committee have the opportunity to scrutinise the performance of the Council and partners in relation to delivering the Wirral Plan.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 This report has been developed in line with the approved performance management framework for the Wirral Plan. As such, no other options were considered.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Wirral Plan is an outcome-focussed, partnership plan which has 18 supporting strategies that set out how each of the 20 pledges will be delivered. For pledges partnership groups have been established to drive forward delivery of the action plans set out in each of the supporting strategies.
- 3.2 A Wirral Plan Performance Management Framework has been developed to ensure robust monitoring arrangements are in place. The Wirral Partnership has a robust approach to performance management to ensure all activity is regularly monitored and reviewed.
- 3.3 Data for the identified indicators is released at different times during the year. As a result of this, not all Pledges will have results each quarterly reporting period. Some indicators can be reported quarterly and some only on an annual basis. Annual figures are reported in the quarter they become available against the 2019/20 year-end column.
- 3.4 For each of the indicators, a trend is shown (better, same or worse). In most cases, this is determined by comparing the latest data with the previous reporting period i.e. 2019/20 year-end. In some cases, i.e. where data accumulates during the year or is subject to seasonal fluctuations, the trend is shown against the same time the previous year. This is indicated in the key at the end of the report.
- 3.5 For some indicators, targets have been set. Where this is the case, a RAGB (red, amber, green, blue) rating is provided against the target and tolerance levels set at the start of the reporting period, with blue indicating performance targets being exceeded.
- 3.6 All Wirral Plan performance reports are published on the performance page of the Council's website. This includes the high-level Wirral Plan overview report and the detailed pledge reports which include updates on progress on all activities set out in the supporting strategy action plans. The link to this web page is set out below:  
<https://www.wirral.gov.uk/about-council/wirral-plan-performance>

- 3.7 Each of the Wirral Plan Pledges has a Lead Commissioner responsible for overseeing effective delivery. The Lead Commissioners for the Pledges in the report at Appendix 1 are as follows:
- Leisure and culture opportunities for all – Lucy Barrow
  - Wirral residents live healthier lives – Julie Webster
  - Community services are joined up and accessible – Julie Webster
  - Good quality housing that meets the needs of residents – Graham Hodgkinson
  - Wirral’s neighbourhoods are safe – Mark Camborne
  - Attractive Local Environment for Wirral residents – Mike Cockburn

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 There are no legal implications arising from this report.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There are none arising from this report.

#### **7.0 RELEVANT RISKS**

- 7.1 The performance management framework is aligned to the Council’s risk management strategy and both are regularly reviewed as part of corporate management processes.

#### **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 The priorities in the Wirral Plan pledges were informed by a range of consultations carried out in 2015 and 2016 including the Wirral resident survey.

#### **9.0 EQUALITY IMPLICATIONS**

- 9.1 (a) Yes and impact review can be found at:  
<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2014-15/chief>

#### **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

- 10.1 The Environment Theme of the Wirral Plan and the Pledges within it including Attractive Local Environment are based on developing and delivering plans that improve the environment for Wirral residents. The performance report provides information on key areas where environment and climate related outcomes are delivered.

The content and/or recommendations contained within this report are expected to:

- Reduce emissions of CO2

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## **APPENDICES**

Appendix 1: Wirral Plan Environment 2019/20 Quarter 1 Pledge Report

## **BACKGROUND PAPERS**

### **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Environment Overview and Scrutiny Committee</b>	<b>21 September 2017</b>
<b>Environment Overview and Scrutiny Committee</b>	<b>30 November 2017</b>
<b>Environment Overview and Scrutiny Committee</b>	<b>28 March 2018</b>
<b>Environment Overview and Scrutiny Committee</b>	<b>5 July 2018</b>
<b>Environment Overview and Scrutiny Committee</b>	<b>20 September 2018</b>
<b>Environment Overview and Scrutiny Committee</b>	<b>29 November 2018</b>
<b>Environment Overview and Scrutiny Committee</b>	<b>13 March 2019</b>
<b>Environment Overview and Scrutiny Committee</b>	<b>2 July 2019</b>
<b>Environment Overview and Scrutiny Committee</b>	<b>24 September 2019</b>

# Appendix 1

## Wirral Plan Environment Theme 2019-20 Quarter 2 Reports

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Wirral Plan 2020

## Leisure and cultural opportunities for all

### Overview from Lead Cabinet Member

#### Leisure Strategy

It's great news that Landican Cemetery achieved the Green Flag for the first time this year, recognising the staff and volunteers who work tirelessly to maintain the high standards demanded by the Green Flag Award. This brings Wirral's total to 27 up from 26 last year and we now have more Green Flags than any other local authority in the whole of the North of England.

Birkenhead Park's application for World Heritage Site status is progressing well, ready for the International Council on Monuments and Sites meeting in October.

371 events have now been held in Wirral's Parks, Beaches and Open Spaces this year, already 74 more than the 297 at this point last year.

A total of 475 young people were engaged in the National Citizens Service programme and 80 young people engaged with the Pathfinders project, which focused workshops on knife crime, serious crime and the Cells Project who's primary aim is to educate youngsters about how crime effects all it touches, acting as a deterrent & also a conduit to positive progression.

The Macmillan project is now in its final year of funding, which ends April 2020. The project is exceeding expectations and targets. Within the first year of the project was targeted to support 250 people affected by cancer on the Wirral but has in fact managed to support over 700 in the first year and achieved its 2-year target within 8 months. The project has also been shortlisted for a National Macmillan Excellence award.

