

**Executive on 24<sup>th</sup> April 2007**Report Title: **Enforcement Strategy and Enforcement Policy**Forward Plan reference number (if applicable): **[add reference]**Report of: **Assistant Director for Enforcement**Wards(s) affected: **All**Report for: **Key Decision****1. Purpose**

- 1.1 This report proposes a new 4 year Enforcement Strategy and Policy. The strategy will allow the Enforcement service to develop services and deliver existing resources to key priorities of the borough. The approach in the strategy and policy are consistent with the recommendations of Philip Hampton who reported his findings into 'Reducing Administrative Burdens' and more efficient regulation and inspection in 2005. Key to his recommendations were the promotion of risk based inspections, more targeted sanctions and support for business.
- 1.2 The proposals reflect changes to the enforcement structure approved by General Purposes Committee and the Executive in December 2006. These changes include the extension of the "heavy enforcement" approach through an extension across the business unit, more flexible structures within specialist teams and increased resources for promoting compliance without enforcement interventions. In addition agreed investment for noise nuisance enforcement will result in a significantly extended service operating out of hours and able to provide on the night interventions.
- 1.3 This report seeks endorsement of a proposed Enforcement Strategy for 2007-2011 and draft Enforcement Policy and obtain agreement on a consultation process for the draft enforcement policy and action plan.

**2. Introduction by Executive Member for Crime and Community Safety**

- 2.1 This administration takes enforcement seriously. This strategy establishes the Enforcement service's new priorities, and aims to ensure that the resources of the Enforcement service are used to make Haringey a healthier, cleaner and safer place

to live, work and visit.

The Enforcement Strategy seeks to balance the need for the use of enforcement powers, with ensuring that businesses and individuals are encouraged and supported to avoid the kind of behaviour that requires enforcement. We will aim to achieve this by helping and supporting wherever we can and being tough on those that persistently offend.

An effective and valued enforcement service has a pivotal role to play in delivering the community strategy and the council's priorities. I highly recommend this strategy.

This strategy will be reviewed regularly. Members should note that the Rogers Review was published on 21<sup>st</sup> March 2007. The recommendations of the Rogers Review that we have recently received from Central Government will be considered in due course.

### 3. Recommendations

That members endorse: -

- 3.1 The proposed Enforcement Strategy and Policy,
- 3.2 The proposals for consultation on the draft implementation plan to the Strategy and the Enforcement Policy.

Report Authorised by: **Niall Bolger - Director for Urban Environment**



18/04/07

Contact Officer: **Robin Payne, Assistant Director for Enforcement.**

### 4. Director of Finance Comments

- 4.1 The proposed Enforcement Strategy and Policy will need to be delivered within existing approved budgets for Enforcement business unit. Members approved an additional £200k, phased £100k in 2007/08 and £100k in 2008/09, for improved Out of Hours services in the Council's budget process 2007/08 to 2010/11. Details of how these additional resources are to be used will be reported to Members in the near future.

### 5. Head of Legal Services Comments

5.1 In relation to the proposed Enforcement Strategy for 2007 – 2011 the legal implications have been dealt with in the body of the Report. In relation to the updated Enforcement Policy, the Policy reflects good practice within the area of Enforcement within Local Authorities. It ensures the authority is seen as being open and transparent in how it deals with potential and actual defendants in relation to criminal prosecutions. It reflects the Code for Crown Prosecutors in which the Evidential and Public Interest Tests are to be considered and the Enforcement Concordat (March 1998) in which the Council states they will adhere to the principles of fairness, proportionality and where we will educate small business owners.

## **6. Local Government (Access to Information) Act 1985**

6.1 London Borough of Haringey Enforcement Policy 2002 (amended 2005)

6.2 Hampton Report Reducing administrative burdens; Effective Inspection and Enforcement'2006.

6.3 Crown Prosecution Service - Code for Prosecutors November 2004

6.4 Macrory Report Regulatory Penalties 2006

6.5 Rogers Review – National Enforcement Priorities for Local Authority Regulatory Services (March 2007)

## **7. Background**

7.1 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.

7.2 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.

7.3 Restructuring, however, will still provide a finite resource and it is important that this resource is targeted at the priorities for Haringey. 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.

## **8. Strategic Priorities for Enforcement**

8.1 If 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 4 key priorities with supporting aims for enforcement and compliance activity.

### **8.2 A Safer, Cleaner and Sustainable Environment**

- To reverse and prevent unauthorised use and non permitted development
- To implement an enforcement tool for targeting unscrupulous, failing landlords
- To promote good citizenship and reduce the fear of crime
- To stop environmental crimes and the abuse of public spaces
- To act against landowners that neglect properties and create public eyesores

### **8.3 Healthier Communities**

- To enforce the standards set for Houses in Multiple Occupation through the use of available licensing powers.
- To remove hazards identified within private rented dwelling which pose the greatest risk to the vulnerable occupants and increase the percentage of vulnerable people living in decent homes in the private sector
- To control the supply of illegal and dangerous goods and products. This will include the supply of age restricted products to children – e.g. alcohol, knives, tobacco
- To intervene to protect health at work; and to ensure the supply of safe food, products and services
- To reduce the health impact of pollution and nuisances, including noise, contaminated land, tobacco and other air pollutants.

