

COMMUNITIES SCRUTINY PANEL

DATE	4 th June 2020
REPORT OF	Councillor Paul Silvester, Chair of Enforcement Working Group and Communities Scrutiny Panel
SUBJECT	Enforcement Working Group Findings Report
STATUS	Open

CONTRIBUTION TO OUR AIMS

The Council has two clear strategic priorities – Stronger Economy and Stronger Communities. In order to assist delivery of the priorities we must make sure that all citizens, partner organisations and visitors have access to a high quality, well maintained natural and built environment. These recommendations aim to do that via focussed interventions and recommendations for street scene enforcement and improvements.

EXECUTIVE SUMMARY

The Communities Scrutiny Panel agreed as part of its work programme for 2019/20 to review aspects of enforcement activity, including current enforcement activity, where teams are based, how they function and is there a more streamlined approach to service delivery to improve the handling of referrals and complaints.

MATTER(S) FOR CONSIDERATION

This review identified nine recommendations. This report presents those recommendations to the Communities Scrutiny Panel for ratification and includes the rationale and a Director's response to the recommendations. A detailed findings report, attached at appendix 1, informs the recommendations

RECOMMENDATIONS

1. That the panel approves the recommendations identified by the Enforcement Scrutiny Working Group and notes the Director's response in each case.
2. That the findings report and recommendations of the Enforcement Scrutiny Working Group be referred to Cabinet for consideration.

1. BACKGROUND AND ISSUES

- 1.1 The Communities Scrutiny Panel agreed to review aspects of enforcement activity in its work programme for 2019/20. The Enforcement Scrutiny Working Group met from November 2019 to February 2020 in order to review current enforcement arrangements across the council: including but not limited to: - planning, car parking, highways, housing, anti-social behaviour, fly tipping, littering, dog fouling, food safety, trading standards; in short, a focus on place based enforcement functions.

1.2 The group was supported by the following:

North East Lincolnshire Council

- Anne Campbell, Scrutiny and Committee Advisor;
- Mark Nearney, Interim Assistant Director Highways
- Carolina Borgstrom, Head of Operations
- Neil Clark, Strategic Lead, Regulation and Enforcement Services
- Neil Beeken, Commercial Regulatory Manager
- Will Abe, Environmental Enforcement Manager
- Adrian Moody, Licensing and Environmental Protection Manager
- Tracy Cook, Senior Licensing Enforcement Officer
- Ian Peck, Senior Licensing Enforcement Officer
- Dee Hitter (Wilson), Principal Officer Port Health

LA Support (formerly Kingdom Local Authority Support)

- Steve Crosland, Environmental Enforcement Team Manager

ENGIE

- Martin Ambler, Senior Enforcement Officer
- Andy Cole, Building Control Manager
- Pauline Cook, Head of Development
- Martin Dixon, Planning Manager
- Kevin Hynes, Security and Civil Enforcement Manager
- Vernon Suddaby, Civil Enforcement Officer
- Paul Thorpe, Head of Operations
- Tina Weldrake, Rogue Landlord Project Officer
- Paul Wilmot, Home Improvement Team Lead Officer

1.3 As a result of the review, the group identified nine recommendations to be taken forward to the Communities Scrutiny Panel. Directors have provided a response to the recommendations.

1.4 It should be noted that enforcement services are provided by the council and its partners. In some cases enforcement teams are subject to contractual or service level agreements. Hence, in the future, some recommendations will affect partners and will need to be considered by them. The group worked and met with partners throughout the period of review and they are aware of the relevant recommendations.

1.5 The group has considered options for improvement and closer integration of enforcement services. Its recommendations fall into three 'themes' relating to levels of integration, communication and technology. For ease the recommendations have been grouped together in these themes.

2. RECOMMENDATIONS

RECOMMENDED TO CABINET

INTEGRATION / CAPACITY

1. That commercial regulatory enforcement teams, currently situated at Estuary House and building control (planning condition enforcement) currently located at New Oxford House should remain separate and grouped by the legislation they enforce.

Rationale: The specialist and technical nature of this enforcement work would not add value to other enforcement teams. Integration with other enforcement teams would reduce the effectiveness and efficiency of these teams and not ensure best use of resource or give value for money.

Director's Response:

This recommendation is supported by the Director. These teams provide statutory services including enforcement of complex legislation, which require a high level of technical expertise which would be difficult to deliver in a more generalist context.

2. That future integration/generic working of street scene based enforcement activities be considered. Future integration of environmental crime and housing enforcement be explored.

Rationale: Whilst the group appreciate the current contractual obligations around litter, dog and Public Space Protection Order (PSPO) enforcement, the group strongly feel that street scene based enforcement officers including Civil Enforcement Officers (CEOs) and Local Authority Support (Las) operatives are the eyes and ears of the Council. These officers should be enabled to work together. Combining resources has potential to increase capacity, increase visibility and increase value for money.

Director's Response:

Increasing levels of communication between Council and Engie managed services is already a priority for the Council and forms an integral part of the recent partnership review. The Director would support further options appraisals how closer working could be enabled within the current contract period and also form part of longer term planning for these service areas.

3. That administration and back office support be developed in line with the amount of enforcement activity.

Rationale: Increasing the amount of enforcement volume and activity without equal regard to administration systems, legal and back office support would have an effect on the ability of the council to process FPNs and PCNs. This would be detrimental to the intended deterrent, anticipated income from charges and success of associated court proceedings with

negative reputational impact.

Director's Response:

The recognition that enforcement requires a network of back office functions to remain effective is supported. The ongoing Customer Portal Review and Digital project has already started work on reviewing use of current digital system to allow a cohesive and effective back office function

COMMUNICATIONS

4. That a single point of access for reporting to enforcement teams be developed, combined with a triage approach and referral to appropriate teams. Longer term there should be a move to improved software allowing more joined up working between disciplines.

Rationale: A single point of access and a triage approach has the potential to improve referral response times and ensure referrals are right first time. Duplication would also be avoided. A culture of 'ownership and responsibility' would be developed rather than 'that's not my job'. Longer term, compatible/shared software would help teams work even more effectively. There may be efficiencies from software, contracts and license fees. Generic and shared standards of customer care and response times would ensure residents and members are clear about expected responses and levels of services.