#### Culture Strategy

Substantial progress has been made against all culture strategy priorities during the second quarter of 2019.

Our events so far this year have engaged over 200,000 people, with events including Animated Square, The Witching Hour, the OVO Energy Tour Series, Mersey River Festival, Wirral Food and Drink Festival and Tour of Britain Stage.

Satisfaction levels are showing an increase from last year's Imagine Wirral programme. These events have reached many more through social media, with the following and engagement for our cultural programme continuing to grow, Imagine Wirral followers on Twitter now over 3,000.

We've also attracted significant positive media coverage around all Borough of Culture events so far this year, including coverage on ITV4 and broadcasts on BBC Merseyside as part of OVO Energy Tour of Britain Stage.

Over £200k has been secured through grant, sponsorship and commercial opportunities to support the delivery of our Borough of Culture programme. A funding strategy is being developed for culture, visitor economy and heritage which will recognise all potential sources of income at regional, national and international level.

We are further raising the profile of Wirral and its cultural offering through the cultural ambassador programme, with recent additions recognising key stakeholders and partners who have championed the Borough of Culture initiative, including The Little Collector, Jenny Johnston (Mezzo-Soprano) and collectively the young women who developed the Women of Iron photography exhibition. Work is ongoing to identify and secure more ambassadors from the wider cultural spectrum as our Borough of Culture year progresses.

We are actively working with organisations with established volunteering networks and programmes to ensure that we involve the local community as much as possible and are pleased to report that this year's Youth Parliament debate will be based on the theme of Culture, enabling us to hear the views of local young people and use their ideas to shape Wirral's Borough of Culture legacy.

Local businesses and traders have also continued to be provided with enhanced opportunities, through a weighting process in tender exercises towards Wirral vendors. This has enabled local businesses to participate and trade at our events to promote their products locally on a larger scale and to attract new customers. This included the Wirral Food and Drink Festival, where 24 of the 34 Food and Drink Traders were from Wirral and all 6 of the Tour of Britain Traders were from Wirral. These varied including restaurants, specialist outdoor traders, food, drink and art, showcasing the cultural diversity of local businesses.

Our Borough of Culture year is also providing opportunities for Wirral's creative community. New cultural initiatives such as 'Make Hamilton Square Ltd' are now beginning to flourish with total of nine tenants across a range of cultural disciplines having already been secured and are transforming their workspaces. A Creative and Digital Demand Study has now also been commissioned with Mickledore, which will provide an evidence base for guiding future investment and requirements for the creative sector in the borough.

The Borough of Culture title is presenting greater opportunities to work with partners locally, regionally and nationally to bring outstanding events to Wirral and create new experiences for our residents and visitors. For the rest of the year, highlights include Constellations, Moon Camps for local young people, Museum of the Moon in Birkenhead Town Hall, River of Light, as well as the first Liverpool City Region Cultural Awards which will be held in Lady Lever at the end of November to celebrate the achievements of creative individuals and organisations across the region.

Wirral Plan Indicator	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend (See Key)	Comment
Increase the number of people who regularly use the boroughs parks and open spaces	Annual Higher is better	67% (Oct 2015)		66% (2018-19)						n/a	
Increase the number of events in Wirral's parks, beaches and open spaces	Quarterly Higher is better	300 (2014-15)		378 (Q4 2018-19)						n/a	
Supporting Measure	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend (See Key)	Comment
Increase the number of national quality awards for Wirral's parks, coastal sites and open spaces: Green Flags	Annual Higher is better	22 (2015-16)		32 (2018-19)						n/a	
Utilisation of outdoor space for exercise / health reasons	Annual Higher is better	20.7% (2013-14)	England: 17.9% (Mar 15-Feb 16) North West: 17.5% (Mar 15-Feb 16)							n/a	
Increase the number of residents who say they regularly volunteer / support community groups in Wirral	Annual Higher is better	26% (Oct 2015)								n/a	

### Wirral residents live healthier lives

#### Overview from Lead Cabinet Member

Admission episodes for alcohol related conditions spiked in the first year of the plan and has improved year on year since 2015-16 (901). End to end pathway redesigns are being undertaken for respiratory, cardiovascular disease and gastro processes and a health coaching approach linking to Making Every Contact Count (MECC) is being utilised to attempt reduce admission episodes to levels below the start of the plan.

Smoking prevalence in adults has seen a huge improvement (12% in 2018) from the start of the plan (17.2%). Wirral has improved faster than both the North West and rest of England. Focus this year continues to target smoking in pregnancy with Wirral University Teaching Hospital's (WUTH) High Risk Midwife now delivering smoking cessation advice at the time scan and enhanced training in smoking cessation is being delivered as a rolling programme by ABL (Wirral Stop Smoking Service) to all midwives. WUTH also procedures in consultation with maternity staff which outlines the need for all women to have Carbon Monoxide monitoring at every antenatal appointment.

Excess weight in adults has improved to 62.5% in 2017-18 from 63.3% in 2016-17. Implement local campaigns that focus on sugar reductions and healthy snacks has been given a red status this quarter due to a Headteacher Advisory Board meeting being cancelled. Work is ongoing to rearrange the meeting and ensure the campaigns remain on the agenda.

