



Haringey Council

Report for:	Environment & Housing Scrutiny Panel, 26 th September 2013	Item Number:	12
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Title:	Strategic Enforcement (Scoping Report)
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Report Authorised by:	Cllr Stuart McNamara, Chair, Environment & Housing Scrutiny Panel
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Lead Officer:	Martin Bradford, Scrutiny Officer, Strategy & Business Intelligence, martin.bradford@haringey.gov.uk
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Ward(s) affected: All	Report for Key/Non Key Decisions:
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1. Describe the issue under consideration

- 1.1 The Environment and Housing Scrutiny Panel agreed to examine the strategic enforcement functions of the Council and its partners. The following provides a scope of the planned work (aims, objectives and work plan) to be discussed and agreed by the panel.

2. Cabinet Member Introduction

- 2.1 This is not applicable at this stage. The relevant Cabinet Member will introduce a response to any report or recommendations that result from this work at the appropriate juncture.

3. Recommendations

- 3.1 That the Environment & Housing Scrutiny Panel notes and agrees the contents of this scoping report.

4. Other options considered

- 4.1 This work stream was selected by the panel after consultation with key stakeholders.

5. Background information

- 5.1 Under the agreed terms of reference, the Environment and Housing Scrutiny Panel can assist the Council and the Cabinet in its budgetary and policy framework through conducting in depth analysis of local policy issues.

5.2 In this context, the Environment & Housing scrutiny panel may:

- Review the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- Conduct research, community and other consultation in the analysis of policy issues and possible options;
- Make recommendations to the Cabinet or relevant nonexecutive Committee arising from the outcome of the scrutiny process.

5.3 Cabinet Members, senior officers and other stakeholders were consulted in the development of an outline work programme for Overview & Scrutiny Committee and Scrutiny Panels. An assessment of the strategic enforcement functions of the Council was agreed to be included within this work programme by the Committee at its meeting on June 17th 2013.

6. Regulatory and Enforcement functions of the Council.

6.1 The Council and its partners hold a number of regulatory functions that allow them to control the behaviour of individuals and organisations in the public interest. These regulatory services cover a wide range of areas including:

- Environmental Health (e.g. environmental pollution, food protection, noise, health and safety);
- Fire safety;
- Licensing (e.g. alcohol, entertainment, gambling, street trading);
- Trading Standards (e.g. fair trading, animal health, product safety, metrology);
- Planning (planning conditions and building control).

(A full list of local regulatory functions of the Council and its partners, together with a brief description of their relevant duties is contained in Appendix A.)

6.2 Nationally, over 18,000 officers are employed in delivering regulatory services for the local community for which the net cost of this investment is approximately £1.2billion per annum (Appendix B).

6.3 In addition to regulatory functions, Local Authorities may carry out a number of enforcement actions which may support statutory powers or duties of regulation. Such enforcement action may encompass a wide range of activities including:

- Highways and Parking (e.g. network management and obstruction);
- Local benefits and taxation (e.g. Council Tax and Housing Benefit);
- Anti Social Behaviour; and
- Waste and Recycling.

6.4 A wide range of tools and processes are used to support enforcement action taken by local regulatory and enforced services. These may include:

- Issuing of licenses or permits: which may bind the applicant to certain service standards, principles or behaviours which can be subsequently monitored and enforced;
- Inspections: to ensure compliance with statutory duties and or license conditions;
- Investigations: responding to public or member complaints or intelligence to ensure compliance or adherence to duties, standards or permissions;
- Notices: issuing of legal notifications to both residential or commercial premises outlining breaches, rectifications needed and consequences of non compliance;
- Imposition of conditions; for a license, consent or other formal permission
- Fixed Penalty Notices (FPN): on the spot fines for non compliance (e.g. litter);
- Court Prosecutions.

