

**WYRE FOREST DISTRICT COUNCIL**

**Commercial Services Policy and Scrutiny Panel**

**The Earl Baldwin Suite, Duke House, Clensmore Street, Kidderminster**

**Wednesday, 17th August 2005 (6PM)**

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**PRESENT:**

Councillors: M J Shellie (Chairman), J Holden (Vice-Chair), G W Ballinger, B T Glass, Mrs P V Hayward, W G Jones, M B Kelly, and M W Partridge.

**OBSERVERS:**

Councillors: J-P Champion, M J Hart and J A Shaw.

**CS.11 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs J Fairbrother-Millis

**CS.12 APPOINTMENT OF SUBSTITUTES**

Councillor B T Glass was appointed as a substitute for Councillor Mrs J Fairbrother-Millis.

**CS.13 COMPOSITION AND ATTENDANCE OF PANEL**

**AGREED:**

**The attendance of the Panel, as per the Attendance Record Sheet appended to the Agenda be noted.**

**CS.14 DECLARATION OF INTERESTS**

No declarations of interest were made.

**CS.15 MINUTES**

**AGREED:**

**The minutes of the meeting held on Wednesday, 15th June 2005 be confirmed as a correct record and signed by the Chairman.**

CS.16

**SCOPING - EDUCATION ON LITTER AND LITTER ENFORCEMENT**  
**(FIXED PENALTY NOTICES)**

A briefing paper was considered from the Operational Services manager on the Review of Education on Litter and Litter Enforcement. The report provided background information on enforcement and gave an idea of the type of service the Council was considering.

The Operational Services Manager commented that his Department had already actioned some enforcement activity. The Council had one full time officer who was supported by officers from the Street Scene Team. Twenty six officers had been trained on the powers of enforcement. These officers included senior officers who did other substantive jobs.

If a Task and Finish Group was appointed to consider the question of education on litter and litter enforcement it was suggested that it might wish to look at the wider powers of enforcement. The Operational Services Manager suggested that it might be useful to ask a solicitor from Legal and Democratic Services to talk to the Task and Finish Group about the Clean Neighbourhood and Environment Act and look at some of the powers available to the Council.

A Member asked for clarification on how the education process on litter would work. The Cabinet Member for Commercial Services commented that currently Rebecca Johnson, Waste Minimisation Officer, went into schools and carried out programmes of education on litter. Chris Tudor, Environmental Protection Officer, also went to schools with Rebecca.

In terms of educating the wider community this could be covered by publicity - educating stallholders and small businesses. Chris Tudor currently worked with a large number of companies on issues of enforcement, this included educating them and advising them on legislation.

The legislation was very clear with regard to the Clean Neighbourhoods and Environment Act. However the Council had not appointed all the officers it wished to appoint. Those officers that had been appointed were trained for enforcement under the Police and Criminal Evidence Act (PACE). Members noted that a fixed penalty notice could only be issued by officers who had received PACE training. Under the new legislation available to officers they had the power to caution members of the public and ask for their name and address whereas previously they had not got the power to do this.

Members were pleased to note that the Fixed Penalty Notice Scheme was already in operation. A Fixed Penalty Notice had been issued to a member of the public in Stourport who had dropped litter.

It was agreed that a Task Group would be established to consider education on litter and litter enforcement. The following members would serve on it: Councillors

G W Ballinger, Mrs H E Dyke, Mrs J Fairbrother-Millis, J A Shaw and M J Shellie.

The Panel filled out a scoping form (and this is attached as an appendix to these minutes).

## **CS.17 KIDDERMINSTER OUTDOOR MARKET**

Councillor Holden, as Chair of the Outdoor Market Task and Finish Group reported back on this item. He thanked all the members of the Task and Finish Group for their hard work and enthusiasm. He particularly wished to record that the Acting Scrutiny Officer - Heather Jones had done a magnificent job in helping the group and with the collation of the report.

It was noted that the outdoor market had moved into the centre of Kidderminster. Currently the market appeared to be tatty in appearance and there were a number of stalls that were of 'car boot sale' quality. The stallholders currently traded until approximately 4 pm. However if the weather was poor they finished earlier.

One of the issues investigated by the Task and Finish Group was that of bollards which were situated within the area that the outdoor market operated. Councillor Holden had met with the Acting Highways Partnership Manager a week ago to consider these. The purpose of the bollards had been to protect footpaths from vehicles and it was essential that they remained in place. However it was considered that there were approximately 4 to 5 'rogue' bollards whose purpose was questionable. The smaller ones were a health and safety hazard and could be replaced with larger ones to make them more safe for the public.

Members were informed that there were only 2 commercial market operators in the West Midlands. These were LSD Promotions and E G Skett and Co. Members of the Task and Finish Group had visited markets run by both these operators and showed the committee photographs of stalls run by them. Councillor Holden said that LSD Promotions required their stallholders to be more corporate by making the stalls have 'skirts' and sidepanels. It was felt that either of these operators would be suitable to operate Kidderminster Outdoor Market.

The make up of stalls run by the private market operators was much more 'up market' than those that currently operated in Kidderminster. Also the commercial operators had a database of stalls to fill in any gaps if required. Both of them allowed a maximum of 30 stalls. The use of an outside operator would release 5 members of the Council's cleansing staff who currently set up the tressle tables at the start of the market and took them away when it closed. Sketts and LSD had agreed, if they were to take over the running of Kidderminster Market that they would maintain a price structure for the stalls that were run and this approximated to £30 per stall.

The Town Centre Partnership had intimated that they were happy to work with either of the commercial market operators that had been identified. They believed

it would be a good move to use a private market operator as the current stalls were perceived to be somewhat shabby.