Director's Response:

Some of the context of this recommendation already form part of the ongoing Customer Portal and Digital Reviews, whilst other part may require longer term action. Some software and contract could not be changed with immediate effect and longer term planning and transformation would be required to achieve this recommendation.

5. That elected member training be developed relating to the reporting of complaints, referrals and requests for service. This to be implemented following the findings of the customer portal review,

Rationale (notwithstanding recommendation 4 above) the outcome of the Portfolio Holder for Finance and Resources' review of the customer portal is an essential element of members' and the public's access to (enforcement) services.

Director's Response:

It is fully supported for this to form part of the Council's wider review of customer portal and communication.

6. That during the municipal year 2020/21 the Communities Scrutiny Panel receive a report on the work of the NELC Officers' enforcement working group.

Rationale: Scrutiny panels review and report on issues that affect the economic, environmental and social wellbeing of local people. This includes ensuring that enforcement teams work closely with other council teams and partners. Enforcement work is complex and affected by, but not limited to; legislation, the council's policy framework, decisions around customer access, CCTV provision, location of teams and court processes.

Director's Response:

Recommendation fully supported for addition to scrutiny forward plan.

TECHNOLOGY

7. Investment in moving vehicle number plate recognition (NPR) technology and utilising road rule enforcement cameras to increase the positive impact of civil enforcement around highways and parking enforcement should be actively explored.

Rationale: New developments in NPR and mobile devices are changing how councils can best tackle civil enforcement on the highway. Whilst the group are keen to retain the CEOs currently operating in NEL. And appreciating that CEOs would be required to ratify CCTV evidence of offences. The group can see cost effective advantages of this approach. There may also be opportunities to share costs with neighbouring authorities to further improve value for money.

Director's Response:

It is recognised that effective use of modern technology can offer great future enforcement priorities. Work has started to produce a more detailed options appraisal for this area

8. That future procurement of enforcement technology hardware and software, CCTV systems / rapid deployment cameras /. Number plate recognition software / IT systems / case management system / data sharing networks etc. should allow fluency between teams, partners and systems.

Rationale: Subject to all appropriate legislation (GDPR and RIPA) the ability to share evidence, casework and information between partners should be enabled wherever possible and practical.

Director's Response:

The Directorate is committed to develop closer partnership working across Engie and Council Services, as well as with wider partners such as Humberside Police and Housing Associations

9. That, subject to Cabinet approval of a proposed CCTV strategy, the CCTV Strategic Group to provide an annual report (or more frequent if required)

to the Communities Scrutiny Panel to inform of progress and performance around the effectiveness and outcomes of the CCTV Strategy and multi-agency working.

Rationale: Communities scrutiny panel considered a draft CCTV strategy and a proposed CCTV capital investment option. The panel welcomed and fully endorsed the report at its meeting on 6th February 2020. Considering a regular report will provide an opportunity to raise awareness of the effectiveness of the CCTV strategy and give scrutiny an opportunity to provide appropriate challenge where necessary.

Director's Response:

Recommendation fully supported for addition to scrutiny work programme.

3. RISKS AND OPPORTUNITIES

There is an opportunity to ensure appropriate legislation is consistently and robustly enforced enabling local people to enjoy the borough's streets and public open spaces.

There is an opportunity to further develop new ways of working for the benefit of the Place and the partnership by focussing on improvements to street scene enforcement.

There is an opportunity to develop and increase activity relating to appropriate and proportionate means of dealing with low-level offending. Ability to deal with infringements in a swift, simple and cost effective way.

There is an opportunity to improve and ensure safe environments and quality of place to encourage investment, bringing with it prosperity and jobs. Safe and attractive streets and public spaces will also benefit local people promoting a sense of positive health and well-being.

Failure to deliver high profile environmental enforcement is included in the Council's standard risk register ref NEO0022; triggers and effects are identified along with controls in place to mitigate risk.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

There is potential for reputational damage to NELC and the North East Lincolnshire area resulting from recommendations to improve systems and increase activity relating to penalty notices and parking enforcement. This could attract negative publicity and is likely to attract media interest.

There is potential to generate positive publicity from these proposals to show the Council is increasing activity to deter those who are intent on committing offences that blight our communities. There is also a potential for negative publicity from people who believe they have been unfairly treated when enforcement action is taken.

There is equally a potential for reputational damage to NELC if the Authority does not use all the legal options available to us to combat environmental crime and other matters which are high priority to our residents.

5. FINANCIAL CONSIDERATIONS

The proposals will be financed within existing agreed budgets, with no additional impacts on revenue or capital expenditure. There may be impacts upon charging policies, income generation and collection due to increased activity. New ways of working would be considered only where that would improve value for money, effectiveness and/or efficiency.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Proposals to reduce environmental crime and improve the environment and street scene recognise the economic and social benefits of a high quality environment.

7. FINANCIAL IMPLICATIONS

The recommendations outlined within this report do not have any significant financial implications. As stated in the financial considerations, the proposals will be financed from existing approved budgets.

8. LEGAL IMPLICATIONS

There are no legal implications arising from the report and the recommendations are in line with the Council's priorities and governance arrangements.

9. HUMAN RESOURCES IMPLICATIONS

Specific HR advice will be provided in respect of process and procedure in accordance with the recommendations in this report.

10. WARD IMPLICATIONS

Impacts on all wards

11. BACKGROUND PAPERS

Scrutiny Work Programme 2019/20

<https://www.nelincs.gov.uk/wp-content/uploads/2019/05/8.-Work-Programme-2019-20.pdf>

12. CONTACT OFFICER(S)

Anne Campbell, Scrutiny Advisor

COUNCILLOR PAUL SILVESTER
CHAIR
Enforcement Scrutiny Working Group
Communities Scrutiny Panel



