

**Committee: Cabinet**

**Agenda Item**

**Date: 12 January 2017**

**8**

**Title: Enforcement review recommendations  
from the Scrutiny Committee**

**Portfolio Holder: Cllrs Susan Barker (Environmental  
Services) and Simon Howell (Finance and  
Administration)**

Key decision: No

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## **Summary**

1. This report considers the response to the recommendations from the Scrutiny Committee, which were aimed at achieving outcomes in the following five key areas:
  - Better reporting of caseloads (in terms of numbers of cases and outcomes) to District Councillors and Town/Parish Councils
  - Improved customer service
  - Review of Council's Enforcement Policy with the introduction of policies for each enforcement area, and reviewing polices where they exist.
  - Improved cross agency working, using good experiences from some areas and applying this to service areas with a poor inter agency relationship.
  - Better use of forums and general education to achieve enforcement objectives for activities other than planning

## **Recommendations**

2. Cabinet agrees that:
  - 1) The corporate customer charter be updated
  - 2) An overarching corporate enforcement strategy be developed supported by enforcement policies for
    - Benefits
    - Debt recovery
    - Development Management including Building Control
    - Environmental health
    - Licensing
    - Litter, fly-tipping, flyposting, abandoned and untaxed vehicles
    - Taxis and private hire operators
  - 3) Regular reports with a schedule of cases be generated and distributed together with management information for performance review purposes as soon as the database has been addressed.

## Financial Implications

3. The costs can be met within existing revenue budgets

## Background Papers

4. None

## Impact

- 5.

Communication/Consultation	The recommendations primarily relate to better communication.
Community Safety	
Equalities	
Health and Safety	
Human Rights/Legal Implications	Enforcement powers stem from various statutes and regulations and regimes differ
Sustainability	
Ward-specific impacts	
Workforce/Workplace	

## Situation

6. The Scrutiny Committee's recommendations were as follows:
  - a) Introduction of a customer charter with standards for updating complainants on the progress of all enforcement in all service areas.
  - b) Review the Council's Enforcement Strategy and review or introduce enforcement policies for all principal enforcement areas.
  - c) 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.
  - d) Introduction of Memorandum of Understanding between Essex Highways and Uttlesford District Council on Highway Enforcement Matters

e) Relaunch Forums for Taxi Drivers/Operators and other Non-Planning Enforcement Areas where appropriate before 1 April 2017.

7. The Committee's recommendations appear to be predicated on the concept that enforcement is a discrete service rather than an integral element of all service delivery. Since the review, enforcement officers have been embedded into relevant service areas and have become accountable to service line managers. This has been the established practice in some services such as environmental health to which responsibility for licensing has recently been transferred. This change in enforcement management should enable a more joined up approach with appropriate targeting of resources on the most important issues as service plans are aligned with corporate plan priorities.
8. The Council has a customer charter which sets down general standards for responding to customers of all service areas and indicates in outline any exceptions to those standards. The current charter focuses on time frames for a response when a customer contacts the council. It would benefit from a refresh to cover the principle of keeping customers informed where the process of investigating and resolving an issue is not capable of being achieved within standard time frames. More detailed commitments would be incorporated into standards for each service.
9. Currently there is no overarching corporate enforcement strategy. It is proposed that a strategy be developed based on the statutory principles of good regulation as provided within the Regulatory Reform Act 2006. Linking in with this corporate strategy will be separate policies relating to the varying enforcement functions of the Council, namely:
  - Benefits
  - Debt recovery
  - Development Management including Building Control
  - Environmental health
  - Licensing
  - Litter, fly-tipping, flyposting, abandoned and untaxed vehicles
  - Taxis and private hire operators
10. Fly-tipping, flyposting, abandoned and untaxed vehicles, obstructions on pavements such as advertising boards, tables and chairs outside pubs and cafes and other advertisements on the highway can give rise to issues. They generally do not require reference to the highways authority or its contractor Essex Highways, as issues are either dealt with by direct action such as removing advertisements, or by advising parties of Essex County Council's policy. The need to liaise with the highway authority will generally arise when reports, for example, of an obstructed right of way are received, or the matter cannot be resolved through advice and guidance and is significant enough to warrant referral to ECC for enforcement under the highways acts. It is appreciated that ECC's website portal for communications can be frustrating in terms of establishing progress with issues reported, but it is its preferred channel, and a memorandum of understanding is unlikely to be an effective way of raising concerns about communications. In practice, officers and members have alternative mechanisms

to follow matters up effectively with the highway authority. There is an option of securing delegated powers from ECC to licence the placement of items in the highway, for example, but the district council decided in 2014 that it would adopt an advisory approach to A boards and would not require businesses to apply for consent.

11. Under the better regulation agenda, the council needs to engage effectively with local taxi drivers and private hire vehicle operators. Based on previous experience, relaunching a forum for the sector is not the most appropriate and cost effective method of engagement. A more proportionate alternative approach will be adopted. This can also embrace engagement with other business sectors.
12. Generating reports of planning enforcement cases by parish, ward or other data field and e mailing reports to a distribution list is, in principle, straightforward. The system engineering required, however, relates to the organisation of data fields to ensure that reports are accurate. This will take some time to complete. The existing system has a powerful and easy to use enquiry screen accessible to public users via the website to enable them to self serve. Town and parish councils can readily use this facility, but as with automatically generated reports, the data base still needs attention before there can be full confidence in the output. Use of other system modules needs to be developed to cover other aspects of enforcement besides planning. Management reports will be produced for monitoring purposes.

## Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
None			

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.