Councillor Jones thanked officers and members who had undertaken the scrutiny exercise. He particularly wished to thank Keith Burgess, Operational Services Manager and Glyn Edwards, Streetscene Manager, for their hard work. The Chairman of the Commercial Services Policy and Scrutiny Panel added his congratulations and commented that the exercise had been a good example of how scrutiny exercises should be carried out.

**RECOMMENDED TO CABINET:**

- (a) **The Kidderminster Town Centre outdoor market service be tendered and awarded to an experienced operator subject to a tender evaluation exercise.**
- (b) **A private operator manage the Kidderminster Outdoor Market service in conjunction with the Council and the Town Centre Partnership.**

**CS.18      WORK PROGRAMME**

The Panel considered its work programme for the current municipal year with regard to the Community Strategy, Corporate Plan, Annual Priorities and the Forward Plan.

The Operational Services Manager commented that a report would shortly be made on recycling. This was very much a success story as Wyre Forest District Council was currently top of the league table in recycling in Worcestershire.

Progress had also been made on other areas such as the cemetery and street cleansing and these would be reported to future meetings.

**AGREED:**

**The work programme for the current municipal year be approved subject to**

**CS.19      EXCLUSION OF THE PRESS AND PUBLIC**

**DECISION:**

**Under Section 100A(4) of the Local Government Act, 1972 the press and public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of “Exempt Information” as defined in paragraphs 8 and 9 of Part I of Schedule 12A of the Act.**

**CS.20**      **SUMMARY OF MINUTES**

The following proceedings were considered after the press and public had been excluded from the meeting. A summary of the minutes relating to these items has been made as “exempt information” would be disclosed if the minutes were published in full.

(i)      Minutes

The exempt minutes of the meeting held on the 15<sup>th</sup> June 2005 were agreed and were signed by the Chairman.

(ii)      Market Testing of the Council's Building Cleaning Service

A report and associated paperwork regarding Market Testing of the Council's Building Cleaning Service from the Task and Finish Group were considered with a view to making recommendations to the Miscellaneous Functions Committee on the 22<sup>nd</sup> August 2005.

The meeting ended at 7.27 pm.

**POLICY AND SCRUTINY PANEL**  
**SCOPING OF SCRUTINY EXERCISES**

| <b>PRELIMINARY INFORMATION</b>  |   |
|---|---|
| <b>TITLE OF EXERCISE</b>  | Education on litter and enforcement (progress on Fixed Penalty Notices, action on Flyposting). A Boards, litter control notices and abandoned vehicles).                              |
| <b>LEAD POLICY &amp; SCRUTINY PANEL</b>   | Commercial Services   |
| <b>LEAD MEMBER OF TASK AND FINISH GROUP</b>                                     | Task and Finish Group be established:<br>G W Ballinger, Mrs H E Dyke, Mrs J Fairbrother-Millis, J A Shaw and M J Shellie.   |
| <b>LEAD OFFICER SUPPORT</b>   | Keith Burgess, Operational Services Manager   |
| <b>AIMS/OBJECTIVES</b>  |   |
| <b>TERMS OF REFERENCE</b><br>Purpose of group/strategic objectives.             | To examine the processes, outcome and future plans for the delivery of the education and enforcement functions.   |
| <b>RATIONALE</b><br>Key issues and/or reasons for doing the review.             | Members are keen to ensure correct resources were being deployed. Streetscene appearance and public pride.  |
| <b>BARRIERS/ DANGERS/ RISKS</b> Identify any weaknesses and potential pitfalls. | The introduction of the 2005 Act is a relatively recent addition to the powers of local authorities; its full impact is yet to be harnessed and new resource requirements identified. |
| <b>REVIEW OBJECTIVES</b><br>Specify exactly what the review should achieve.     | To ensure the service function and service delivery is supported by the Panel.  |

|   |   |
|---|---|
| <p><b>INDICATORS OF SUCCESS</b><br/>What factors would tell you what a good review should look like?</p>                | <p>Knowledge and understanding of the service is increased. Obtaining information by the most appropriate means from stakeholder.</p> |
| <p><b>METHODOLOGY/ APPROACH</b><br/>What types of enquiry will be used to gather evidence and why?</p>                  | <p>Review of documentation, procedures and resources. Obtaining information by the most appropriate means from stakeholder.</p>       |
| <p><b>SPECIFY WITNESS/EXPERTS</b><br/>Who to see and when?</p>  | <p>Briefing by solicitor from LADS re: Legal Briefing Note Wolverhampton City Council and another District Council</p>                |
| <p><b>SPECIFY EVIDENCE SOURCES FOR DOCUMENTS</b><br/>Which to look at?</p>  | <p>Clean Neighbourhood Act<br/>Legal Briefing Note<br/>Standard Warning Letter</p>  |
| <p><b>SPECIFY SITE VISITS</b><br/>Where and when?</p>   |   |
| <p><b>SPECIFY EVIDENCE SOURCES FOR VIEWS OF STAKEHOLDERS</b> Consultation/ workshops/focus groups/ public meetings.</p> |   |
| <p><b>PUBLICITY REQUIREMENTS</b><br/>What is needed – fliers, leaflets, radio broadcast, press-release etc.</p>         |   |
| <b>DEADLINES</b>  |   |
| <p><b>PROJECTED START DATE:</b></p>   |   |
| <p><b>FREQUENCY OF MEETINGS:</b></p>  |   |
| <p><b>DRAFT REPORT DEADLINE:</b></p>  |   |
| <p><b>PROJECTED COMPLETION DATE:</b></p>  |   |