COMMUNITIES SCRUTINY PANEL

**REPORT ON THE FINDINGS OF THE
ENFORCEMENT SCRUTINY WORKING GROUP**

FEBRUARY 2020

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Appendix A - Scope

1. EXECUTIVE SUMMARY

Why we had a scrutiny working group

- 1.1 The Communities Scrutiny Panel agreed as part of its work programme for 2019/20 to review aspects of enforcement activity, including current enforcement activity, where teams were based, how they functioned and whether there was a more streamlined approach to service delivery to improve the handling of complaints.
- 1.2 The group¹ held its inaugural meeting on 7th November 2019 and agreed a scope to review current enforcement arrangements across the council: including: - planning, car parking, highways, housing, anti-social behaviour, fly tipping, littering, dog fouling, food safety, trading standards; in short, a focus on place based enforcement functions.
- 1.3 The group wanted to :
 - Increase ownership of issues and a right first time approach.
 - Deliver a joined-up approach to problem solving to reduce duplication between teams.
 - Ensure residents and members receive timely responses and avoid issues being unnecessarily past between multiple service areas.
 - More timely, effective and robust enforcement outcomes.
 - Improve visibility of enforcement services to encourage better community engagement, encourage responsible behaviours and provide an effective deterrent to irresponsible behaviours
- 1.4 The final meeting of the group was held on 20th February 2020 when members agreed a findings report for submission to the next meeting of the Communities Scrutiny Panel. The meeting scheduled for 2nd April was postponed due to Covid-19 pandemic and a special meeting will be held to ratify the group's recommendations prior to consideration by Cabinet.
 - Some enforcement teams require qualified graduate entry level personnel. The specialist and technical nature of their work does not lend itself to greater integration with other teams.
 - Other street scene enforcement teams would benefit from closer working with other teams. A single point of access, triaged referral handling and greater integration in these teams would address ownership of issues, ensure responses were right first time and also reduce duplication between teams.
 - Changing to a more integrated way of working in street scene enforcement teams would improve the customer experience and allow for consistent standards and performance across disciplines.
 - Investment in technologies, greater integration and a review of back office / admin support would deliver more timely and robust enforcement outcomes.

¹ The 'group' refers to the Enforcement Scrutiny Working Group

- Integrated working of street scene enforcement teams had the potential to increase the visibility enforcement officers in the community.

What we found

- 1.5 The group considered options for improvement and closer integration of enforcement services, its recommendations fall into three 'themes' relating to levels of integration, communication and technology. For ease the recommendations have been grouped together in these themes.
- 1.6 The group made the following recommendations:

INTEGRATION / CAPACITY

1. That commercial regulatory enforcement teams, currently situated at Estuary House and building control (planning condition enforcement) currently located at New Oxford House should remain separate and grouped by the legislation they enforce.
2. That future integration/generic working of street scene based enforcement activities be considered. Future integration of environmental crime and housing enforcement be explored.
3. That administration and back office support be developed in line with enforcement volume.

COMMUNICATIONS

4. That a single point of access to enforcement teams be developed, combined with a triage approach and referral to appropriate teams. Longer term there should be a move to improved software allowing more joined up working between disciplines.
5. That elected member training be developed relating to the reporting of complaints, referrals and requests for service. This to be implemented following the findings of the customer portal review.
6. That during the municipal year 2020/21 the Communities Scrutiny Panel receive a report on the work of the NELC Officers' enforcement working group.

TECHNOLOGY

7. Investment in moving vehicle number plate recognition (NPR) technology and utilising road rule enforcement cameras to increase the positive impact of civil enforcement around highways and parking enforcement should be actively explored.

8. That future procurement of enforcement technology hardware and software, CCTV systems / rapid deployment cameras /. Number plate recognition software / IT systems / case management system / data sharing networks etc. should allow fluency between teams, partners and systems.
9. That, subject to Cabinet approval of a proposed CCTV strategy, the CCTV Strategic Group to provide an annual report (or more frequent if required) to the Communities Scrutiny Panel to inform of progress and performance around the effectiveness and outcomes of the CCTV Strategy and multi-agency working.

What happens next

- 1.7 The Group's report will be referred, for approval, to a scheduled meeting of the Communities Scrutiny Panel to be held on 2nd April, 2020 before recommendations are forwarded to a meeting of Cabinet to be held early in the new municipal year 2020/21.

Councillor Paul Silvester
Chair of Enforcement Scrutiny Working Group

2. INTRODUCTION

- 2.1 On 25th July 2019, the Communities Scrutiny Panel of North East Lincolnshire Council (NELC) formally agreed its work programme for 2019/20. This included a review of aspects of enforcement activity, including NELC's current enforcement teams, location, function and considering options to deliver a more streamlined approach to this service to improve the handling of referrals and complaints.
- 2.2 Members wanted to understand current enforcement arrangements across the council: including but not limited to: - planning, car parking, highways, housing, anti-social behaviour, fly tipping, littering, dog fouling, food safety, and trading standards; hence a focus on place based enforcement functions.
- 2.3 If the group considered that further action was required to achieve key objectives for enforcement, the group would consider a range of options for closer integration of services. They would also look at levels of long term service integration implemented by other local authorities.

3. MEMBERSHIP

- 3.1 Scrutiny working groups do not have to be proportionally representative but every effort is made to ensure that all political groups are represented. The following members took part in the Enforcement Scrutiny Working Group:

Councillors:

- Paul Silvester (Chair)
- Steve Beasant
- Nick Pettigrew
- Gemma Sheridan
- Dave Watson
- Debbie Woodward

- 3.2 This topic falls with the remit of the following Portfolio Holders:

Councillor Ron Shepherd

Portfolio Holder for Safer and Stronger Communities

(All aspects of local authority enforcement and regulatory services; environmental health, food safety, pollution control, trading standards and licensing; community safety and anti-social behaviour; voluntary and community sector; equalities, diversity and inclusion).

Councillor Stewart Swinburn

Portfolio Holder for Environment and Transport

(Planning, development control, highways and transportation; traffic management, parking and regulation; climate change and the green agenda;

waste, recycling and environmental management; neighbourhood services, street scene, parks and open spaces).

Councillor John Fenty

Portfolio Holder for Regeneration, Skills and Housing

(Economic strategy; inward investment and business support; regeneration; assets (corporate, commercial, community and estate management); all aspects of housing and skills and employability).

4. TERMS OF REFERENCE

4.1 The following were agreed as the terms of reference for the review and objectives were largely taken from the scope:

4.2 The purpose of the review was to review current enforcement arrangements across the council: including: - planning, car parking, highways, housing, anti-social behaviour, fly tipping, littering, dog fouling, food safety, trading standards. Feedback provided to July Scrutiny meeting suggested focus on place based enforcement functions.

