

Extract from minutes of Scrutiny Committee meeting of 6 September 2016.

SC20 ENFORCEMENT TASK GROUP REVIEW

The Chairman invited Councillor Sell to present the report. Councillor Sell began by thanking the other Members of the Task Group, as well as the officers who had helped the Task Group with their research.

Members had noted that some information such as enforcement action taken in wards was no longer sent to them. He invited the other Members of the Committee to ask questions of the report.

The Director of Finance and Corporate Services highlighted to the Committee that the loss of the monthly enforcement action report had been highlighted for some time and the Administration had committed money to enable the back scanning of files and other changes to happen. Alongside this changes to operating practices would enable the report to be reintroduced.

Councillor Felton noted that the County Council logged reports. She asked whether the Council's software was capable of providing the same functionality. In response, the Director of Finance and Corporate Services said that the IDOX software used by the Council was capable of this, but this function had not been utilised. Staff had now been trained to do this and were in the process of back-scanning. He added that the structure of the Enforcement team had been reviewed. The changes to the officer structure would be complete by 1 October.

Councillor Oliver asked when parishes and ward members would start to receive updates regarding enforcement action. The Director of Finance and Corporate Services said he would check this information and email Members.

The Chairman noted that the trade considered that prosecutions have often been sought in the first instance, when other measures would have been sufficient. The taxi trade had also asked for greater education to be given about the conditions of licences.

Councillor Sell explained that Councillor Jones had been looking at the taxi trade as part of the Task Group's review and had some concerns about the way in which enforcement action was taken with regard to taxi drivers and operators. Councillor Sell added that the taxi trade felt that the dialogue between the Council and the trade was one-sided.

Councillor Chambers declared a non-pecuniary interest as Chairman of the Licensing and Environmental Health Committee. Councillors Barker declared a non-pecuniary interest as member of the same committee.

Councillor Chambers said that he didn't wholly agree with the findings of the report. The Licensing and Environmental Health Committee was a regulatory committee that dealt with drivers and operators who had broken the law or the Council's policies. He was aware that some had considered the now retired Assistant Chief Executive – Legal to be too harsh. However, when the Licensing Committee considered drivers' and operators' licences, the Committee decided whether to take action and the report did not make recommendations about the course of action.

It was often possible to tell when someone appeared before the Licensing Committee whether they had made a genuine mistake, but in most cases the law had been broken. He was not opposed to the idea of forums. Operators were aware of the conditions of their licences, as well as those of drivers, and it was their responsibility to ensure their drivers understood the conditions upon their licences.

The Council should not look to slacken its rules regarding licensing as doing so would put the public's safety at risk. The Assistant Chief Executive – Legal had always made himself available to advise operators and he was sure that the Interim Head of Legal Services would do the same.

Councillor Chambers informed the Committee that Licensing Committee meeting which had been scheduled to take place on 14 September had been cancelled due to lack of business. If there was minimal business the forums could take place during scheduled Licensing Committee meetings.

Councillor Sell said that there was never any intention of undermining the public's safety. Holding forums would be a way of allowing the Council to take a more backseat role.

Councillor Barker said that licensing fell outside of the remit of Cabinet. The Council was tasked with enforcing licensing as a statutory function and it was important that there was not any slack when the Council enforced its Licensing Policy.

The Interim Head of Legal Services said that if the Committee were minded to look at setting up a forum this responsibility could be given to the Licensing Committee.

Councillor Barker proposed that the Committee did not recommend to Cabinet that it looked to relaunch forums and instead asked the Licensing Committee to look at the matter. Members agreed with Councillor Barker's proposal.

In response to a question by the Chairman about the extent to which the Task Group had looked at the Environment Agency, Councillor Sell said the Task Group had focussed on Essex Highways rather than the Environment Agency. In reply, the Chairman asked that the Environment Agency were included within the scope of any further work related to the enforcement review.

Councillor Sell said that he had spoken to the Assistant Chief Executive – Legal, who had said that he felt the workload surrounding enforcement had increased and that one extra full time equivalent member of staff was required in order to adequately deal with the workload. In response, the Director of Finance and Corporate Services explained that the restructure of the enforcement department had effectively created an extra full time equivalent member of staff.

The Chairman invited Councillor Howell to speak as the Cabinet member responsible for enforcement. Councillor Howell began by stating that he welcomed the report, which he had found very useful. He was pleased that the reporting of enforcement action by ward would be returning as he had seen regaining it as a priority.

He was conscious that almost everyone abided by the rules and that there were only a few cases where the Council needed to use its statutory powers. There was a need to understand what was meant by expediency and to accept that in some instances planning enforcement cases had to be closed on those grounds. He accepted the first three recommendations as set out in the report.

The Chairman proposed that the first four actions as outlined in the report were recommended to Cabinet with reference to the Environment Agency also included in any further work associated with the review.

RESOLVED that the Committee recommended to Cabinet the following four actions:

- 1. Following the re-engineering of the Council's IDOX Software System, from 1 April 2017; the Corporate Enforcement Team introduce monthly Parish/Town Council and District Council updates on Planning Enforcement Cases (including status and numbers); and introduce a quarterly report to Planning Committee.**
- 2. Introduction of a Customer Charter with standards for updating complainants on the**

progress of all enforcement activities in all areas of activity before 1 April 2017.

- 3. Review the Council's Enforcement Strategy; and the Review/Introduction of Enforcement Policies for all principal enforcement areas before 1 April 2017.**
- 4. Introduction of Memorandum of Understanding between Essex Highways and Uttlesford District Council on Highway Enforcement Matters.**