

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Rob Walker, Executive Director - Place

To: Performance Monitoring Panel Tuesday, 31 July 2018

(Author: Dee Bedford Community Safety & Enforcement Manager)

Subject Enforcement Update

Purpose: To provide Members with an update on Enforcement activity

Recommendation(s):

- 1) That the content of the report be noted
- 2) That a further update is provided to the Performance Monitoring Panel in six months' time

1.0 BACKGROUND

1.1 Enforcement activity in the council is extensive and includes planning enforcement, contraventions of building regulations, littering, fly-tipping, anti-social behaviour, abandoned vehicles, evictions, possessions, prohibition orders, food safety, health and safety, licensing, noise nuisance and pollution. The activity covers individuals, public areas, homes, and businesses.

1.2 All departments dealing with enforcement do so in line with the Enforcement Policy agreed on 29th May at Cabinet, ensuring they take enforcement action when proportionate and necessary to do so.

All services have a tiered approach to enforcement; starting with compliance or warnings and progressing to other enforcement activity where proportionate and appropriate.

Compliance advice, guidance and support is included as a stage of enforcement – this advice is sometimes in the form of a warning letter or informal caution.

Statutory notices – including Prohibition Notices, Community Protection Notices and Improvement Notices are issued when there are breaches and they are legally binding. Failure to comply with these can be a criminal offence and may lead to prosecution.

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

1.3 Members of Performance Monitoring Panel and Policy Development Panel have both requested information on Enforcement across the authority. Officers across all relevant council services have reviewed all enforcement information that the Council holds. A suite of PIs to complement the new Corporate Enforcement Policy has been developed and will be reported against in Quarter 2.

This will provide members with six monthly updates on enforcement activity across the three levels:

- 1) Advice / Warnings
- 2) Formal Notices
- 3) Prosecution

Key areas of focus to members will be highlighted as distinct and separate PIs. For 18/19 these subject areas for inclusion are;

- Flytips
- Injunctions
- Fixed Penalty Notices
- Health and Safety Prosecutions
- Food Hygiene Improvement Notices
- Dog Fouling
- Possession - Court Hearings
- Housing Improvement Notices

1.4 **Enforcement cases**

The following cases are a sample of the types of enforcement recently undertaken by the council;

Public Protection

- 1.4.1 The Food, Health & Safety Team successfully prosecuted a local company this year after entering a guilty plea for breaching Section 2, The Health and Safety at Work etc. Act 1974. Action was taken against the company following an investigation into an accident that occurred at the site in September 2016; a member of staff, after completing aerial tree work, fell from the tree whilst descending. The fall resulted in a serious injury.

The investigation found that a risk assessment had been completed for the task the day before, however the findings of this were not documented, the injured party was not trained to complete aerial tree work, nor wore any fall arrest system, and the work area was not cordoned off.

A fine of £20,000 was imposed in line with the sentencing guidelines, but reduced to £13,000 to allow full credit for an early guilty plea. Full Costs were awarded and a victim surcharge of £170.

The District Judge awarded costs in full as a thorough investigation led to a guilty plea.

Housing

- 1.4.2 Private Sector Housing were successful in prosecuting a landlord for failing to comply with an Improvement Notice (5 offences) and for failing to licence a House of Multiple Occupation in June this year.

The team carried out a series of inspections of a property after the Food Health and Safety Team raised concerns about the condition and occupancy of the property. It was found to be in need of urgent work and an Improvement Notice was issued. Over the following

months further reminders were sent but the instructed work was not being carried out and, after the landlord failed to act upon the five identified hazards, coupled with the failure to licence a House of Multiple Occupancy, she was summoned to Boston Magistrates Court. The landlord failed to attend court but magistrates agreed to hear the case in her absence, and she was found guilty of the offences charged. She was also ordered to pay a contribution to the council's costs and a mandatory victim surcharge, bringing her total fine to £4,160.

The successful prosecution was publicised to raise awareness of the legislation and standards in place and that the Council will take action against non-compliance.

Planning

- 1.4.3 In May, the Planning department received numerous complaints regarding overgrown areas of open space at a number of locations within the district, including Weston, Spalding and Long Sutton. These areas have not been adopted by the council and were due to be maintained by the original developer. The services of a landscape contractor had not been employed and these areas had become very overgrown and unsightly. The council were able to work with the developer which resulted in them taking on a contractor and getting the required works done without delay, improving the outlook for many South Holland residents and allowing them to once again use their amenity space. The developer have advised that all their sites will be cut on a regular basis going forward.

This example demonstrates of where early intervention and communication can ensure compliance without the need for more formal enforcement action.

Community Safety

- 1.4.4 In July, the Community Safety and Enforcement team were successful in obtaining an injunction against a young person in the Crowland area. The court case followed extensive work between South Holland District Council and South Holland Police after residents in Crowland reported ongoing problems caused by the young person's behaviour.

The injunction will be in place for six months and includes a list of behaviours that he is prohibited from doing but also includes positive requirements to assist him with changing his behaviour including support from the youth offending service.

The outcome of this case has been publicised to ensure that our communities have confidence in knowing that where there is sufficient evidence, enforcement action will be taken. It also sends a clear message to any other young person that anti-social behaviour will not be tolerated by the council but also the residents in their community who are willing to report.

1.5 Case Management

A new county wide case management system called E-CINS is now in place for all reports of anti-social behaviour that are received by the Council. The Community Safety and Enforcement team use it as their primary system. Housing Management also use it to log all cases of anti-social behaviour. Members of the Environmental Protection team have access to the system which enables the teams to share information in a safe and secure environment and also allows users to ensure they have the most up to date information should a resident make contact. A lead officer is allocated on the system and they are the main point of contact which helps prevent residents having to make contact with a number

of teams if there case involves a variety of behaviours where more than one department may be involved.