4.3 The key objectives of the group were to:

- Increase ownership of issues and a right first time approach.
- Deliver a joined-up approach to problem solving to reduce duplication between teams.
- Ensure residents and members receive timely responses and avoid issues being unnecessarily past between multiple service areas.
- More (timely and effective) robust enforcement outcomes.
- Improve visibility of enforcement services to encourage better community engagement, encourage responsible behaviours and provide an effective deterrent to irresponsible behaviours.

5. INTERVIEWS CONDUCTED / EVIDENCE GATHERED

5.1 In order to understand the issues further and to establish the relevant facts the Group was involved in the following activities:

- Consideration of background documentation and written evidence
- Fact finding meetings with officers, agencies and enforcement teams
- Visits to enforcement teams

5.2 The bulk of the Group's evidence gathering and deliberation was done during its meetings and visits which were held on

7 November, 2019

14 January, 2020

21 January, 2020

28 January, 2020
31 January, 2020
12 February 2020
20 February 2020

The findings of the group follow in chronological order.

Working group meeting 7 November 2020

- 5.3 At the inaugural meeting of the group a draft scope and initial objectives were agreed; this is attached at appendix A. Members wanted to see more robust enforcement, making sure that information, advice, guidance and action were appropriately and consistently presented. Members acknowledged that the enforcement powers of the authority were wide ranging and far-reaching. Members of the group had different experiences of the council's enforcement teams. However, enforcement issues were often the subject of negative referrals to ward councillors plus negative local press and social media content. Hence, there was a perception that enforcement activity was fragmented and could be inconsistent and/or ineffective.
- 5.4 In the past a borough-wide neighbourhood approach had been effective and popular but, necessary economies and re-organisations had largely eliminated this approach in most local authorities including NELC. It was timely for the Communities Scrutiny Panel to review this topic. The Portfolio Holder for Safer and Stronger Communities fully supported the scope of the group and looked forward to receiving its recommendations.
- 5.5 The group would focus on place-based enforcement but would include enforcement relating to litter, dog fouling and public space protection orders.
- 5.6 In order to understand issues further and to establish relevant facts the group would undertake visits to relevant enforcement teams currently operating in NELC. Via questioning, interviewing and research the group wanted to ensure that the services provided were the very best that could be delivered with available budgets. And, where it was felt improvements could be made, make recommendations to decision makers.
- 5.7 The group acknowledged that some services are subject to commissioned contracts and commercial sensitivities would be observed and respected.
- 5.8 The calling of a general election on 12 December 2019 created restrictions with purdah. An extended seasonal office closure added further to officers and elected member workloads. The visits were subsequently scheduled to be held post-Christmas 2019.

14th January 2020 – Visit to Highways Enforcement Team, Doughty Road Depot

5.9 All members of the group visited the Doughty Road Depot, meeting with Paul Thorpe, Head of Operations; Mark Nearney, Interim Assistant Director Highways, Kevin Hynes, Security and Civil Enforcement Manager and Vernon Suddaby, Civil Enforcement Officer. The delegation received a presentation describing the structure, governance/legislation, enforcement and penalty system, civil enforcement officers rotas and duties and opportunities for future development .

5.10 Members raised the following issues:

- Enforcement where no traffic regulation order was in place. This was problematic unless an obstruction or moving traffic offence was committed. In the latter case, only a police officer having observed the offence could issue an enforcement notice.
- Elected members or the public wishing to highlight problem areas / hazards / hot spots, should contact the highways team. This could be via the call centre or 'report it' on the website.
- The group required information detailing penalty charge notices (PCN) issued; analysis by day/date/time/issuing CEO.
- New technology utilising automatic number plate recognition devices operated via a moving vehicle enabled high density hotspots to be more effectively controlled. A demonstration in the borough, very recently, had proved successful with 27 contraventions evidenced in a drive through of two streets. There were a number of cost effective advantages to this approach. The system was reliant on good information (TROs) and programming but would cope with visitor/ permit parking. Mr Suddaby thought use of this technology would greatly assist and support the role of CEOs. Especially in reducing the number of parking contraventions around schools.
- Members of the public/business owners obstructing
- Caravans causing or creating an obstruction on the highway were only deemed criminal when attached to a motor vehicle and were a matter for criminal enforcement.
- All newly appointed CEOs undertake one week classroom based induction and training. This was followed by a minimum 2 weeks on the job (on patrol) training with a mentor. CEOs must pass a successful assessment to permit lone working. All CEOs receive continuous supervision, personal/professional development and appraisal.
- Staff turnover in CEOs was relatively high and more recently the team had had difficulties with recruitment and retention. New plans and rotas were now in place. The three supervisor CEOs were all 'qualified' CEOs and rotated to cover all three areas in turn. Two new CEOs had been recruited and would be starting very soon, bringing the team to its full complement. The contract with Engie specified 9.5 full time

equivalent (FTE) CEOs but Engie currently operated 11.5 FTE CEOs with the extra provision funded from income.

- According to Mr Suddaby there were two big issues for CEOs; problems with signage and lines/ road markings making enforcement difficult or impossible and, unsurprisingly, drivers' attitudes to CEOs in pursuit of their duties.
- Elected members had concerns with rapid deployment cameras (RDC), in that they could be a good deterrent but there had been issues with quality which had prevented images being used for evidence. Also different cameras used different connectivity (radio / microwave / wifi) which had also caused a 'disconnect' between systems. Mr Hynes was able to reassure members that future plans would look to 'mesh networks' which offered the most resilience, manageability and tolerance and allowed for dual (or triple) site control rooms. Collaboration and connectivity with partners would further develop networks.
- The number of PCNs issued was a downward trend from 2018 and there would be a shortfall/deficit this financial year.
- Trials with 'talking' cameras had shown no real impact on ASB or other crime.
- Information about numbers and income from fixed penalty notices and penalty charge notices was available on the council's website.
- Members would like to explore the potential and scope for generic enforcement of FPN / PCN.