Challenges have been identified around providing support, information and advice to vulnerable residents and/or people with low level mental health issues in Quarter 3. Involve North West stop taking referrals for benefit and debt appointments at the end of September 2019, CAP are not taking any debt referrals until January 2020, Beechwood Community Trust's welfare service is ending and Clatterbridge Centre for Cancer are not carrying out any welfare appointments due to staff shortages until January 2020. The impact of this is being monitored closely.

Wirral Plan Indicator	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend (See Key)	Comment
Admission episodes for alcohol related conditions	Annual Lower is better	853.0 (2013-14)	England: 632.0 (2017-18) North West: 700.0 (2017-18)	859.0 (2017-18)						n/a	There is a 12 month time lag on validated data being released. This data from the Public Health Outcomes Framework relates to 2017-18. Performance has improved year on year since 2015-16 (901). Wirral's Alcohol Strategy sets out an action plan for continuing to reduce alcohol consumption to improve public health outcomes.
Excess weight in adults	Annual Lower is better	66.2% (2012-14)	England: 62.0% (2017-18) North West: 64.3% (2017-18)	63.3% (2016-17)					62.5% (2017-18)	Better	Excess weight in adults has improved to 62.5% in 2017-18 from 63.3% in 2016-17. The latest figure is a 3.7 percentage point improvement from the start of the plan (66.2%) and is reducing (improving) despite the North West (64.3%) and National (62%) benchmarks both increasing (worsening).
Smoking prevalence in adults (age 18 and over) in Wirral	Annual Lower is better	17.2% (2014)	England: 14.4% (2018) North West: 14.7% (2018)	15.9% (2017)					12.0% (2018)	Better	Smoking prevalence in adults improved to 12% in 2018, reducing from 15.9% in 2017 and from 17.2% at the start of the plan. The rate of improvement in Wirral has been better than both the North West and National benchmarks and smoking prevalence in Wirral (12%) is now lower (better) than both the North West region (14.7%) and England (14.4%).
Supporting Measure	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend	Comment
Smoking status at time of delivery	Annual Lower is better	13.9% (2014-15)	England: 10.8% (2017-18) North of England: 13.4% (2017-18)	13.5% (2017-18)						n/a	Smoking at time of delivery has worsened from 12% in 2016-17 to 13.5% in 2017-18 and is higher than the Northwest and National Average. Addressing smoking in pregnancy has been a priority recently in the Tobacco Strategy. ABL stationed an adviser at Wirral University Teaching Hospital to increase engagement with pregnant women and midwifery team and address the high attrition rate from the number of referrals to the number of women engaged with the stop smoking service. Public Health also led a Pregnancy workshop to bring together partners across Cheshire & Merseyside and as a result Wirral has an established Smoking in Pregnancy working group (which includes Clinical Commissioning Group, both maternity providers and ABL) that have developed a delivery action plan.
Number of smokers helped to stop smoking	Quarterly Higher is better	(n/a)		3,009 (2018-19)	742 (Q1 2019-20)					Worse	Our commissioned service helped 25 fewer people engage in the process of stopping smoking in Q1 2019-20 (742) when compared to same period last year (767). There is a 6 week follow up period which delays the provision of this data therefore the data is reported a quarter behind.
Number of smokers still quit at 4 weeks	Quarterly Higher is better	(n/a)		1,523 (2018-19)	342 (Q1 2019-20)					Worse	26 fewer people have continued to stop smoking 4 weeks after deciding to quit in Q1 2019-20 (342) when compared to the same period last year (368). There is a 6 week follow up period which delays the provision of this data therefore the data is reported a quarter behind.

Supporting Measure	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend	Comment
Number of pregnant women helped to stop smoking	Quarterly Higher is better	(n/a)		53 (2018-19)	12 (Q1 2019-20)					Worse	12 pregnant women were helped to stop smoking in Q1 2019-20. This is 6 fewer than the 18 helped in the same period last year. There is a week follow up period which delays the provision of this data therefore the data is reported a quarter behind.
Number of people helped to lose weight	Quarterly Higher is better	(n/a)		2,044 (2018-19)	419 (Q1 2019-20)	981 (Q2 2019-20)				Worse	7 fewer people were helped to lose weight by Q2 2019-20 (981) compared to 988 helped in the same period last year. An increase in the number of people eating healthily in Wirral should reduce the prevalence of excess weight and obesity which is a key contributor to premature mortality and avoidable ill health.
Successful completion of drug treatment - opiate users	Quarterly Higher is better	(n/a)	England: 6.07% (8438/139026) (Jul 18 - Jun 19)	5.7% (96/1688) (Apr 18 - Mar 19)	5.9% (99/1683) (Jul 18 - Jun 19)					Better	5.9% of opiate users successfully completed their drug treatment from April 2018 to March 2019 compared with 5.7% from April 2018 to March 2019 and 6.1% during the same period last year.  The National Average for July 2018 - June 2019 was 6.7%.
Successful completion of drug treatment - non-opiate users	Quarterly Higher is better	(n/a)	England: 37.01% (8974/24247) (Jul 18 - Jun 19)	58.4% (202/346) (Apr 18 - Mar 19)	54.0% (169/313) (Jul 18 - Jun 19)					Worse	54% of non-opiate users successfully completed their drug treatment from July 2018 - June 2019, down from 58.4% from April 2018 to March 2019 and 59% from the same period last year.  Wirral is performing much better than the National average (37.1%).
Successful completion of alcohol treatment	Quarterly Higher is better	(n/a)	England: 38.97% (29199/74930) (Jul 18 - Jun 19)	39.1% (340/869) (Apr 18 - Mar 19)	39.4% (328/832) (Jul 18 - Jun 19)					Better	39.4% of people successfully completed their alcohol treatment from July 2018 to June 2019. This is an improvement from both 39.1% from April 2018 to March 2019 and 38.3% from the same period last year.  Wirral is performing better than the National average (38.97%).