Any cases that are entered onto the system receive case supervision by the officers direct line management. It is the responsibility of both the case officer and the supervisor to ensure that cases are managed in line with the standard operating procedures agreed at a county level and also in line with the Council's Enforcement Policy.

The system uses a mapping tool to show where incidents of anti-social behaviour have occurred across the district and work is underway to allow data to be extracted into wards rather than specific address locations. This will help highlight at an earlier stage where behaviour is escalating and therefore resources can be directed as appropriate.

1.6 GIS mapping

The council has a new GIS mapping tool and work is underway to look at how this system can link with E-CINS to allow members to have ward specific information in future.

1.7 Training

In Autumn, a briefing will be delivered on anti-social behaviour, community safety and enforcement. This will be open to both district and Parish Council Members. The training will cover the powers that the Council holds to take action and also on how all stakeholders can support the process.

1.8 Community Wardens

Following a successful recruitment process the Council has been able to appoint two Community Wardens. Their roles commenced in June 2018. Since being in post the Community Wardens have undertaken the following;

- Patrols across the district to familiarise themselves with the area and to also meet our communities, including residents and business owners. This has provided an increased visibility and on the ground presence for the Council.
- Engaged at all of the districts markets to raise the profile of the Community Wardens, to engage with residents to understand any local issues they may have and to encourage reporting.
- Met with a number of community groups across the district.
- Collected information through questionnaires and discussions with South Holland communities around concerns they may have.
- Education around the Public Space Protection Order in Spalding through direct conversation with local residents.
- Making contact with local agencies to familiarise themselves with what support is available in the area including county contacts such as the Community Collaboration Worker

The first phase of the project will focus on education and awareness raising. It will also be key for the Community Wardens to collect and collate as much information as possible to establish a baseline of data to help to provide an understanding of how our communities feel within the district about crime and anti-social behaviour. Any specific concerns that are raised are fed back into the Council for the relevant department to investigate and people are educated on how they can report directly through either customer services or using our online reporting option.

The Community Wardens will have the ability to issue fixed penalty notices. A key focus will be to enforce any breaches of the Public Space Protection Order but will also include issuing fixed penalty notices across the district for behaviours including littering, dog fouling and graffiti. The report to the Performance Monitoring Panel in six months time will include a breakdown of any fixed penalty notices that have been issued and what they have been issued for.

The Community Warden patrols will be actioned across the district – targeting hotspot areas that are determined by reports both to the Council and to key partners. How to report concerns, and the importance of reporting incidents will continue to be a key focus of the team’s communication; this will continue to direct the work, focus, interventions and enforcement action.

1.9 There has been positive action in the first quarter of 18/19 to enable effective enforcement. There is further work to be undertaken throughout the year. The areas of focus include;

- Regular monitoring and reporting of use of enforcement tools and powers including Fixed Penalty Notices
- Revised literature and online material explaining processes and service standards.
- Development of customer satisfaction surveys.
- Increased communication and social media for informing and updating.
- Delivery of key campaigns for 18/19 to support prevention.

2.0 **OPTIONS**

2.1 Do nothing.

2.2 Note the contents of the report and provide Members with a further update report in six months’ time.

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 It is recommended that the contents of this report are noted and that members of the Performance Monitoring Panel have an up to date understanding of the enforcement that is taking place across the district.

4.0 **EXPECTED BENEFITS**

4.1 The report will give an overview of the Council’s enforcement activities.

4.2 It will give assurances that enforcement action is being taken appropriately and that resident and community concerns are being addressed.

5.0 **IMPLICATIONS**

5.1 **Constitutional and Legal**

5.1.1 There are many pieces of legislation that span across Planning, Building Control, Housing, Environmental, Anti-Social Behaviour, Crime and Disorder and Public Protection functions. The most appropriate tool or power will be used for each case to resolve the issue.

5.2 **Corporate Priorities**

5.2.1 The service covered in this report supports three of the Council's Corporate Priorities;

- To develop safer, stronger, healthier and more independent communities while protecting the most vulnerable
- To have pride in South Holland by supporting the district and residents to develop and thrive
- To provide the right services, at the right time and in the right way

5.3 **Crime and Disorder**

5.3.1 There are no direct implications from this report. However, taking appropriate enforcement action is a key part of community safety and addressing crime and disorder concerns.

5.4 **Equality and Diversity / Human Rights**

5.4.1 There are no direct implications from this report. It should be noted that surveillance techniques and investigations need to consider Article 8 of the Human Rights Act which covers right to privacy.

5.5 **Financial**

5.5.1 There are no direct implications from this report. However, some enforcement action can result in financial penalties alongside proportionate legal costs.

5.6 **Reputation**

5.6.1 It is important that the council demonstrates its commitment to taking appropriate and proportionate enforcement action and that it effectively deals with local concerns.

5.7 **Risk Management**

5.7.1 Enforcement action, particularly when it reaches court proceedings, is open to challenge. It is important that there is robust evidence to take enforcement action beyond an initial warning stage. There needs to be confidence in a case if it leads to court. Any case with insufficient evidence which fails at court has significant cost implications for local authorities and officers have a duty to use public money appropriately. Enforcement action should be in the best interest of the public and be proportional, consistent, transparent and targeted.

5.8.1 **Staffing**

5.8.2 There are no implications to staffing as a direct result of this report.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 Services are provided for all those living, working or visiting the district.

7.0 **ACRONYMS**

7.1 None.

Background papers:-

Lead Contact Officer

Name and Post: Dee Bedford, Community Safety and Enforcement Manager
Telephone Number: 01775 76 44 57
Email: dbedford@sholland.gov.uk

Key Decision: No

Exempt Decision: No