21st January 2020 – Visit to ENGIE New Oxford House, George Street, Grimsby – Planning and Highways Enforcement

- 5.11 All members of the group visited New Oxford House, meeting with Martin Ambler, Senior Enforcement Officer; Andy Cole, Building Control Manager; Pauline Cook, Head of Development; Martin Dixon, Planning Manager; Tina Weldrake, Rogue Landlord Project Officer, Paul Wilmot, Home Improvement Team Lead Officer; Councillor Ron Shepherd, Portfolio Holders for Safer and Stronger Communities and Councillor Stewart Swinburn, Portfolio Holder for Environment and Transport.
- 5.12 The delegation received a presentation describing the structure of development services, Planning and highway enforcement, NELC's planning enforcement plan, breaches of planning control, decision making, 'public interest', enforcement notices, right of appeal, advertisements in contravention, overhanging vegetation, protected trees, building control, dangerous buildings and structures, demolition, safety at sports grounds, building regulations, home improvement service (housing enforcement, housing assistance – grants and loans, empty properties, houses in multiple occupation, travellers, hoarders, vulnerable people and rogue landlords project) and complaints (properties, clients, inspection, enforcement and selective licensing – East and West Marsh wards).

5.13 Members raised the following issues:

- It was not always clear who (NELC or ENGIE) was responsible for enforcement of notices – this was a training issue for all members.
- Elected members appeared to use differing methods to access teams; it was not clear how best to report or make referrals.
- There appeared to be duplication of similar/related responsibilities.

28th January 2020 – Visit to Doughty Road Depot; LA Support and Licensing and Environmental Protection and Estuary House; Commercial Regulatory Teams and Border Inspection Post.

5.14 All members of the group visited Doughty Road Depot and Estuary House in Grimsby meeting with Neil Clark, Strategic Lead, Regulation and Enforcement Services; Neil Beeken, Commercial Regulatory Manager; Will Abe, Environmental Enforcement Manager; Adrian Moody, Licensing and Environmental Protection Manager; Tracy Cook, Senior Licensing Enforcement Officer; Ian Peck, Senior Licensing Enforcement Officer and Dee Hitter, Principal Officer Port Health.

5.15 The delegation received a number of presentations. Neil Clark, advised that services delivered under contract with Doncaster Council to enforce litter, dog fouling, dog control, smoke free and public space protection work.

5.16 Steve Crosland presented information on patrols and tasking, analysis of issued fixed penalty notices (FPNs), case studies, heat maps and contact details.

5.17 Members raised the following issues:

- Analysis of FPNs issued by ward would be provided to the group.
- Patrols and tasking are based on intelligence, hence reporting of incidents is imperative to ensure resources are effectively allocated.
- The service is self-funding; income generated covers the cost of the contract.
- Comparison with other councils would indicate that the service is appropriately resources and staffed.

5.18 Adrian Moody explained that Environmental Protection delivered a wide range of services governed by legislation and acts of Parliament; gambling (arcades, betting shops, bingo and lotteries; taxi and hackney carriage licensing; Licensing Act (alcohol, entertainment, late night refreshment; licensing and environmental protection (commercial and domestic [noise] nuisance, animal welfare (boarding, breeding, horse riding, pet shops, exhibitions, zoos and dangerous and wild animals) and scrap metal dealing

- New legislation and responsibilities around animal welfare were a particular challenge. Cases were always highly emotive gaining public/media/social media attention and comment.
- Officers were confident that taxi licensing procedures and requirements would not allow child sexual exploitation, akin to that in Rotherham, to exist or thrive in NEL.
- The taxi service provided information, advice and guidance. However, an average of 20% of inspections revealed unclean/damaged vehicles requiring attention.
- Working hours were necessary outside normal office hours.
- The Regulation of Investigatory Powers Act (RIPA) had effectively stopped the council employing young people to undertake test purchases in licensed premises. Intervention was now the preferred approach. However, the authority would support any future police authority operations.
- The group thought that increased communication and public awareness around these topics was needed.

5.19 Members heard that licensing services handled environmental permits, contaminated land, commercial nuisance, domestic noise nuisance, private drinking water supplies and air quality. The service use a risk based approach in accordance with Defra. The borough have two areas of contaminated land as defined by the Environment Agency; the former Toothill petrol station and the former Accordis (Courtaulds) landfill site. Two sites are closely monitored for air quality concerns; the coal handling depot at Immingham in relation to dust and particles (the subject of a previous scrutiny select committee) and Riby Square in relation to nitrous dioxide (vehicle emissions). Action plans are in place for both sites.

5.20 Members raised the following issues:

- Changes to the handling and resourcing of teams to support domestic noise nuisance.
- Environmental permits relate to a variety of substances and industries, e.g. cement, fishmeal, dry cleaners and petrol stations.
- Reports of bad smells and noxious fumes can be made via the council's website, www.nelincs.gov.uk or of course via the council's call centre.
- Using the council's web based 'report it' system can be confusing as there are many forms to filter through before finding a contact number 01472 326300 option 3.
- The licensing service was cost neutral with income from licence fees covering the budgeted spend.

5.21 Will Abë advised that environmental enforcement deals with fly-tipping; hoarders and verminous properties; waste in gardens; litter, dog fouling and PSPO (with LA Support; abandoned cars (and caravans), smoke (domestic), stray dogs plus information advice and education in respect of the above.

- 5.22 Members raised the following issues:
- This service had received 1721 cases so far this year with 1595 being closed as complete. These figures did not include abandoned dogs or cars.
 - The service had started a 'caught on camera' to encourage reporting of incidents and had benefited from public identification of offenders.
 - A priority project to improve the gateway entrances to NEL had resulted in two FTE appointments funded for two years.
 - The services biggest challenges were fly-tipping in private alleyways; evidence gathering i.e. gathering evidence from CCTV / video sources, witnesses.
- 5.23 Members travelled to Estuary House on Grimsby Fish Dock to hear from Neil Beeken about the commercial regulatory team. Teams included the Border Inspection Post (BIP), trading standards, food safety and standards, illegal, unreported and unregulated fishing, ship sanitation inspections, health and safety and export food health certification. Trading standards had been restructured a number of times over recent years to come to its current arrangement. Investigations were intelligence led. Recent successes included activity in the Freeman Street area to tackle illicit tobacco and investigations over Christmas 2019 resulting in confiscation of over 700 counterfeit 'Wonka' chocolate bars. Work is governed by complex legislation. The service maintains a database of trusted traders.
- 5.24 As a 'food authority' the council had a duty to inspect premises preparing and manufacturing food for public consumption There was potential for combined operations and visits with trading standards and food safety teams although skills sets were specific. The food safety and standards service operated an intervention programme and determined non-compliance based on Food Standards Agency (FSA) criteria. Inspections could be intelligence led or part of a programme; A risk rating would determine frequency of inspection. The borough had between 1600 and 1700 food business to cover. Each year between 600 – 800 warranted a visit from inspectors. There was an expectation that when an incident was reported a visit would follow. Food hygiene inspection certificates were not required to be displayed on premises in Great Britain, yet. Businesses with 3, 4 and 5 star ratings were 'broadly compliant'. In respect of infectious diseases and similar public health issues the team would work with other agencies such as Public Health England, Environment Agency and Anglian Water.
- 5.25 Estuary House contains both the Port Health Authority, responsible for the ensuring safety of products of animal origin exported outside the European Union (EU) and the Border Inspection Post, responsible for documentary and physical inspection of frozen product of animal origin (mainly fish) imported for human consumption from non-EU countries.
- 5.26 The BIP is governed by EU legislation which allows a statutory minimum charge for inspection which covers the cost of the service. There had been a significant increase in the volume of consignments coming into the port via