**Community services are joined up and accessible**

**Overview from Lead Cabinet Member**

Wirral Together continues to progress with the development of the priority deals for health and wellbeing, environment, economy and children and families. Encouraging more people to volunteer in Wirral, Community Action Wirral and Wirral Chamber of Commerce have created an employer supported Staff Volunteering Policy wherein staff are able to engage with the community two days per annum. Working in partnership to raise the profile of volunteering, Volunteering has been promoted in both online and offline media through contacts in primary healthcare

Wirral Plan Indicator	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend (See Key)	Comment
Increase the number of residents who say they regularly volunteer / support community groups in Wirral	Annual Higher is better	26% (Nov 2015)		24% (Dec 2017)						Worse	The percentage of Wirral Residents who say they volunteer at least once a month has decreased from 26% reported in the previous survey in 2016. The volunteering includes having given unpaid help either by taking part in or supporting any group, club or organisation (e.g. helping to run an activity/event, coaching, counselling, raising money, admin help).

## Good quality housing that meets the needs of residents

### Overview from Lead Cabinet Member

**Key Priorities:** Progress has been made regarding key priorities during quarter two of 2019/20 and the detailed actions which support them. The following is an overview of these key priorities.

**Priority 1: Building more homes in Wirral to meet our economic growth ambitions.** All five actions under this priority are on course including:

- Quarter 2 saw the completion of 76 affordable homes, bringing the cumulative total to 515 (which include 267 Help to Buy units which is a government funded scheme aimed at helping first time buyers and home movers buy homes). It is expected that activity will continue to accelerate between now and the end of this Homes England funding programme, as Registered Provider can continue to bid for funding from the programme for new schemes identified for delivery. A total of 439 homes which consist of affordable rent, shared ownership and rent to buy units have commenced construction during the first two quarters of 2018/19 and there are a further 721 units of this type programmed to commence during the remainder of 2019/20.)

- The Wirral Growth Company Partnership Business Plan is being prepared and indicative Site Development Plans will be developed for the initial priority sites (Birkenhead, Moreton and Bromborough). Consultation has taken place in Birkenhead to inform the proposals. The plans will include the development of a number of residential units (including extra care provision in Moreton) and will be subject to further public consultation.

- Work has been ongoing to progress the Grant Funding Agreement with Homes England and Peel Holdings. The funding will enable some 1,100 new homes to be built on a brownfield site as a first phase of residential development at Wirral Waters

**Priority 2: Improving the quality of Wirral's housing offer for our residents:** All five actions under this priority are on course including:

- Quarter 2 the Warmer Wirral referral network generated 527 referrals to the Local Energy Advice Programme, resulting in 407 home visits that provided energy efficiency and fuel poverty related advice, leading to just under £103,000 worth of energy bill savings so far.

- Cabinet agreed on 22nd July 2019 to consult on re-designating a scheme in the four Selective Licensing areas which were introduced in 2015 as well as extending into two further areas. Consultation began on 5th August and ends on 14th October at which point detailed analysis of the consultation responses will be undertaken and the outcome of this used to inform the future of the proposed scheme.

- New enforcement powers (Civil Penalties and Rent Repayment Orders) are in place following Cabinet approval of Housing Enforcement Policy Statement and policies on 22nd July 2019. Three out of four new staff are in post with recruitment for the remaining staff member ongoing. The first successful Rent Repayment Order was confirmed in Q2 which will result in an income of £988

**Priority 3: Meeting the needs of our most vulnerable people to enable them to live independently:** Of the seven actions under this priority, all but one are on course including:

- Arc4 (appointed consultants) are progressing the Councils Homeless Review to timescales. They have engaged with a wide range of service users, stakeholders, partners and service providers to understand their views and role in this field. Various engagement mechanisms have been used including on line questionnaires, one to one interviews and focus groups to ensure a fully informed review takes place. Arc4 will also be drafting Wirral's new five year Homeless and Rough Sleepers Strategy. The review is currently underway and will conclude in early November. A draft Homeless and Rough Sleepers Strategy will be completed at the end of November and a two week public consultation period will commence at the start of December. The timescale for completion is within MHCLG deadlines, however they require that the finalised Strategy must be formally approved by Cabinet. The strategy will therefore be considered by Cabinet at its meeting on 24th February 2020.

- Liverpool City Region Housing First Test and Learn pilot commenced 1st July 2019 and is a significant change to responding to homelessness, 21 referrals have been made to the service from the Wirral area. September update provided by Combined Authority confirmed that 11 people have been contacted. Of those 11, 6 are actively engaged, 1 clients' needs had already been met prior to contact from the service and 4 are being supported to engage (2 of which have now been offered accommodation). The initial results are very positive as these clients are homeless and have complex needs.

- An action plan for Refugees and Asylum Seekers has been developed which responds to Liverpool City Region Action Plan, Controlling Migration Fund priorities and local priorities in Wirral for refugees and asylum seekers. One pilot scheme was commissioned early on to focus on education support for both schools and refugee and asylum seeker children to ensure education opportunities are maximised. A small grant programme targeting key themes within the action plan was opened on 23rd September 2019. Any organisation can bid for up to two years funding to respond to the appropriate themes identified. The closing date for applications is 11th October 2019 and so a further update on the outcome of this will be provided in quarter 3.

