

Corporate Enforcement Policy Workshop

Key points and summary

Dates: 11th and 16th August 2022 (three separate sessions)

Attendees: Councillors Rainsforth, Grimble, Milne, White, Fleetwood, Patterson, J Snee, M Snee, Ellis, Bunney, Devine, Boles, Welburn, Lawrence, Bierley and McNeill.

Officers: Nova Roberts (Director, Change Management, ICT and Regulatory Services) , Andy Gray (Housing and Environmental Enforcement Manager), Kimble Enderby (Senior Licensing and Community Safety Officer) Richard Hutchinson (Senior Environmental Health Officer) and Ryan Smith (Senior Planning Enforcement Officer).

Workshop Overview

The purpose of the workshop was to:

- To seek views on the Corporate Enforcement Policy and its application.
- To put Councillors in the shoes of an enforcement officer in terms of decision making.
- To gain feedback from Councillors on where they believe the Council's priorities should be focussed in the future.

The workshop provided an overview of activities that fall into the scope of the policy alongside some figures relating to demand and outcomes for each of the key areas. The slides have been shared with Councillors and will be appended to the future report on the policy for Prosperous Communities Committee.

Decision Making Exercise

Councillors were asked to work through a scenario relating to planning enforcement, which looked at how the Council deals with retrospective planning applications for development that does not have permission, but technically should have permission.

- The majority of Councillors felt that the Council should seek to regularise situations like this by working to obtain a planning application which can then be determined. It was also generally the view that by not doing this it sets a precedent for others who may not then apply.
- Councillors recognised that National Policy supported the approach for retrospective applications, however they felt the Council should be more robust and take greater steps to secure compliance. The practicalities of actually enforcing a matter such as this were understood, however Councillors felt strongly that every effort should be taken to seek compliance.
- Some Councillors recognised that this may be a waste of resources, however accepted the sentiment in regards to seeking compliance, but did not feel that it would be workable in practice.
- Generally, all Councillors demonstrated a good grasp of the significant matters that were relevant in the example and were all able to give a specific opinion on how the matter should be handled.

Additional Discussion Points

What is your overall perception of how we deliver the corporate enforcement policy?

- Councillors were generally positive about the work undertaken by officers and recognised the constraints that the specific work areas face and also the challenging nature of the subject.
- Some Councillors felt that there was inconsistency in its application and that in particular relating to planning matters on large developments the Council was not robust enough.

What do you see as your priorities for enforcement?

- Councillors understood and recognised how the Corporate Enforcement Policy helps the Council to prioritise based on risk and in line with statutory obligations.
- All Councillors felt strongly that there needed to be a greater emphasis on the lower level issues that are visibly affecting their communities such as littering, dog fouling and waste issues. It was also recognised that whilst these types of issues may be lower risk in terms of harm, that they are higher risk in terms of reputation and visibility for the Council.
- Councillors felt that planning enforcement in particular was an area where public perception was poor, particularly relating to how planning conditions are agreed, monitored and enforced. It was felt that further specific work on this policy and approach was needed.

What would you like to see us do more of and how could we improve what we do?

- Councillors felt that reputationally, on some enforcement matters, the Council is not perceived to be effective.
- Councillors felt that a greater level of communication is needed in regards to the positive work that is being undertaken across the work areas.
- There was recognition that the public, whilst reporting issues, are not always prepared to support the reports with evidence to enable matters to be dealt with.
- There was a view that there is disparity in terms of resourcing across the rural and urban areas.

What's most important to you? i.e. dog fouling vs food safety standards

- The majority of Councillors recognised that whilst areas such as food safety and licensing were important, they did not feel that these were the things that were of most concern within their direct communities (i.e. the matters that they dealt with every day)
- There was also a view that in an area such as food safety where you have a recognised regulatory regime nationally, this has meant that the public have more confidence in the Council and the system. Other areas of work do not have this regime and therefore there is not confidence within the system.

Would you support an external provider delivering enforcement activities for Fixed Penalty offences? (i.e. littering and dog fouling).

- All Councillors were supportive of this approach in principle on the basis that the specific scope of such work still required development. Some Councillors believed that any scheme such as this needed to include a clear provision for rural areas and was largely about visibility for the Council to reassure communities that we are present and active.
- Councillors felt that funding some of this activity through the collection of fixed penalty notices is something that should be explored further and brought back to Prosperous Communities Committee.

August 2022

Other comments

- There was recognition that resources for these work areas are not infinite and that despite the best efforts of the officers, some of the challenges in terms of reputation and ability to respond would not be able to be overcome.