the BIP linked to the UK's imminent exit from the EU. Consequently, cold storage in the Grimsby and Immingham area and beyond was at a premium.

5.27 The group noted it was unusual to have the dual functions of port health and BIP in one authority area.

5.28 Members raised the following issues:

- Imports were unpredictable, the area worked with global industries and the team would see all manner of animal products. The service was largely paper based but there was likely to be a move to digital processes and permits.
- Exports were not statutory but the service was very busy at the moment. The biggest market was salmon and salmon by-products; there had been 1,000 certifications already this year to mainly China and Vietnam.
- The services' biggest challenges came from uncertainty around Brexit. Without detailed information on future trading relationships with other countries the service couldn't plan effectively. There were major implications for foodstuffs coming in and out of the area.
- Other challenges were recruitment and retention; it was becoming increasingly difficult to attract people with the baseline required qualifications. Previous sources of university placements and post-graduate candidates had 'dried up'. Services were looking to other ways to attract suitable applicants including graduate modern apprenticeships as a way to provide skilled workers for the future and increase retention.

5.29 The group met on 31st January, 12th February and 20th February 2020 to agree its conclusions, findings and recommendations. And to approve this findings report.

6. BACKGROUND DOCUMENTATION

6.1 Refer to scope at appendix A

6.2 Presentation – Highway enforcement operations

6.3 Presentation – ENGIE, planning and highways enforcement

6.4 Presentation – Regulation and enforcement, including commercial regulatory

6.5 Street scene scrutiny review, recommendations Cabinet November 2018
<https://www.nelincs.gov.uk/wp-content/uploads/2018/09/6.-Operational-Services-and-Street-Scene-Select-Committee-Update-2.pdf>

6.6 Information on parking fines <https://www.nelincs.gov.uk/roads-parking-transport/parking/parking-fines/>

7. CONCLUSIONS

- 7.1 Enforcement teams work closely with many other council teams and partners. Their work is complex and affected by many things, not limited to legislation, the council's policy framework, decisions around customer access, CCTV provision, location of teams and court processes.
- 7.2 Some enforcement teams require qualified graduate entry level personnel. The specialist and technical nature of their work does not lend itself to greater integration with other teams.
- 7.3 Recruitment and retention were problematic across all enforcement teams. The services were having to consider new ways to attract, train and retain employees to ensure sustainable service delivery.
- 7.4 It was clear that some street scene enforcement teams would benefit from closer working with other teams. A single point of access, triaged referral handling and greater integration in these teams would address ownership of issues, ensure responses were right first time and also reduce duplication between teams.
- 7.5 Changing to a more integrated way of working in street scene enforcement teams would improve the customer experience and allow for consistent standards and performance across disciplines. Communication of processes and expectations was important in improving members' and public's' experience of enforcement services.
- 7.6 Investment in technologies, greater integration and a review of back office / admin support would affect more timely and robust enforcement outcomes.
- 7.7 Elected members and the public need to be aware of new processes and expected responses. Enforcement successes should be promoted. Consistent communication via elected member development and use of social and other media are required to communicate referral processes and expected service responses.
- 7.8 Councillors and communities are greatly reassured by and value visible and effective street based enforcement services. Integrated working of street scene enforcement teams has the potential to increase the visibility of enforcement officers in the community.

8. RECOMMENDATIONS

- 8.1 The group has considered options for improvement and closer integration of enforcement services. Its recommendations fall into three 'themes' relating to levels of integration, communication and technology. For ease the recommendations have been grouped together in these themes.

RECOMMENDED TO CABINET

INTEGRATION / CAPACITY

1. That commercial regulatory enforcement teams, currently situated at Estuary House and building control (planning condition enforcement) currently located at New Oxford House should remain separate and grouped by the legislation they enforce.

Rationale: The specialist and technical nature of this enforcement work would not add value to other enforcement teams. Integration with other enforcement teams would reduce the effectiveness and efficiency of these teams and not ensure best use of resource or give value for money.

2. That future integration/generic working of street scene based enforcement activities be considered. Future integration of environmental crime and housing enforcement be explored.

Rationale: Whilst the group appreciate the current contractual obligations around litter, dog and PSPO enforcement, the group strongly feel that street scene based enforcement officers including CEOs and LAs operatives are the eyes and ears of NELC. These officers should be enabled to work together. Combining resources has potential to increase capacity, increase visibility and increase value for money.

3. That administration and back office support be developed in line with enforcement volume.

Rationale: Increasing the amount of enforcement volume and activity without equal regard to administration systems, legal and back office support would have an effect on the ability of the council to process FPNs and PCNs. This would be detrimental to the intended deterrent, anticipated income from charges and success of associated court proceedings with negative reputational impact.

COMMUNICATIONS

4. That a single point of access to enforcement teams be developed, combined with a triage approach and referral to appropriate teams. Longer term there should be a move to improved software allowing more joined up working between disciplines.

Rationale: A single point of access and a triage approach has the potential to improve referral response times and ensure referrals are right first time. Duplication would also be avoided. A culture of 'ownership and responsibility' would be developed rather than 'that's not my job'. Longer term, compatible/shared software would help teams work even more effectively. There may be efficiencies from software, contracts and license fees. Generic and shared standards of customer care and response times

would ensure residents and members are clear about expected responses and levels of services.

5. That elected member training be developed relating to the reporting of complaints, referrals and requests for service. This to be implemented following the findings of the customer portal review.

