

Briefing paper for Prosperous Communities Committee

3rd December 2019

1. Introduction

This paper has been produced following on from an e mail from Cllr Rollings in her capacity as Chair of Overview and Scrutiny Committee.

The Chair and Vice Chairs of Prosperous Communities Committee are asked to consider and discuss the information provided.

2. Timescales

The actions and timescales below are proposed:

- The matter will be discussed at the next Prosperous Communities Committee Chairs Briefing (14th November)
- A note will then be shared with the committee (and the Chairman of Overview and Scrutiny) identifying the actions proposed to take this issue forward
- A paper will then be brought to the next available meeting (3rd December (if officer time/resource permits) but certainly by 28th January)
- Prosperous Communities Committee will provide a commission and terms of reference for a working group to be drawn from Overview and Scrutiny Committee to progress this work within an agreed timescale during 2020.

3. Scope of Enforcement

The Council is able to take enforcement action across a wide range of areas and our approach to this is set out by the Corporate Enforcement Policy which is underpinned by service specific enforcement policies where appropriate.

The table below outlines (not exhaustively) areas of work where the Council can utilise enforcement powers:

Housing	Environmental Protection
Housing Standards Empty Homes Selective Licensing HMOs Illegal Eviction and Harassment	Statutory Nuisance (Noise, Air) Waste Complaints on Domestic Premises Filthy and Verminous Private Water Supplies Contaminated Land Permitting Regulations Air Quality
Licensing	Food, Health and Safety
Caravan Site Licensing Licensed premises Taxi Licensing Animal Welfare Gambling Licensing	Food Hygiene Inspections External Health and Safety Infectious Diseases
Community Safety	Planning Enforcement
Anti-Social Behaviour Public Space Protection Orders Fixed Penalty Notices Fly Tipping Abandoned Vehicles High Hedges	Unauthorised works Listed Buildings Untidy Land Breaches of Planning Conditions Protected Trees

4. Approach

In line with the agreed Corporate Enforcement Policy the Councils approach to enforcement is risk based and proportionate. The Council will seek to ensure that compliance is achieved voluntarily. If this is not possible the Council has the ability to serve formal notices or orders, carry out works in default, prosecute or issue financial penalties.

5. Resources and Performance

See table below.

Work Area	FTEs	Relevant Policy	Audit	Demand	P & D Measures (with ytd avg)
Housing	4	Corporate Enforcement Policy Housing Enforcement Policy 2018 Civil Penalty Policy 2019	N/A	Avg. 70 open cases 570 LTE Homes 654 Licensed Properties	%age of cases closed within 6 months (77%) Number of new cases in month (17) Number of PRS properties improved (27 ytd) %age of licensed properties (90)
Planning	2	Corporate Enforcement Policy Local Enforcement Plan 2018	Review in 2019. Limited Assurance. Actions now complete.	Avg. 70 open cases. Avg. 20 new cases per month	Cases closed within 6 months (82%) . Initial response provided within 20 working days (82%) Number of new cases in month (20)
Environmental Protection	3	Corporate Enforcement Policy Statutory Nuisance Policy (due 2020)	2018. Actions in process of being implemented	725 requests for service in ytd.	%age of cases closed within 6 months (99) Number of new cases in month (61)
Food, Health and Safety	3.3	Corporate Enforcement Policy Food, Health and Safety Work Plan 19/20	2018. Actions in process of being implemented. FSA Review 2019 (ongoing)	Circa 400 inspections scheduled per year	%age of premises 3* or above (97.4) %age of scheduled inspections achieved (49 ytd)
Community Safety	2	Corporate Enforcement Policy ASBRAC Operating Guidance	N/A	Avg. 50 new cases per month 140 early presentation cases in ytd	Avg. days to close case (7) No. of cases closed following compliance (26)

*Policy reviews generally occur every two years or when there is a change in legislation or obligations.

6. Conclusions

The above information was considered by the Lead Members for Prosperous Communities Committee at their briefing on 14 November 2019.

Taking into consideration the recent audits that have taken place and the reviews that are already planned by internal audit.

Lead Members were of the view that these formal processes should be left to conclude prior to any further intervention. Such audits will identify if and where improvements are required.

Furthermore the current performance targets across all enforcement measures are currently RAG rated “green” with the exception of one.

On that basis it is **recommended** that: -

- 1) **The outcome of the audits and follow-ups be awaited; and**
- 2) **No further intervention be undertaken until the proposed actions have been undertaken and reviewed, at which point, if deemed necessary, the services of the Overview and Scrutiny Committee will be commissioned.**