One action under this priority is indicated amber (off track but action being taken to deliver on time) which is the action to work with Registered and private companies to deliver 300 additional Extra Care homes:

- Six schemes are either completed or currently onsite, providing a total of 102 units of extra care by the end of 2019/20 and 180 by the end of 2020/21. There are a further three identified schemes (total of 257 units) currently at detailed design stage, or have been or are due to be submitted for a planning decision and should be fully completed (subject to planning approval) by the end of 2021/22. This will provide a total of 437 additional Extra Care homes, which, if delivered, is over the original target of 300 units however timescales will not be met owing to the impact of the significant delay on the Government decision regarding funding for Extra Care schemes as part of its review of funding for supported housing schemes.

Wirral Plan Indicator	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend (See Key)	Comment
3,500 new homes will be built by 2020	Annual Higher is better	(n/a)		2,550 (2018-19)						n/a	
Improve 2,250 private sector properties	Annual Higher is better	(n/a)		2,220 (2016-19)						n/a	
Bring 1,250 empty properties back into use	Quarterly Higher is better	(n/a)		1,252 (Dec 2015-Mar 2019)	Green Actual: 1,249 Target: 1,186 (Q1)	Green Actual: 1,315 Target: 1,207 (Q2)				Better	Q2 target exceeded in Q1. Cumulative target as of the end of Q2 now exceeds overall target of 1250 (achieved 1315)

Supporting Measure	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend (See Key)	Comment
Complete compliance inspections for all homes requiring a license	Annual Higher is better	(n/a)		1,009 (2015-19)						n/a	
An increase in the percentage of people over 50 living in appropriate housing, that meets their needs	Annual Higher is better	52.3% (Oct 2015)		52.3% ( )						n/a	
Number of home adaptations completed	Quarterly Higher is better	2,257 (2014-15)		2,732 (Apr 2018 - Mar 2019)	Blue Actual: 702 Target: 638 (Q1)	Blue Actual: 1,403 Target: 1,276 (Q2)				Better	Achieved 701 for Q2 which makes the cumulative 1403 which is above the target for the quarter of 1276
Reduce homelessness through prevention	Quarterly Higher is better	707 (2014-15)		1,154 (Apr 2018 - Mar 2019)	Blue Actual: 328 (Q1)	Blue Actual: 664 (Q2)				Better	Achieved 336 in Q2 which makes a total of 664 preventions achieved to date. This years data will inform future target setting.

### Wirral's neighbourhoods are safe

#### Overview from Lead Cabinet Member

As we move into the final year of the Wirral Plan it is encouraging that reports of Anti-Social Behaviour (ASB) continue to fall. This endorses the 'Safer Wirral Hub' approach which serves to coordinate and focus those organisations that have an influence upon crime levels, along with the traditional statutory agencies and more importantly the communities themselves.

Reports of crime also continue to fall, however crime reporting standards are updated annually and this must be considered when comparing data. Most types of crime have seen a reduction this quarter, including all types of acquisitive crime (theft), criminal damage and violence that causes an injury. Safer Wirral Hub ran three StaySafe operations over the summer with officers from the ASB team, youth outreach and community patrol working alongside local community police officers / PCSO's to engage young people. Partners reported that throughout each operation over 100 young people were spoken to but there was no requirement for any intervention or diversion.

Robust interventions with young people undertaken by the Youth Justice Service and partnership working continues to keep re-offending low.

Wirral continues to adapt to the new challenges such as cyber-crime with the first two schools that undertook the Cyber Champions Programme are now running the programme independently. Presentations on cyber safety were also given to pupils from 10 primary schools prior to the summer holidays. A presentation was also given to 50 older people on staying safe on-line in conjunction with 'Nat-West Bank' under the campaign initiative 'Friends Against Scams.'

Links and information sharing between the Wirral Ways to Recovery (WWiR) teams and Children and Young People (CYP) dept continue to strengthen. Wirral's performance outperforms national rates. The Reducing Re-offending Group continues work with Wirral magistrates to increase the courts use of ATRs (Alcohol Treatment Requirements) and DRRs (Drug Rehabilitation Requirements).

Finally I would like to highlight the work taking place around tackling Violent Crime. Merseyside has established a Violent Crime Reduction Unit and Wirral has representatives embedded within it, and is developing its own Violent Crime Reduction strategy working with partner agencies on activities and programmes to prevent children falling into the world of violent crime.

Wirral Plan Indicator	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend (See Key)	Comment
Reports of anti-social behaviour (ASB) to Merseyside Police	Quarterly Lower is better	11,837 (2014-15)		6,029 (2018-19)	1,410 (Apr-Jun 2019)	2,852 (Apr-Sep 2019)				Better	Reported anti-social behaviour has decreased by 797 (22%) compared to Q2 last year.
Proportion of residents who state they feel safe when outside in their local area (daytime)	Annual Higher is better	88% (Oct 2015)		90% (2017)						n/a	Date for next survey to be announced.
Proportion of residents who state they feel safe when outside in their local area (After Dark)	Annual Higher is better	55% (Oct 2015)		51% (2017)						n/a	Date for next survey to be announced.
Number of crimes recorded by the police	Quarterly Lower is better	19,061 (2014-15)	Ranking within 15 Most Similar Community Safety Partnership Groups: 4 (Mar 2018-Feb 2019)	25,510 (2018-19)	4,024 (Apr-June 2019)	12,687 (Apr-Sep 2019)				Better	Recorded crime fell by 638 crimes (4.8%) compared to the same period last year year. Increases are in Violence and Domestic Abuse. 45.8% of violence and 45% of domestic abuse is in Birkenhead ward