6.5 Preliminary scoping of this area with enforcement officers has identified a number of issues which may benefit from further scrutiny investigation and assessment:

- How internal services and external agencies work together to deliver coordinated enforcement action (e.g. joint working, shared protocols);
- How information is collected, held and shared across the Council to improve enforcement action;
- How improved compatibility of enforcement IT systems could support effective enforcement action;
- How developing a more coordinated and consistent approach to enforcement will help with local priorities and target setting and be more clearly communicated to local stakeholders.

6.6 With almost 20 individual services involved in a local regulatory or enforcement role, it is important that these services liaise and work together to ensure that any action taken to support enforcement is coordinated, consistent and effective. It is anticipated that the work of the scrutiny panel will assist in this role.

7. Aims, objectives and outcomes from scrutiny involvement

7.1 It is anticipated that the through its work with local regulatory and enforcement services, the EHSP will produce recommendations that:

- Improve coordination, consistency and effectiveness of enforcement functions across the Council;
- Improve public awareness of and engagement with enforcement functions across the Council

7.2 Within these overarching aims, the panel will aim to meet the following objectives:

- Establish baseline data by conducting an audit of enforceable functions across the Council and its partners;
- Identify best enforcement practice and how this can be shared across Council enforcement services
- Identify barriers to effective enforcement and make recommendations as to how these can be overcome;
- Consult with specialist agencies and other local authorities to guide and inform enforcing policy and practice in Haringey;
- Assess local community perceptions of enforcement functions.

- 7.3 It is expected that in meeting the above objectives, the panel may develop recommendations that support the following outcomes:
- The development of an overarching enforcement policy or approach to enforcement across the Council;
 - Establish criteria for enforceable actions (for example, fairness, proportionality, public safety, costs, public interest)
 - Identify how enforcement functions can be supported to work together (e.g. IT systems, protocols, data sharing, partnership working)
 - Ensure that there is an effective process for public involvement for enforcement processes (awareness, engagement and notification)

8. The planned work of the Environment and Housing Scrutiny Panel

- 8.1 A range of information gathering methods will be employed to ensure that Members of the panel have access to the necessary evidence to assist them in their assessment of enforcement services. This will include a desk based evidence, formal panel meeting, informal evidence gathering sessions, a review of local policy and performance data and possible site visits.
- 8.2 It is envisaged that the work programme for this work will be in 5 stages. These are summarised in the table below.

Stage	Aim	Purpose / Activity
1	Scoping	<ol style="list-style-type: none"> 1. Clarification of Council role in this area 2. Informal group meeting with enforcement officers 3. Agree scoping with the panel.
2	Establish baseline data	<ol style="list-style-type: none"> 1. Survey of officers with enforcement functions: <ul style="list-style-type: none"> ▪ Enforceable functions – statutory / local policy ▪ Enforcement data held – enforceable actions ▪ Lead officers, staffing and resources ▪ Liaison with other services and agencies ▪ Data sharing, joint working, IT systems used to support enforcement function ▪ Public engagement 2. Individual informal meetings with enforcement officers
3	Identifying effective enforcement	<ol style="list-style-type: none"> 1. Evidence gathering sessions with enforcement officers (internal and external) <ul style="list-style-type: none"> ▪ Examples of effective enforcement coordination ▪ Barriers to effective enforcement ▪ Council support for more effective enforcement
4	Comparative policy and practice	<ol style="list-style-type: none"> 1. Evidence gathering session with other local authorities <ul style="list-style-type: none"> ▪ What can be learnt from their experiences ▪ Identify informed/innovative practice
5	Effective public engagement within enforcement	<ol style="list-style-type: none"> 1. Public survey / evidence gathering session: <ul style="list-style-type: none"> ▪ Awareness of what the Council will and will not enforce; ▪ How are enforcement policies or approaches communicated to the public?

		<ul style="list-style-type: none"> ▪ How can stakeholders be involved? ▪ How can enforcement successes be communicated to public?
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8.3 The proposed timeline for the completing the above stages of the panel’s work is given below.

