

# **Corporate Enforcement Strategy**

## **2017**

# **DRAFT**

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# **Brentwood Borough Council**

## **Corporate Enforcement Strategy**

### **Introduction**

Brentwood Borough Council is committed to ensuring that all its enforcement actions seek to secure robust, efficient and effective compliance through a fair and consistent approach. Enforcement decisions must be impartial, justifiable and procedurally correct.

*“Enforcement action must also be taken in accordance with the aims of the Enforcement Concordat of the Better Regulation Executive. As public regulators local authorities are accountable for managing the enforcement process.”*

*HSE Enforcement Management Model (EMM) 2013*

This Corporate Enforcement Strategy aims to promote robust, efficient and effective approaches to regulatory inspection and enforcement across all service areas. The Council’s intention is to improve regulatory outcomes without imposing unnecessary burdens whilst exploring opportunities to generate income in order to achieve the target of £20,000 income generation through streamlined processes and proactive enforcement.

The term "enforcement" in the context of this Strategy will be given a wide meaning. It covers any action by the local authority carried out in accordance with its statutory powers and duties which are intended to secure compliance with relevant legislation, laws or regulations. It therefore includes the formal enforcement process itself, such as investigation, prosecution, service of statutory notices, action in default, etc; but it also includes the provision of information, advice and assistance, and prevention measures.

### **Setting Priorities**

Brentwood Borough Council (“the Council”) is committed to continually improving its services and creating places, which are 'clean, green and safe' and where people want to live, work and visit.

The Council undertakes enforcement action to ensure that the quality of life and the health, safety and welfare of residents and visitors alike are maintained, that the borough is an attractive and welcoming place for all, that residents and visitors are not harassed or subjected to anti-social behaviour and that planning regulations are adhered to.

The Council's Corporate Plan for 2016 to 2019 has set out a clear vision:

**To represent the views of our communities**

**To ensure the provision of efficient and effective services**

**To provide clear and strong direction based on clarity and trust**

The Council will seek to use the range of enforcement powers available with the focus for action being;

- Ensuring a robust response to any incidents of anti-social behaviour;
- Providing an efficient, effective and consistent customer focused Environmental Health & Licensing Service;
- Tough action on envirocrime and environmental enforcement;
- Effective management of on and off-street parking
- Increasing the level of street scene related enforcement activities.
- Ensuring buildings are safe and compliant with the Building Regulations and,
- Use of planning powers to enforce breaches of planning regulation and improve the amenity of the borough.
- Continued use of CCTV to assist in the detection and prevention of crime
- Housing action to reduce the number of empty homes and to tackle rogue landlords

This enforcement action is taken to support local communities and ensure that we deliver on our vision of improving the quality of life and the health, safety and welfare of all those living and working in the borough.

## **Resources**

The Council has appointed a General Manager who will report directly to the Head of Paid Service, and a Deputy Manager who will remain under the line management of Environmental Health but will allocate 25% of their time to assist the General Manager to drive forward the Corporate Enforcement agenda throughout the Council.

Officers from various areas of the Council with enforcement roles will be responsible to the General and Deputy Manager for elements of their post which involve enforcement decisions and actions, in collaboration with their line managers.

These areas will include (but not limited to):

**Environmental Enforcement** - Investigating and ensuring legislative compliance in relation to issues such as littering, dog fouling, fly tipping, noise, nuisance, contaminated land, air quality, pest control etc.

**Community Safety.** Provision of support to communities suffering from anti-social behaviour using a range of legal powers.

**Parking Regulation.** Enforcement of on and off-street parking regulations undertaken in accordance with the provisions of the Traffic Management Act 2004.

**Planning Enforcement.** Action is taken to deal with breaches of planning regulations using powers within the Town and Country Planning Act 1990 (as amended) and associated regulations.

**Food safety and standards,** including inspections of food businesses, sampling of food stuffs, infectious disease control, seizure and detention of unfit food, and investigation of consumer complaints about food and food premises.

