

A JOINED UP APPROACHED TO ENFORCEMENT

<u>Report of the:</u>	Head of Legal and Democratic Services/ Head of Operational Services/ Head of Housing & Environmental Health
<u>Contact:</u>	Simon Young
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
<u>Annexes/Appendices</u> (attached):	Annexe 1 – DRAFT Co-ordinated Enforcement Process
<u>Other available papers</u> (not attached):	None Stated

REPORT SUMMARY

This report considers a proposal for a more co-ordinated approach to enforcement across the Council.

RECOMMENDATION (S)

It is recommended that the Committee

- (1) Note and endorse the proposals in section 3 of, and Annexe 1 to, this report.**
- (2) Make such comments on these as are considered appropriate.**
- (3) Note that a report on the operation of the process will be taken to the Audit Crime & Disorder and Scrutiny Committee after one full year of operation.**

Notes

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

1.1 One of the key priorities under the Corporate Plan this year is:

“Taking action to reduce graffiti, littering, flyposting, illegal advertising, and dog fouling.”

1.2 The performance target related to this is:

“Report to be considered by members identifying measures designed to

reduce incidents of graffiti, littering, fly-tipping, flyposting, illegal advertising, dog fouling and improve dog control.”

- 1.3 This report proposes measures designed to deal at the earliest opportunity with issues, including those referred to in 1.2, and any other matters which arise with a view to discouraging people from behaving in an anti-social manner.

2 Background

- 2.1 A new range of anti-social behaviour enforcement tools were introduced by the Anti-social Behaviour Crime and Policing Act 2014, and it is appropriate to consider how best these powers can be used, alongside other pre-existing powers.

- 2.2 The introduction to the Statutory Guidance for Frontline Professionals on the new powers states:

“Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people’s lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords. Victims can feel helpless, bounced from one agency to another and then back again. In many cases, the behaviour is targeted against the most vulnerable in our society and even what is perceived as ‘low-level’ anti-social behaviour, when targeted and persistent, can have devastating effects on a victim’s life.”

- 2.3 Before moving on, it is important to acknowledge that with our limited resources, we currently deal with and resolve a range of anti-social behaviour as described above, as well as in other regulatory areas.
- 2.4 For example, it is considered that we work effectively with the Police in relation to graffiti (which we log, photograph and remove in accordance with agreed timescales).
- 2.5 A large number of parking Penalty Charge Notices are issued, with patrols directed at “problem” areas as appropriate.
- 2.6 A number of planning enforcement cases are also resolved each year (this includes unlawful advertising).
- 2.7 Complaints of statutory nuisance are investigated by Environmental Health, including complaints of noise nuisance.
- 2.8 The number of persistent and unresolved issues is considered to be relatively small (which is not to minimise the impact of these).

- 2.9 It is clear that some complaints cross more than one area, and some do not really currently come within the responsibilities of any specific team. For example, we do not have a team dealing with “anti-social behaviour” as a category in itself; currently it depends on the behaviour being considered to fall within the remit of a particular team. As a result, there is a risk that some issues will “fall down the cracks”. There is also the risk that some cases where there is little or nothing we can actually do will remain open because we have not definitively closed them down.

3 Proposals

- 3.1 We are proposing to institute a process for a “Co-ordinated Enforcement Team” to be called on an issue. The draft process is set out in **Annexe 1**. Any officer will be able to initiate this process. The process is intended to be as simple as possible – it is about giving staff the confidence to deal more efficiently and effectively with issues, rather than adding to our existing workload.
- 3.2 The process will be refined and developed as it operates. Some criteria to guide the use of the process will be helpful, so, without being prescriptive, it is suggested that we will use it in circumstances such as the following:
- 3.2.1 Serious/persistent issue which has not been resolved.
- 3.2.2 Issue appears to cross a number of service areas of responsibility or is apparently not covered at all by any current service.
- 3.3 It is not proposed that members will be able directly to demand a joint enforcement team – members should be able to report issues to whoever you think is the relevant officer, and leave it to them to deal with and/or call a CET. Members will be able to raise the matter with senior management if an issue is not resolved.
- 3.4 The officer calling a Co-ordinated Enforcement Team will set out the nature of the problem and will specify which other service representatives they require to attend. A service will be obliged to send a representative when requested. A Co-ordinated Enforcement Team will always include a representative from the legal team to advise on possible available powers, on what evidence is required, and on how this might be obtained. A Co-ordinated Enforcement Team will be required to agree an action plan, and will be required to agree what communication will be sent to a complainant/victim. Actions can be proposed to deal with the individual case, and any wider issues it highlights – for example the need for better information for the public about issues.
- 3.5 After arrangements have been running for a full year, a report on the arrangements will be submitted to the Audit Crime & Disorder and Scrutiny Committee, for that Committee to consider whether any changes might be necessary or any further work is required.

- 3.6 Although the process is designed to be internal within the Council, we would seek to engage with other external partners, such as the Police and County Council, where appropriate. As such it may, where relevant, link with the current Joint Action Group (JAG) and Community Incident Action Group (CIAG) processes.
- 3.7 In order to make best use of procedures, we will seek to brief all staff about the arrangements.
- 3.8 Where appropriate, the Chief Executive and Director of Finance & Resources will consider whether it might be beneficial to empower additional officers to use, for example, the tools available under the 2014 Act.
- 3.9 Whilst not part of the specific process, it is hoped that more general recommendations will arise from the process in order to help improve other Council services and processes, and to help inform and educate the public.

4 Financial and Manpower Implications

- 4.1 There are no direct financial or manpower implications arising from this report. It is intended to be a process pulling together and making best use of existing resources in order to ensure that cases are resolved as early as possible.
- 4.2 If it is considered that additional officers be given authority to issue warnings and notices under the 2014 Act , or other legislation, (per paragraph 3.8 above), it will be important to consider the full financial and manpower implications of doing so, before any final decision is made.
- 4.3 ***Chief Finance Officer's comments:*** *There are no direct financial implications arising from this report. The proposals aim to use the existing resource inputs more effectively to improve outcomes for residents.*

5 Legal Implications (including implications for matters relating to equality)

- 5.1 ***Monitoring Officer's comments:*** *There are no direct legal implications arising from this report – as noted elsewhere in the report, the proposal is designed to coordinate and make best use of existing legal powers.*

6 Sustainability Policy and Community Safety Implications

- 6.1 Joining up our enforcement activities is intended to assist in reducing crime and disorder, by ensuring that matters are dealt with as efficiently and effectively as possible

7 Partnerships

- 7.1 There are no direct implications for partnerships, as this report relates to internal processes. It is however hoped that it will help us to improve how we work with other agencies.

8 Risk Assessment

- 8.1 There are no significant risks arising from this report. If anything, the proposals should help us deal more efficiently and effectively with matters. It is important not to raise expectations that the Council will be able successfully to resolve all matters to everyone's satisfaction. Where we are not able to do so though, we should at least have explained what we have or have not done and why.

9 Conclusion and Recommendations

- 9.1 It is considered that it would be beneficial for us to agree a process for ensuring that we can pull all relevant people together with a view to solving an issue, where we can, or being clear at the earliest opportunity if an activity is not considered to be amenable to corrective action.
- 9.2 This accords with the Government's aim to put victims at the heart of our response to anti-social behaviour and not to hide behind a silo approach. In doing so, it is important to manage public expectations – in reality, there is no "magic wand" available to deal with some issues.
- 9.3 It is therefore recommended that members endorse the proposals in section 3 of, and Annexe 1 to, this report.

WARD(S) AFFECTED: (All Wards);