July	Aug	Sep	Oct- Dec	Jan	Feb	Mar
Scoping Informal meeting		Officer survey	Evidence gathering: <ul style="list-style-type: none"> ▪ enforcement officers ▪ other LA’s & specialist agencies 	Public consultation: <ul style="list-style-type: none"> ▪ Survey ▪ Evidence gathering 	Report to panel	Report to OSC

9. Comments of the Chief Financial Officer and Financial Implications

9.1 It is assumed that any costs associated with this review can be contained within existing budgets for Scrutiny functions, this would include any costs of consultation events or surveys. If there are any costs associated with the recommendations of these panels these will need to be highlighted at the appropriate time for funding to be identified.

10. Head of Legal Services and Legal Implications

10.1 There are no immediate legal implications arising from this report. More detailed legal comments may be provided in a subsequent report making recommendations. An overarching enforcement policy/strategy for the Enforcement Service exists for 2007-2010 and should be updated.

11. Equalities and Community Cohesion Comments

11.1 Overview and scrutiny has a strong community engagement role and aims to regularly involve local stakeholders, including residents, in its work. It seeks to do this through:

- Helping to articulate the views of members of the local community and their representatives on issues of local concern
- As a means of bringing local concerns to the attention of decision makers and incorporate them into policies and strategies
- Identified and engages with hard to reach groups
- Helping to develop consensus by seeking to reconcile differing views and developing a shared view of the way forward
- The evidence generated by scrutiny involvement helps to identify the kind of services wanted by local people
- It promotes openness and transparency; all meetings are held in public and documents are available to local people.

11.2 A number of engagement processes will be used to support the work of the Environment & Housing Scrutiny Panel and these will seek to include a broad representation from local stakeholders. It is expected that any equalities issues identified within the consultation processes will be highlighted and addressed in the conclusions and recommendations reached by the panel.

12. Head of Procurement Comments

12.1 Not applicable.

13. Policy Implications

13.1 It is intended that the work of the Environment and Housing Scrutiny Panel will contribute and add value to the work of the Council and its partners in meeting locally agreed priorities. In this context, it is expected that the work of the Panel may contribute to improved policy and practice in the following corporate priorities:

1. Safety and well being:

- Making Haringey one of the safest boroughs
- Providing a cleaner, greener environment with safer streets.

2. A better council:

- Ensure that the council works in a customer focused way
- Strive for value for money.

14. Use of Appendices

14.1 All appendices are listed at the end of the report:

15. Local Government (Access to Information) Act 1985

Appendix A – Local Authority Regulatory Functions -Department for Business, Innovation and Skills (www.bis.gov.uk)

Function	Authority	Detail
Fire Safety	Fire and Rescue Service	Local fire and rescue authorities are the primary enforcing authority for the Fire Safety Order in their area. The Order applies to all commercial premises and other premises to which the public have access, including the common parts of multi-occupied residential buildings. It does not apply to premises which are used exclusively as domestic dwellings.
Age-Restricted Sales	Local Authority	Unitary and county local authorities are responsible for regulating and controlling the sale and supply of goods that have an age restriction associated with them.
Alcohol and Entertainment Licensing	Local Authority	Unitary and district local authorities are licensing authorities in relation to alcohol, entertainment and late night refreshment licensing. This includes issuing and reviewing premises licences and club premises certificates, ensuring that temporary event notices have been given correctly and issuing and renewing personal licences for individuals.
Animal Establishments and Animal Welfare	Local Authority	Unitary and district local authorities are responsible for licensing of animal establishments and regulating the welfare of companion animals
Animal Health	Local Authority	Unitary and county local authorities are responsible for regulating the movement, importation and marking of farm animals and the control of animal disease.
Building Control	Local Authority	Unitary and district local authorities are responsible for ensuring the standards set out in the Building Regulations are met. This includes making sure building work complies with the appropriate standards, that the health and safety of people in or about buildings is not compromised and that the welfare and convenience of people with disabilities are catered for satisfactorily.
Consumer Credit	Local Authority	Unitary and county local authorities are responsible for regulating the requirements surrounding the way consumer credit license holders conduct business.
Environmental Protection	Local Authority	Unitary and district local authorities, and port health authorities where separate, are responsible for regulating in relation to the control of noise, pollution including the pollution permitting process, statutory nuisance, contaminated land and waste.
Fair Trading	Local Authority	Unitary and county local authorities are responsible for regulating fair trading legislation. This covers business operations relating to business-to-consumer transactions, including pricing, description of goods and services, trading practices and intellectual property
Food Safety and Hygiene	Local Authority	Unitary and district local authorities, and port health authorities where separate, are responsible for