**Health and Safety enforcement**, in premises allocated by law to the local authority such as offices, shops, warehouses, catering establishments, hotels and hostels, launderettes, places of religious worship, leisure centres, places used for child care or playgroups.

**Licensing**, the issuing and enforcement of local licences with special emphasis on alcohol, public entertainment, late night refreshments, gambling, animal establishments and other miscellaneous registrations. In addition, the Council is responsible for the licensing and enforcement of licences issued to operators, drivers and vehicles used as Hackney Carriage (Taxis) and Private Hire vehicles.

**Private Sector Housing**, Enforcing Health and Safety standards within private housing. This can include cold homes, damp, falls, poor electrics, overcrowding and fire precaution. Licensing of Houses in Multiple Occupation. Requiring owners to bring empty homes back into use. The Licensing of caravan sites and mobile homes.

**Building Control** The enforcement of standards in terms of building regulations and the control of dangerous structures to ensure public safety.

**Housing** Ensuring tenants are supported and robust, effective and efficient action is taken against any tenant who does not comply with the conditions of their tenancy or who commits anti-social behaviour causing alarm, harassment or distress to the community.

**Debt Recovery** – the recovery of monies owed to the Council

**CCTV** working in partnership with town centre businesses and Essex Police to detect and prevent crime in the areas covered by cameras.

**Street Scene** litter enforcement, early presentation of waste, flyposting and other highways enforcement within the remit of Brentwood Borough Council.

## **Performance Management**

Regular reports will be made to meetings of the Environment and Enforcement Committee to provide updates on enforcement actions taken and data on the cases investigated.

Decisions on enforcement will be made in accordance with the principles of decision making established in the Council's Constitution:

- (a) The presumption in favour of openness and transparency.
- (b) The need for consultation with interested parties.
- (c) The need to take account of relevant professional advice from appropriate staff.
- (d) The need for clarity of aims and desired outcomes.
- (e) The need to identify the range of options considered.
- (f) The need to give reasons and explanation for a decision.
- (g) The need to make decisions in accordance with the Constitution, law, proportionality and efficiency.

The General Manager will liaise with service managers to obtain information on performance, caseloads and enforcement decisions made and will review resources available across the Council where additional support may be required to improve enforcement activity.

Several areas of enforcement activity will link across teams, for example anti-social behaviour, litter and fly-tipping and business activities. The joint approach will be adopted with the aim to improve co-ordinated actions across services to improve efficiency of service delivery and encourage better understanding and compliance such as:

- To engage, educate, and enforce regulatory requirements
- To ensure enforcement is proportionate and effective across all services
- To integrate enforcement actions undertaken to ensure that Council services operate collaboratively and to share appropriate information with other services and agencies

- To seek to co-ordinate methods of enforcement action and to provide a clear and consistent approach
- To respond to service requests and to investigate potential regulatory breaches in a timely, fair and appropriate manner, having regard to the Council's Enforcement Policy and statutory requirements.
- To improve reporting of enforcement actions taken, to ensure that records are maintained, information on regulation by the Council is publicly accessible; actions are recorded and given publicity across available media to inform and encourage compliance.
- To seek to recover the costs of enforcement by the Council wherever possible from those in breach of regulatory requirements
- To maximise opportunities for cost savings and income generation related to enforcement activities.

These aims have been proposed with the intention of making all enforcement activity within the Council more effective, accountable and to reduce the costs to the residents of the Borough and businesses operating in compliance with regulatory requirements.

### **Public perception of enforcement activity**

We will engage with members of the public in the Borough to help to determine priorities, provide information and promote the activity undertaken. Social media, the Council website and local press will be used to disseminate information and to enable more interactive discussion and prompt responses to issues brought to our attention.

### **Training**

We will ensure that staff are trained to provide a professional standard of service, including regular updates on legislation and best practice through in-house and external providers.

## **Priority actions**

**Community Safety Accreditation** The CET will prioritise training of staff within enforcement roles in the Council to obtain Community Safety Accreditation.