#### **8.3.1 Supporting Business Improvement**

- To promote Haringey as a good borough to do business and to protect our vibrant and diverse business community.
- To encourage and support good landlords
- To support businesses and traders to achieve compliance with the regulations affecting them.
- To target organised criminal activity such as counterfeiting and illegal street trading which undermines legitimate business

#### **8.3.2 Effective and valued enforcement**

- To support area improvement and local action planning with communities
- To develop services through feedback and consultation

- To provide value for money, ensuring that our priorities for enforcement are matched by our use of available resources
- To produce highly trained and motivated staff who can provide a flexible approach to enforcement activity
- To improve our communication of enforcement outcomes and performance

8.4 Provided as an Appendix C to the strategy is an implementation plan which will be developed through consultation as an improvement delivery plan. This shows both what we will do from within Enforcement and where the work will be reported and monitored. Although the strategy does not seek adoption as a Haringey Strategic Partnership strategy it is hoped that through a process of consultation, joint work planning can be captured.

## **9. Context for the 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 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 In the Pre-Budget Report of December 2005, the Chancellor announced the creation of a local better regulation office (LBRO). The LBRO's clear central mission has been to reduce burdens on business without compromising regulatory outcomes and working in partnership with local authorities and their representative bodies, national regulators and central government departments, to help drive up the quality of local authority regulatory services. The LBRO has commissioned several reviews of our regulatory service in order to make regulation work better for everyone.
- 9.3 On 28 November 2006, the Chancellor published Implementing Hampton. 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.
- 9.4 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.
- 9.5 Following on from Hampton and Macrory on 29 November 2006, the Government announced the appointment of Peter Rogers, Chief Executive of Westminster City Council, to lead an independent review of Local Authority Regulatory Priorities.

9.6 Rogers has proposed six national enforcement priorities:

- Air Quality
- Improving health in the workplace
- Fair trading
- Alcohol licensing
- Hygiene of food businesses
- Animal and public health.

Taking forward the conclusions of the Rogers Review in Spring 2007, the LBRO will work with national regulators to ensure a single coordinated set of priorities for local authority regulatory services covering trading standards and environmental health. A schematic showing a summary of the recommendations of Peter Rogers is provided as Appendix 2.

9.7 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

9.8 In November 2006 the Department of Communities and Local Government 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.

## **10. Enforcement Policy**

10.1 The proposed Enforcement Policy is shown as an Appendix A to the main strategy document.

10.2 The policy provides a set of enforcement principle which would be used to underpin all enforcement decision making. Supporting this policy will be a series of more detailed processes to ensure enforcement is consistent with these principles.

10.3 The policy outlines a hierarchical approach to our use of powers, emphasising the need to avoid formal actions where compliance can be achieved. However, the policy also seeks to identify a route by which priority crimes for Haringey can be dealt with in a much tougher way where found. In effect a form of zero tolerance. It is intended to consult on which may be these priority crimes as part of the Enforcement Policy consultation.

## **11. Equalities Implications**

The enforcement Service serves a population of approx 225,000 with our BME communities making up 45% (ONS 2003) of our population with 160 community languages spoken across the borough. In Haringey members of disadvantaged groups particularly BME communities are over represented in the boroughs poorest areas. 30 % of Haringey residents live in areas which are amongst the 10% most deprived in

England. The enforcement service also has an enforcing responsibility to the borough's 7000 business 2000 of which are food premises catering for our diverse cultural requirements. It is therefore imperative that the service ensures that the approach taken towards our enforcement duty meets the needs of all those residing, working, investing and socialising within the borough. The role of these documents aims to ensure that all these needs are met and that the service is readily accessible, transparent, coherent and fair to everyone. The Enforcement Policy will support decision making to ensure fair and consistent decision making. An equalities impact assessment is being carried out as part of the documents consultation process.

## **12. Consultation**

- 12.1 The Consultation on the enforcement strategy and policy will have a two pronged approach. Separate methodologies will be carried out and two different client groups will be targeted for each of the documents.
- 12.2 Strategy Consultation.- A slimmer version of the strategy will be devised based around the enforcement implementation plan for distribution. (End of April 07)
- 12.3 Key partners identified through the enforcement strategy will be invited to feedback specifically on how they feel they can contribute towards or influence the objectives set out in the implementation plan. A series of presentations as part of a focus session will be provided to key stakeholder working groups. Feedback sessions are also to be arranged as an agenda item at partnership meetings. (May 2007)
- 12.4 Feedback from this consultation will be collated and their finding presented as part of the Enforcement Strategy Equalities Impact assessment which is being carried out in parallel with this consultation. (June 2007)
- 12.5 Policy Consultation - The enforcement policy consultation will be specifically tasked to establish which environmental crimes should be our top priority.
- 12.6 A set of presentations and a simple scoring questionnaire will be delivered to a wide range of business forums using the North London Chamber of Commerce. Internal service providers, landlords and enforcement service staff will also be asked to complete the questionnaire. (May 2007)
- 12.7 Enforcement service staff are being consulted on both the strategy and enforcement policy through a cascading delivery programme using Group managers and Team Leaders. This consultation process will end with an away day where all staff will be able to feed back the information provided to them. Staff Recommendations particularly around any additional training will be organised in order to ensure consistent implementation of the policy framework. (April – June 2007)

## **13. Summary and Conclusions**

13.1 The enforcement strategy and policy will be an important document for identifying the process and priorities of the Enforcement Service. It will ensure that the new service structure is supported and that there is a transparent approach to service delivery and decision making.

#### **14. Appendices**

14.1 Enforcement Strategy and Policy are provided as Appendix 1 – includes

- Appendix A – Haringey Enforcement and Compliance Policy
- Appendix B – Schematic for Tactical Enforcement
- Appendix C - Implementation Plan

14.2 Rogers Review – Executive Summary provided as Appendix 2.