Supporting Measure	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend (See)	Comment
First-time entrants to the youth justice system (10-17 year olds, as a rate per 100,000 of the local general population)	Quarterly Lower is better	380 (Apr 2014 - Mar 2015)	Merseyside YOT (Police Crime Commissioner area): 324 (Apr 2017-Mar 2018)	254 (Jan-Dec 2018)	265 (2019-20 Q1)					Worse	There has been an increase in First Time Entrants into the Criminal Justice System. This is due to the fact that year on year we have reduced the number of young people entering the system, this will impact as with a slight increase in the number of young people going to Court will impact on our figures. Prevention work continues to be an integral part of the offer within the Youth Justice Service to reduce the number of young people entering the system.
Violence that causes an injury to an individual victim (not including homicide) recorded by the Police	Quarterly Lower is better	1,982 (2014-15)	Ranking within 15 Most Similar Community Safety Partnership Groups: 4 (Nov 2017-Oct 2018)	2,825 (2018-19)	722 (Apr-Jun 2019)	1,455 (Apr-Sep 2019)				Better	Violence that causes an injury fell by 51 crimes (4.8%) compared to the same period last year last year. However there have been 85.3 (13.2%) more recorded crimes than expected (based on the 3 previous years)
Percentage of Youth Re-Offending (age 10-17 years)	Quarterly Lower is better	51.4% (Jul 2012-Jun 2013)	England: 41.6% (Oct 2015- Sep 2016) Merseyside YOT (Police Crime Commissioner area): 46.2% (Oct 2015- Sep 2016)		40.5% (Jul 2016 - Jun 2017)	40.8% (Oct 2016 - Sep 2017)				Worse	With the robust interventions that the Youth Justice Service undertake with young people and the partnership working we continue to keep re-offending low.

### Attractive local environment for Wirral residents

#### Overview from Lead Cabinet Member

During this first quarter we have set out plans for delivering the actions within our delivery plan for 2019/20. We are now in the final year delivery of the Wirral Plan and Attractive Local Environment Pledge, therefore it's important that we see signs of behaviour change in terms of the way residents act within their local environment and people taking more responsibility.

We want to push further on our initiatives to get people involved and active in their neighbourhood, building on 'Love Where You Live' support to volunteers campaign. We have received very positive feedback and want to provide this opportunity to as many people as possible across Wirral.

During this year we will focus on:

- With Community Action Wirral, delivering a Love Where You Live training. The next forum is planned for September.
- Delivering an education campaign to encourage support good dog ownership. Expanding the Tikspac boards, we will develop education campaigns. A delivery plan is due to start in Q2.
- Developing the "Wirral Together for the Environment" deal, utilise the City region's Year of Environment to engage people and raise the profile of environmental issues.
- The Neat Streets programme. The programme started in May and so far, we have removed 270 abandoned bins, removed 22 tonnes of weeds and removed 81 tonnes of litter and fly-tipping.

Wirral Plan Indicator	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend (See Key)	Comment
Maintain local environmental quality (LEQ) via the street cleansing of litter, detritus, graffiti. (Main Gateways and Retail Areas)	Quarterly Higher is better	97.5% (2014-15)		98.4% (2018-19)	Blue Actual: 98.8% Target: 93.5% (2019-20 Q1)	Blue Actual: 97.8% Target: 93.5% (2019-20 Q1)				Worse	Street cleansing performance remains strong along the borough's gateways and district centres, however the lower score reflects a tougher stance on detritus (weeds). This was addressed by the contractor during this quarter and significant improvements were made through the end of August into September. The borough was well presented for the Borough of Culture events that took place in the second quarter, including the Wirral stage of the OVO Tour of Britain.
Achieve 50% kerbside recycling of domestic waste by 2020	Quarterly Higher is better	36.30% (2014-15)		32.50% (2018-19 YE)	Amber Actual: 35.20% Target: 36.00% (2019-20 Q1)					Better	The recycling rate in Qtr 1 was higher than the same quarter last year (34.1%). Merseyside Recycling and Waste Authority has been running the Recycle Right campaign since late 2018 and this has been promoted by Wirral Council. The campaign aims to improve knowledge of what can and can't be put into the recycling bins in Merseyside. This, in conjunction with rising national and global awareness of waste, is starting to lead to positive changes and increases in recycling.
Supporting Measure	Indicator	Wirral Plan Start	Benchmark Data	Year End 2018-19	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	Year End 2019-20	Trend (See Key)	Comment
Reduce the overall collected general waste (non-recycling) per household	Quarterly Lower is better	502.15 (2014-15)		538.33 (YE 2018-19)	136.73 kg/hh (2018-19 Q1)					Better	The total residual (non-recycled) waste per household was lower this quarter, compared with the same period last year (142.50 kg/hh). Could be due to increased publicity regarding waste free shopping, single use plastics and packaging.
Increase level of school recycling	Annual Higher is better	35.00% (2014-15)		49.00% (2018-19)						Better	Data available mid-month after quarter end.
Increase the number of garden waste subscribers	Quarterly Higher is better	(n/a)		39,966 (2018-19)	34,523 (Apr-June 2019)	38,924 (Apr-Sept 2019)				Worse	The number of subscribers this quarter has fallen by 2,120 compared with Q1 last year. Almost 5,000 less households renewed their subscription in April compared to the year before. We are reviewing the communication plan to promote the service again in the coming months and also looking to develop additional garden centre partners.
Using targeted communications, increase kerbside (green and grey bin) recycling rate for the ten lowest performing rounds to at least 25%	Quarterly Higher is better	(n/a)		21.36% (2018-19)	21.42% (Apr-Jun 2019)					Better	The recycling rate of the lowest performing rounds continues to rise slowly. The Recycle Right campaign has been running in these areas now for nine months, to positive effect.