The Community Safety Accreditation Scheme (CSAS) enables officers to use a range of additional powers usually available to the police, including the authority to request an offender's name and address and to issue fixed penalty notices to deal with several issues.

With more Council officers trained under the CSAS there will be greater ability to tackle problems effectively across the Borough and to assist in enforcement activities. The Council has obtained accreditation to enable this process and staff will receive police vetting to undertake the training.

**Recording of actions, decisions and investigations undertaken** We will review the Council's use of systems to capture and monitor casework and to improve reporting on actions and investigations undertaken to demonstrate outcomes.



## Corporate Enforcement Action Plan 2017

This Action Plan sets out the actions to support improvements in the quality, process and impact of enforcement across the Council.

It is not intended to be an exhaustive list and will be kept under review.

The Action Plan illustrates, using practical examples, that the Council is committed to effective enforcement services both now and in the longer term. The Action Plan also reflects that some changes are not achievable instantly but will take some time to resolve, such as staff training.

The actions are framed by four key objectives:

1. **Community Safety Accreditation** – having sufficient competent resources to deliver robust, effective and efficient enforcement services is key. The roles are highly specialised and subject to external scrutiny.
2. **Effective Case Management** – to ensure services across the Council deliver robust, effective and efficient enforcement an effective case management system is essential. This will allow for greater information sharing and cross departmental improvements resulting in joint enforcement action being taken and streamlining of processes.
3. **Enforcement Opportunities** – enforcement is key to ensuring customer satisfaction and is rarely carried out in isolation. Services need to ensure a unified approach in terms of key joint enforcement activities.
4. **Customer service and Engagement** – ensuring the customer is at the heart of everything we do means that the Council has regulatory services to be open to public scrutiny and be able to justify their actions.

The Action Plan will be reviewed periodically, and at least annually, to update on progress.

### Corporate Enforcement Action Plan 2017

| Objective   | Actions   | Timescales                    | Progress   |
|---|---|-------------------------------|--|
| <b>Implementation of the Community Safety Accreditation Scheme (CSAS)</b> | To secure organisational CSA for the Council  | N/A                           | Achieved   |
|   | All identified staff to complete appropriate vetting forms and submit them to Essex Police. | 24 <sup>th</sup> October 2017 | Majority of identified staff have submitted vetting forms. Final push taking place to meet deadline.   |
|   | CSAS Training framework to be agreed with senior managers                                   | 30 <sup>th</sup> October 2017 | CSAS training requires officers to take part in 5 full days training by an external provider. Training must be arranged to ensure service delivery is maintained |
|   | CSAS Training to be arranged  | TBC                           |  |
|   | CSAS launch event   | TBC                           |  |
| <b>Cost effective case management</b>                                     | Feasibility of data transfer from existing systems to Uniform                               | By end December 2017          |  |
|   | Identify internal opportunities for training on Uniform                                     | By end December 2017          |  |
|   | Commence input of data onto Uniform   | End November 2017             |  |
|   | Organise staff training on Uniform  | TBC                           |  |
|   | Agree reporting templates across services areas on enforcement activity                     | End November 2017             |  |
|   | Streamline templates and upload onto Uniform  | End November 2017             |  |

|                                    |   |   |  |
|------------------------------------|---|---|--|
| <b>Enforcement Opportunities</b>   | Town Centre Public Spaces Protection Order                                    | April 2018 (subject to legal and public consultation) | Draft Order to be submitted to Legal for scrutiny and Committee for approval subject to consultation                       |
|                                    | Enforcement of parking on Grass Verges  |   | Education, signage and informal action to be commenced awaiting confirmation of powers for enforcement activity using FPNs |
|                                    | Joint working with other Councils and organisations to improve efficiency     | Immediate and ongoing                                 |  |
|                                    | Corporate Enforcement Tasking   | End November 2017 and ongoing                         | Joint tasking to be arranged with Council services and Essex Police  |
| <b>Customer Service/Engagement</b> | Working with Essex Police on community engagement events and joint operations | Immediate and ongoing                                 | Joint meetings and targeted multi-agency enforcement activities with Essex Police and others                               |