Rationale: (notwithstanding recommendation 4 above) the outcome of the Portfolio Holder for Finance and Resources' review of the customer portal is an essential element of members' and the public's access to (enforcement) services. The process, standards and expectations of enforcement services should be explicit and embedded.

6. That during the municipal year 2020/21 the Communities Scrutiny Panel receive a report on the work of NELC Officers' enforcement working group.

Rationale: Scrutiny panels review and report on issues that affect the economic, environmental and social wellbeing of local people. This includes ensuring that enforcement teams work closely with other council teams and partners. Enforcement work is complex and affected by, but not limited to; legislation, the council's policy framework, decisions around customer access, CCTV provision, location of teams and court processes.

TECHNOLOGY

7. Investment in moving vehicle number plate recognition (NPR) technology and utilising road rule enforcement cameras to increase the positive impact of civil enforcement around highways and parking enforcement should be actively explored.

Rationale: New developments in NPR and mobile devices are changing how councils can best tackle civil enforcement on the highway. Whilst the group are keen to retain the CEOs currently operating in NEL. And appreciating that CEOs would be required to ratify CCTV evidence of offences. The group can see cost effective advantages of this approach. There may also be opportunities to share costs with neighbouring authorities to further improve value for money.

8. That future procurement of enforcement technology hardware and software, CCTV systems / rapid deployment cameras /. Number plate recognition software / IT systems / case management system / data sharing networks etc. should allow fluency between teams, partners and systems.

Rationale: Subject to all appropriate legislation (GDPR and RIPA) the ability to share evidence, casework and information between partners should be enabled wherever possible and practical.

9. That, subject to Cabinet approval of a proposed CCTV strategy, the CCTV Strategic Group to provide an annual report (or more frequent if required) to the Communities Scrutiny Panel to inform of progress and performance around the effectiveness and outcomes of the CCTV Strategy and multi-agency working.

Rationale: Communities scrutiny panel considered a draft CCTV strategy and a proposed CCTV capital investment option. The panel welcomed and fully endorsed the report at its meeting on 6th February 2020. Considering a regular report will provide an opportunity to raise awareness of the effectiveness of the CCTV strategy and give scrutiny an opportunity to provide appropriate challenge where necessary

- 8.2 The group's findings report will be referred for approval to a scheduled meeting of the Communities Scrutiny Panel to be held on 2nd April, 2020. Subject to approval, the findings report will be submitted to a meeting of Cabinet to be held early (June/July) in the 2020/21 municipal year.

9. ACKNOWLEDGEMENTS

- 9.1 The group would like to acknowledge the expertise, support and assistance provided by numerous people and expresses thanks to all those who contributed.

- 9.2 The review was supported by:

North East Lincolnshire Council

- Will Abe, Environmental Enforcement Manager
- Neil Beeken, Commercial Regulatory Manager
- Carolina Borgstrom, Head of Operations
- Anne Campbell, Scrutiny and Committee Advisor;
- Neil Clark, Strategic Lead, Regulation and Enforcement Services
- Tracy Cook, Senior Licensing Enforcement Officer
- Adrian Moody, Licensing and Environmental Protection Manager
- Mark Nearney, Assistant Director Housing and Interim Assistant Director Highways
- Ian Peck, Senior Licensing Enforcement Officer
- Dee Hitter, Principal Officer Port Health

- 9.3 LA Support (formerly Kingdom Local Authority Support)

- Steve Crosland, Environmental Enforcement Team Manager

- 9.4 ENGIE

- Martin Ambler, Senior Enforcement Officer
- Andy Cole, Building Control Manager
- Pauline Cook, Head of Development
- Martin Dixon, Planning Manager
- Kevin Hynes, Security and Civil Enforcement Manager

- Vernon Suddaby, Civil Enforcement Officer
- Paul Thorpe, Head of Operations
- Tina Weldrake, Rogue Landlord Project Officer
- Paul Wilmot, Home Improvement Team Lead Officer

10. ACRONYMS, TERMS AND ABBREVIATIONS USED IN THIS REPORT (and its appendices):

BIP	Border inspection post
CEO	Civil Enforcement Officer
Defra	Department for Environment, Food and Rural Affairs
EA	Environment Agency
ENGIE	A company providing contracted services to NELC
EU	European Union
FPN	Fixed penalty notice (relates to litter, no cycling contraventions, smoke free enforcement, dog fouling, public space protection order)
FSA	Food Standards Agency
FTE	Full time equivalent
GDPR	General Data Protection Regulations
Group	The Enforcement Scrutiny Working Group
LAs	Local Authority Support; a company delivering commissioned enforcement services (formerly Kingdom Local Authority Support)
NEL	North East Lincolnshire
NELC	North East Lincolnshire Council
NPR	Number plate recognition
PCN	Penalty charge notice
PSPO	Public space protection order
RDC	Rapid deployment cameras
RIPA	Regulation of Investigatory Powers Act 2000

APPENDICES

1 Scope

March 2020

If you would like to find out more about scrutiny you can contact us:

by email democracy@nelincs.gov.uk

or by post
 NELC Scrutiny Team,
 Municipal Offices,
 Town Hall Square,
 GRIMSBY DN31 1HU.

or go to: www.nelc.gov.uk/council/councillors-democracy-elections-/scrutiny/



ENFORCEMENT WORKING GROUP Terms of Reference/Scoping Document

Purpose/anticipated value of this working group:

BACKGROUND

The Communities Scrutiny Panel agreed that as part of their Work Programme for 2019/20 they wished to review aspects of Enforcement activity, including what enforcement teams we have currently, where they are based, how they function and is there a more streamlined approach to this service to improve the handling of complaints.

CONTEXT

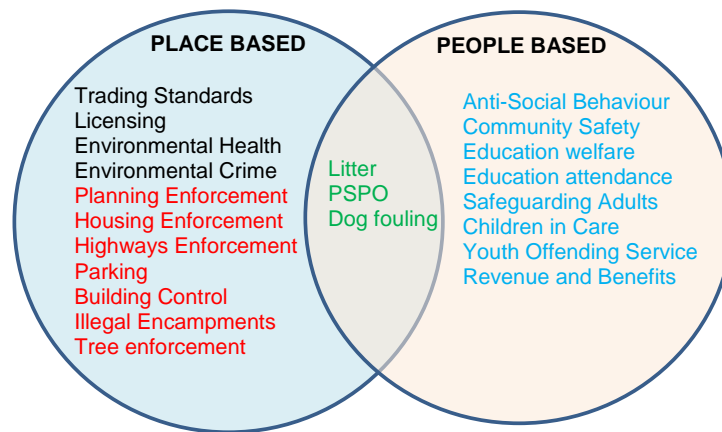
Proposed objectives for the review include:

- Increase ownership of issues and a right first time approach.
- Deliver a joined-up approach to problem solving to reduce duplication between teams.
- Ensure residents and members receive timely responses and avoid issues being unnecessarily past between multiple service areas.
- More (timely and effective) robust enforcement outcomes.
- Improve visibility of enforcement services to encourage better community engagement, encourage responsible behaviours and provide an effective deterrent to irresponsible behaviours.