**Report Key**

Trend - Performance is shown as Better, Same or Worse compared with the last reporting period except for the below measures, which are compared with same period the previous year.

Increase the number of events in Wirral's parks, beaches and open spaces,

Number of smokers helped to stop smoking, Number of smokers still quit at 4 weeks and Number of pregnant women helped to stop smoking.

Number of people helped to lose weight,

Bring 1,250 empty properties brought back into use,

Reduce homelessness through prevention,

Reports of ASB to Merseyside Police and Number of crimes recorded by the police,

Violence that causes an injury to an individual victim (not including homicide) recorded by the Police,

Kerbside Recycling, Littering FPN, Dog Fouling FPN, Household Waste and Garden Waste and recycling lowest performing rounds,

Target - Where targets apply, these are shown as either Blue, Green, Amber, Red based on the agreed tolerance range for individual measures.

Action - These are shown as either:

• Blue (Over-Achieving has met and surpassed target set)

• Green (on track to deliver on time)

• Amber (off track but action being taken to deliver on time)

• Red (off track and won't deliver on time)



**Environment Overview and Scrutiny Committee  
Thursday 29<sup>th</sup> November 2019**

<b>REPORT TITLE:</b>	<b>ENVIRONMENT OVERVIEW &amp; SCRUTINY COMMITTEE - WORK PROGRAMME REPORT</b>
<b>REPORT OF:</b>	<b>HEAD OF INTELLIGENCE (STATUTORY SCRUTINY OFFICER)</b>

**REPORT SUMMARY**

The Environment Overview & Scrutiny Committee, in co-operation with the other three Overview & Scrutiny Committees, is responsible for proposing and delivering an annual scrutiny work programme. This work programme should align with the corporate priorities of the Council, in particular the delivery of the Wirral Plan pledges which are within the remit of the Committee.

It is envisaged that the work programme will be formed from a combination of scrutiny reviews, standing items and requested officer reports. This report provides the Committee with an opportunity to plan and regularly review its work across the municipal year. The work programme for the Environment Overview & Scrutiny Committee is attached as Appendix 1 to this report.

**RECOMMENDATION/S**

Members are requested to approve the proposed Environment Overview & Scrutiny Committee work programme for 2019/20, making any required amendments.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

To ensure members of the Environment Overview & Scrutiny Committee have the opportunity to contribute to the delivery of the annual work programme.

### 2.0 OTHER OPTIONS CONSIDERED

Not Applicable

### 3.0 BACKGROUND INFORMATION

#### 3.1 THE SCRUTINY WORK PROGRAMME AND THE WIRRAL PLAN

The work programme should align with the priorities of the Council and its partners. The programme will be informed by:

- The Wirral Plan pledges
- The Council's transformation programme
- The Council's Forward Plan
- Service performance information
- Risk management information
- Public or service user feedback
- Referrals from Cabinet / Council

The specific Wirral Plan pledges and associated strategies of particular relevance to the Environment Overview & Scrutiny Committee are:

Pledge	Strategies
Leisure and cultural opportunities for all	Wirral's Leisure Strategy Wirral's Culture Strategy
Wirral residents live healthier lives	Wirral's Residents Live Healthier Lives Strategy
Community services are joined up and accessible	Wirral Together Strategy (in development)
Good quality housing that meets the needs of residents	Housing Strategy
Wirral's neighbourhoods are safe	Ensuring Wirral's Neighbourhoods are Safe Strategy
Attractive local environment for Wirral residents	Managing our Waste Strategy Loving our Environment Strategy

### 3.2 PRINCIPLES FOR PRIORITISATION

Good practice suggests that, in order to maximise the impact of scrutiny, it is necessary to prioritise proposed topics within the work programme. Members may find the following criteria helpful in providing a guideline towards ensuring that the most significant topics are prioritised:

<b>Principles for Prioritisation</b>	
Wirral Plan	Does the topic have a direct link with one of the 2020 pledges?
	Will the review lead to improved outcomes for Wirral residents?
Public Interest	Does the topic have particular importance for Wirral Residents?
Transformation	Will the review support the transformation of the Council?
Financial Significance	Is the subject matter an area of significant spend or potential saving?
	Will the review support the Council in achieving its savings targets?
Timeliness / Effectiveness	Is this the most appropriate time for this topic to be scrutinised?
	Will the review be a good use of Council resources?

By assessing prospective topics using these criteria, the Committee can prioritise an effective work programme that ensures relevance and the highest potential to enhance outcomes for residents.