	y	regulating the safety and hygiene of food, the controls under which food is manufactured, prepared and sold, and matters of pest control. Unitary and county local authorities are responsible for regulating food hygiene at primary production premises (eg farms) and for the controls under which animal feed is manufactured.
Food Standards	Local Authority	Unitary and county local authorities are responsible for regulating the composition and labelling of food and animal feed products
Gambling Licensing	Local Authority	Unitary and district local authorities are licensing authorities in relation to gambling regulations. This includes issuing premises licences, regulating gaming and gaming machines in certain premises, granting permits for prize gaming and registering small society lotteries.
General Licensing	Local Authority	Unitary and district local authorities are responsible for a range of licensing regimes as well as alcohol and gambling, including the licensing of taxis, house-to-house collections, sex establishments, Sunday trading, charity collections, scrap metal dealers and pavement cafes.
Health and Safety	Local Authority	Unitary and district local authorities are responsible for regulating health and safety in certain types of business, for example shops, hotels and restaurants as well as other low risk premises.
Housing	Local Authority	Unitary or district local authorities are responsible for enforcing regulations concerning housing including provisions for area improvement, responsibilities of landlords, compulsory purchase, housing in multiple occupation and licensing of housing
Metrology	Local Authority	Unitary and county local authorities are responsible for regulating in relation to the control of weighing and measuring equipment and the sale of goods by quantity
Planning	Local Authority	Unitary and district local authorities are responsible for regulating in relation to planning controls.
Product Safety	Local Authority	Unitary and county local authorities are responsible for regulating the safety and labelling of products used by consumers
Road Traffic	Local Authority	Unitary and county local authorities have some responsibility for regulating the control of overloaded and inappropriately loaded vehicles.
Explosives Licensing	Local Authority/Fire Authority	Unitary and county local authorities, or fire authorities where separate, are responsible for the licensing and storage of explosives including fireworks in certain premises.
Petroleum licensing	Local Authority/Fire Authority	Unitary or county local authorities, or fire authorities where these are separate, are responsible for regulatory activity relating to the licensing and storage of petroleum.

Appendix B - Summary of expenditure & staff with Local Authority Regulatory Services (Data relates to 2010-2011)

	Expenditure (000)		
	Gross	Income	Net
Alcohol and Entertainment Licensing	78,577	-63,892	14,685
Animal Health	30,934	-9,266	21,668
Animal Welfare – Licensing	18,933	-2,861	16,072
Environmental Protection	164,969	-24,357	140,612
Environmental Protection – Environmental Crime	32,541	-5,668	26,873
Food Safety	123,505	-8,614	114,891
Health, Safety and Welfare	62,069	-4,316	57,753
Infectious Disease Control	9,486	-1,348	8,138
Pest Control	57,386	-22,287	35,099
Port Health	10,271	-5,746	4,525
Private Sector Housing Standards	274,663	-82,438	192,225
Public Health	35,442	-6,503	28,938
Taxi Licensing	60,569	-56,524	4,045
Water Safety	5,583	-938	4,644
Other Regulatory Services	79,985	-34,659	45,327
Trading Standards	197,136	-20,856	176,280
	1,242,049	-350,273	891,776
Staffing			
FTEs	16,977		
Student officers	871		
Contract/Agency Staff	476		