Key objectives:

1. Understand current enforcement arrangements across the council: including but not limited to: - planning, car parking, highways, housing, anti-social behaviour, fly tipping, littering, dog fouling, food safety, trading standards.

Feedback provided to July Scrutiny meeting suggested focus on Place Based Enforcement functions.



Black-NELC Environmental services
 Red- Engie managed provisions
 Blue- NELC Children and Adult Services
 Green- Service delivery by LA Support

2. Consider the recommendations from the recent Engie Cabinet report, together with any new proposed KPIs relating to enforcement services, to establish how to build on this work as part of any enforcement review.
3. If Community Scrutiny Panel considers that further action is required to achieve key objectives for Enforcement, to give consideration to a range of options for closer integration of services. Levels of long term service integration implemented by other local authorities, which may form part of such considerations could include:

Traditional	Services grouped by the legislation they enforce into a large number of smaller team. This was the most prevalent delivery style prior to 2009.
Integration of similar services	Integration of similar functions into a number of larger teams. Common groups include Environmental Health/Enviro Crime and Housing and joined up services in Highways/Parking. Some services within NELC are already delivered this way.
Integrated front end delivery	Maintain less integrated team but create a joined up front end delivery, including case triage to ensure customer report to one source, cases are effectively past to relevant team and outcomes are fed back consistently.
Integrated back office delivery	Additional integration added in back office support and software to ensure issues that could affect several teams are effectively past between officer and joint delivery provided when required.
Integrated Place based enforcement	Joint service delivery for all or most of Placed based Enforcement Services. Delivery options can include joined up teams of specialists, larger teams of multi-disciplinary staff or a combination of both aspects.

	Achieving this level of integration locally would require careful consideration of the current Engie Contract and ongoing contract review.
Fully integrated enforcement	Full integration of all place based and people based service functions. This is very rare in practice but some Local Authorities have integrated Anti-social behaviour enforcement with a wider place based enforcement team.

Equalities

The issue of equalities should be built into all the work that the Council is involved in. As part of the work on this review/working group, Members need to ensure that they include the following type of questions when they interview witnesses:

- Does the Service have a profile of its current or potential service users
- Does the Service understand the needs of their current or potential service users?
- How has this need been ascertained?
- Is the Service providing for the needs of all their service users?
- How does the Service know that they are?
- Are complaints being received from a particular group? E.g. people with disabilities, people living in a particular locality, Black and Minority Ethnic people etc.

Not included in the scope:

1. Areas such debt recovery.
2. Feedback from July Scrutiny meeting to focus on Place based enforcement and leave People based services out of scope.
3. Not criminal damage or public order offences.

Terms of Reference/Scoping Document prepared by: Laura Cowie/ Anne Campbell

Terms of Reference/Scoping Document agreed by Scrutiny Panel:
Communities Scrutiny Panel

Working Group membership: Councillors Beasant, Pettigrew, Silvester, Sheridan, Watson and Woodward

Working Group Chair: Councillor Paul Silvester

Portfolio Holder(s): Councillor Ron Shepherd and Councillor Stewart Swinburn

INFORMATION GATHERING:

Witnesses to be invited

[These witnesses will either be invited to appear before the working group to give verbal evidence or be invited to submit written evidence. The working group may not know at their scoping meeting who they would like to invite and the updating of this list may be an on-going task].

Name	Organisation/ Position	Reason for Inviting	Information to be provided/potential area of questioning
Councillor Ron Shepherd	Portfolio Holder for Safer and Stronger Communities	All aspects of local authority enforcement and regulatory services; environmental health, food safety, pollution control, trading standards and licensing; community safety and anti-social behaviour; voluntary and community sector; equalities, diversity and inclusion.	Strategic direction. Current budget and ambition,
Councillor Stewart Swinburn	Portfolio Holder for Environment and Transport	Planning, development control, highways and transportation; traffic management, parking and regulation; climate change and the green agenda; waste, recycling and environmental management; neighbourhood services, street scene, parks and open spaces.	
Carolina Borgstrom	Head of Operations	Operational area of responsibility.	Current structure and performance
Mark Nearney	Assistant Director Housing, Interim Assistant Director Highways, Transport and Planning	Operational area of responsibility.	Current structure and performance

Site Visits

[These may be places that the whole working group may wish to visit or if there are a large number of site visits, the Chair may wish to allocate particular site visits to Members. Like the list of witnesses, the working group may not know at their scoping meeting all the sites visits that they would like to undertake and the updating of this list may be an on-going task].

Location	Purpose of visit
ENGIE Enforcement team (Planning, Trees and Housing)	To establish a clear understanding of current 'offer', services delivered, locations and resources.
ENGIE enforcement team (parking & highways)	
NELC regulatory Services enforcement (trading standards, licensing, environmental health and environmental crime)	

Key Documents/Background Data/Research:

- Street Scene recommendations – any cross over in terms of communication around behaviour change. Is there any evidence to suggest less demand for enforcement?
- Annual complaints report – any indication that enforcement is an issue, any themes in here?
- Prosecution activity – how are we using this to improve enforcement? What level of resource is going into this?

TIMESCALE

Starting: 7 November 2019 Ending: March 2020

OUTPUTS/OUTCOMES TO BE PRODUCED

A Cabinet report which will be considered on (date to be confirmed) providing the findings of the Working group and making recommendations as appropriate.

REPORTING ARRANGEMENTS

Communities Scrutiny Panel
Cabinet

Special TBC 2020 or 2nd April 2020
TBC

MONITORING/FEEDBACK ARRANGEMENTS

Communities Scrutiny Panel TBC

Updated post scope Jan 2020