### 3.3 DELIVERING THE WORK PROGRAMME

It is anticipated that the work programme will be delivered through a combination of:

- Scrutiny reviews undertaken by task & finish groups
- Evidence days and workshops
- Committee reports provided by officers
- Standing committee agenda items, for example, performance monitoring and financial monitoring
- Standing panels (where deemed necessary)

As some of the selected topics may well cut across the Wirral Plan themes, it is anticipated that some of the scrutiny topics may be of interest to members of more than one committee. In these circumstances, opportunities for members of more than one committee to work jointly on an item of scrutiny work will be explored.

Regular work programme update reports will provide the committee with an opportunity to plan and regularly review its work across the municipal year.

## **4.0 SCRUTINY WORK PROGRAMME ITEMS**

### **4.1 Tree Policy Task & Finish Scrutiny Review**

Since the last meeting of the Committee, a Task & Finish group has been established in order to review the strategic guidance within the Council's draft Tree Policy and to ensure that a robust tree risk management plan is put in place. The review group held a scoping meeting to discuss the review in detail, with a subsequent evidence session held on 30<sup>th</sup> October 2019. Members embarked on a site visit to Arrowe Park to gain an understanding of challenges and issues currently faced with tree management in the Borough, before then taking the opportunity to meet with senior officers and technical staff to seek assurances on current practices and future plans. It is proposed that the Task & Finish panel convene again for a further focus group, this time with the inclusion of planning officers, to discuss the links between the Tree Policy and the Local Plan. Further updates on this review will be brought before future meetings of this Committee.

### **4.2 Garden Waste Subscription Update**

At the last meeting of the Committee in September, Members expressed concern that there has been slower than anticipated take up of the Garden Waste Subscription service. As a result, further detail was requested on the current performance and promotion of the scheme. A briefing note was circulated to Members outside of Committee for information.

### **4.3 2020/21 Budget Scrutiny**

In line with previous municipal years, Members will be invited to review budget proposals and savings plans for 2020/21 within the remit of the Committee. The budget scrutiny process is currently under review and will be agreed by the Chairs of all Overview & Scrutiny Committees.

## **5.0 FINANCIAL IMPLICATIONS**

5.1 Not Applicable

## **6.0 LEGAL IMPLICATIONS**

6.1 Not Applicable

## **7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

7.1 The delivery of the scrutiny work programme will be met from within existing resources.

## **8.0 RELEVANT RISKS**

8.1 Not Applicable

## **9.0 ENGAGEMENT/CONSULTATION**

9.1 Not Applicable

## **10.0 EQUALITY IMPLICATIONS**

10.1 This report is for information to Members and there are no direct equality implications.

## **11.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

11.1 Not Applicable

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## **APPENDICES**

**Appendix 1:** Environment Overview & Scrutiny Committee – Work programme

## **BACKGROUND PAPERS**

### **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Environment Overview &amp; Scrutiny Committee</b>	<b>2<sup>nd</sup> July 2019</b>
<b>Environment Overview &amp; Scrutiny Committee</b>	<b>24<sup>th</sup> September 2019</b>

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**ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE****WORK PROGRAMME****AGENDA – Thursday 28<sup>th</sup> November 2019**

Item	Format	Lead Departmental Officer
Minutes from Environment OSC (24 <sup>th</sup> September)	Minutes	
2019/20 Q2 Financial Monitoring	Report	Peter Molyneux
Local Plan Update (Pre-Consultation)	Report	David Ball
Review of Council Enforcement Policy	Report	Mark Camborne
Notice of Motion – Verges and Pollinators	Report	Colin Clayton
Marine Lake Management	Report	Colin Clayton
Use of Glyphosate for Weed Control	Report	Colin Clayton
2019/20 Q2 Wirral Plan Performance Monitoring	Report	David Armstrong/Nicki Butterworth
Environment Overview & Scrutiny Committee Work Programme Update	Report	Scrutiny Officer
<b>Deadline for cleared reports: Tuesday 4<sup>th</sup> November 2019</b>		

**STANDING AGENDA ITEMS**

Item	Format	Lead Departmental Officer
Local Plan Update	Report	David Ball
2019/20 Quarterly Financial Monitoring Report	Report	Peter Molyneux
2019/20 Wirral Plan Performance Monitoring	Report	David Armstrong/Nicola Butterworth
Environment Overview & Scrutiny Committee Work Programme Update	Report	Scrutiny Officer

## FUTURE AGENDA ITEMS TO BE SCHEDULED

Item	Format	Proposed Timescale	Lead Departmental Officer
PSPO Update	Report	TBC	Mike Cockburn
'Internet of Things' – Trial of 5G Parking Sensors in Liscard	Report	January 2020	Tim Games
Property Pool Plus Housing Allocations Policy	Report	January 2020	Lisa Newman
Homelessness Update	Report	TBC	Lisa Newman
Provision of Floral Pavilion – Update	Report	TBC	Colin Clayton
Budget Scrutiny	Committee Meeting	January 2020	Finance Team
Flood Risk Management Annual Report	Report	March 2020	Mark Smith

## WORK PROGRAMME ACTIVITIES OUTSIDE COMMITTEE

Item	Format	Timescale	Lead Departmental Officer
Tree Policy Development	Task & Finish	2019/20	David Armstrong
Cool 2 – Wirral Climate Change Strategy Consultation Outcomes	Member Briefing	October 2019	Mike Cockburn
Transformation Programme	TBC	As and when	Tim Games
Wirral Flood and Water Management Partnership	Meeting	TBC	Mark Smith
Reality Check Visits	Site Visit	As and when	TBC