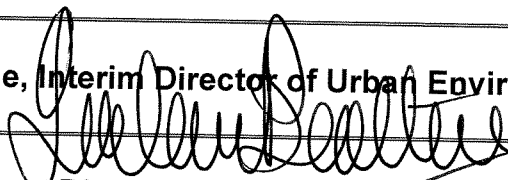


Overview and Scrutiny Committee on 29 January

Report Title: Enforcement Policy and Strategy Discussion Paper	
Forward Plan reference number (if applicable):	
Report of: Assistant Director for Enforcement	
Wards(s) affected: All	Report for: Discussion
1. Purpose 1.1 To inform the Committee of the work in progress to prepare an Enforcement Strategy and Policy for 2007-20011 and seek views on the content and proposals contained in the attached first draft.	
2. Introduction by Executive Member (if necessary) 2.1 2.1 Enforcement is a priority for members as it contributes to improvements in the quality of life of their constituents. This administration takes enforcement seriously, however I am aware that the level of enforcement activity must reflect the resources available, and need to be identified that reflect strategic objectives. I am keen that members of the Scrutiny Committee comment on what these strategic priorities should be. This paper intends to put forward proposals about what strategic direction and priorities are required for effective enforcement activity within the available resources.	
3. Recommendations 4. That the Committee provide their views on the emerging strategy and policy to enable officers to take those on board in preparing the final document.	
Report Authorised by: Graham Beattie, Interim Director of Urban Environment 	
Contact Officer: Robin Payne, Assistant Director for Enforcement	

5. Local Government (Access to Information) Act 1985

- 5.1 London Borough of Haringey Enforcement Policy 2002 (amended 2005)
- 5.2 Hampton Report Reducing administrative burdens; Effective Inspection and Enforcement'2006.
- 5.3 Crown Prosecution Service - Code for Prosecutors November 2004
- 5.4 Macrory Report Regulatory Penalties 2006

6. Background

- 6.1 The Enforcement Business Unit was created in September 2003 and now includes a range of enforcement delivery groups dealing with contraventions affecting public spaces, private sector housing and the commercial trading environment. As a result there is a significant body of powers and professional disciplines that can be directed to the priorities of the borough.
- 6.2 A restructuring of Enforcement will help to realign services to meet understood priorities for the borough and in particular will help to strengthen our ability to
- a. Increase interventions outside normal working hours and control the negative impact of a late night economy
 - b. Ensure that we commit resources to priority targets for tough enforcement through the development of tactical enforcement officers across the business unit.
 - c. Support area based and partnership working
 - d. Increase the available resource for planning enforcement.
- 6.3 Restructuring however, will still provide a finite resource and it is important that this resource is targeted at the priorities for Haringey. The first draft of the strategy provided as Appendix 1 is intended to provide the following :-
- A clear understanding of the enforcement challenges faced across the broad range of the Enforcement Business Unit and examples of its success.
 - Understanding of the overall function and responsibilities of the service following proposed restructuring.
 - Agreed clear priorities and principles for the approach to enforcement.
 - A transparent and refreshed enforcement policy for enforcement decision making.

This is very much a 'work in progress' document which will form the basis of the final strategy which will be considerably more concise and restyled to make it more focussed and user friendly.

7.0 Strategic Priorities for Enforcement

7.1 Once the strategy at this stage is agreed, the proposal is to develop detailed action plans for each of the priority areas identified. The strategy identifies 3 key priorities for enforcement intervention. If agreed these will be used as the basis for further action planning to show how specific targets will be met and what the outcome will be at the conclusion of the 4 year strategy.

7.1 Safer Stronger Communities

- a. To target organised and criminal activity
- b. Reverse and prevent unauthorised use and non permitted development
- c. Promote good citizenship and reduce fear of crime
- d. Promote investment in housing and area renewal
- e. Stop environmental crimes and abuse of public spaces
- f. Act against landowners that neglect properties and cause create public eyesores

7.1 Healthier Communities

- a. Control of standards in Houses in Multiple Occupation.
- b. Removal of serious hazards to vulnerable people in private rented housing
- c. Increase the percentage of vulnerable people living in decent homes in the private
- d. Control the supply of age restricted products to children – e.g. alcohol, knives, tobacco
- e. Intervention to protect health at work; the supply of safe food, products and services
- f. Reduce the impact of pollution, including noise, contaminated land, tobacco and other air pollutants

7.2 Enterprise and economic development

- a. Promotion and support of good landlords
- b. Promote safe places of entertainment and work
- c. Support businesses and traders to achieve compliance with regulations affecting them.

8. Resources for Enforcement

8.1 The net budget, for Enforcement is 2007/8 is approximately £6.4m employing up to 125 staff.

8.2 Of this budget resources and establishment are allocated as follows:-

Service Group	% of budget	No. officers	Percentage of officer establishment
Street Wardens	12	17	16%

Street Enforcement – inc Tactical Enforcement	16	20	19%
Out of Hours (inc Noise)	9	9	8%
Area Based Response	6	6	6%
Housing and Health - Private Sector Housing	23	20	19%
Commercial Environmental Health	17	13	12%
Trading Standards and Licensing Administration	8	10	9%
Pest Control, Animal Warden, Coroner, Mortuary	9	12	11%

8.3 Within this allocation is a resource for planning enforcement. Resources allocated prior to restructure was 6 posts including Team Leader and monitoring officer. Under the new structure this function will be extended as part of each relevant service team.

8.4 Based on current levels of enforcement the current costs of litigation through legal services is as follows:-

Enforcement Area	Percentage of overall spend
Environmental Crime	15%
Planning	24%
Environmental Health – Housing and Commercial	32%
Noise	2%
Trading Standards and Licensing	23%

9 Developments in Enforcement Policy

9.1 The existing Enforcement Policy for Haringey was adopted in June 2002 and amended by Executive Member agreement in 2005 to reflect minor changes in legal requirements and reported performance. The current policy reflects the Enforcement Concordat published by the Cabinet Office in 1998 and which the Haringey has effectively committed itself to follow. In principle this means that all enforcement undertaken by the Council should be consistent with its principles. An Enforcement Policy for Planning was also adopted at this time and also reflects the principles of the Enforcement Concordat.

9.2 The Hampton Review, 'Reducing administrative burdens; Effective Inspection and Enforcement' has established a further set of principles for enforcement and following the introduction of the Legislative and Regulatory Reform Act 2006 a new Regulatory Compliance Code will be published which will supersede all or part of the Enforcement Concordat.

9.3 In November 2006 a further set of enforcement principles and characteristics for sanctions were recommended in the Macrory Report. This report was

commissioned as a recommendation of the Hampton Report to report on options that would add to the regulators enforcement toolbox.

- 9.4. The changes arising from these recommendations, the development of fixed penalty notice options and the need for stronger and more transparent offence reporting procedures means that a revised document for the Enforcement Business Unit is now required. This policy provides a policy framework which in principle could be considered for a broader range of enforcement action
- 9.5 In November 2006 the DCLG's published recommendations of a review of planning enforcement. The recommendations (Rec.10) do not advocate that the carrying out of development without planning consent should become a criminal offence; more disappointingly, they do not recommend any change to the current principle of allowing retrospective planning permission.
- 9.6 The draft enforcement policy is shown as an appendix 2 to the attached work in progress document.
- 9.7 To assist the Committee consider this matter officers will make a brief visual presentation of key enforcement issues emerging from the first draft documents.
- 9.8 Resources will clearly play a key role in the delivery of the enforcement strategy, and by helping to identify priorities the Committee will assist ensure that the finite resources available will be directed towards the key priorities.