

**Environment and Housing Scrutiny Panel
Evidence Gathering Session – Strategic Enforcement
7th November 2013 (Haringey Civic Centre)**

Session 1

Present: Cllr Brabazon, Cllr Bull, Cllr McNamara (Chair) and Cllr Weber

Also in attendance: Eubert Malcolm (Regulatory Services Manager), Daliah Barrett (Licensing Officer), Derek Pearce (Noise enforcement), Karen Tillett (Trading Standards), Felicia Ekemezuma (Food Hygiene And Health & Safety), Alison Bell (Pollution).

Key emerging issues and recommendations:

1. Possibility of developing a red flag system for those properties or premises where there are persistent enforcement problems should be considered as this may help to prioritise and coordinate enforcement action among multiple services. This would however need to be underpinned by the installation of a new core Gazetteer property database.
2. There is evidence that some services are actively profiling of the most prolific offenders and working with other services to deliver joined up enforcement action. The top 20 premises across 10 regulatory services are identified in monthly meetings to coordinate action.
3. Communications was central to the function and operations of enforcement services – particularly in the way that the public are made aware of services, how enforcement services operate, how successful enforcement issues are publicised (as preventative) and most importantly, how local residents can report enforcement issues. Needs further examination so that services become more proactive rather than reactive.
4. Transience (high geographical turnover) is a significant barrier for local enforcement services and is experienced in both public and commercial spheres. For example, it is estimated that there are over 300 number of new food premises each year – which should be registered and inspected. This is a significant challenge to the EH service.
5. Numerous services have contact with new businesses, possibility of developing a 'welcome pack' be explored, highlight services, advice and support in the area as well as duties and responsibilities (e.g. to register with appropriate regulatory services such food health etc).
6. The Council has many officers out on the streets which could form the eyes and ears of the organisation, helping to develop intelligence that could assist and direct the work of enforcement officers across the Council. Insufficient use is made such officers or intelligence that they may obtain.
7. Member interaction with enforcement services was also seen as critical importance.

- Local Councillors represent a significant resource in respect of the knowledge of a local area (new businesses, problems) though not enough is made of this. Some mechanism to utilise local knowledge;
 - Members also indicated that they needed to understand more about what properties and businesses were of concern (so they could respond to public concerns), though what information is required needs to be clearly articulated (in respect of licensing, there are 800+ licensed premises).
 - Members could be encouraged to identify local hotspots for enforcement action which would benefit from a holistic enforcement approach from a range of services (e.g. waste, planning, licensing etc);
 - Members accompany officers in inspection to develop awareness of issues;
 - Centralised circular could be an option to improve member interaction with enforcement and regulatory services.
8. A number of services described how public communication and education function had become less of a priority in times of financial restraint. Services could do with further communications support to help build and extend links with the public as this was critical in developing local intelligence to support enforcement work.
9. It is clear that there are a number of enforcement operations which take place which are not always communicated to members or the local community (e.g. Operation Tailwing, Autumn Nights). Improved communication of enforcement ops would assist public understanding and reassurance of work being undertaken by Council and its partners.
10. In the issuing of council grants (and where possible other public money) individual and businesses should be compliant with enforcement action, otherwise it is seen to be reinforcing poor compliance and lack of adherence or suggest that the Council is not consistent or coherent in its approach. The example here is that there a number of businesses that have been given grants which have other outstanding enforcement actions (shop fronts in Tottenham).
11. A key to more joined up and effective enforcement was the need for a core database to record events, actions and locations.
12. Tottenham Regeneration: there was a perception that there needs to be improved assessments as to the possible impact of the regeneration of Tottenham may have on regulatory and enforcement services. For example, making Tottenham Centre a leisure destination 365 days a year will undoubtedly have implications for local regulatory services – regulation of night time economy.
13. Police Tasking Group is a multi-agency enforcement group led by Community Safety and local police (with all regulatory services). Police bring along data to the meeting to inform coordinated enforcement approach. (Example of good practice)
14. The current programme to reform and improve Customer Services should acknowledge the role this plays as a front line for enforcement services and effective notification and reporting. Any reforms of current model needs to incorporate – does the current customer service model have enough information to refer to appropriate enforcement service.

15. Both members and officers were in agreement that improved public engagement is central to more effective enforcement, particularly in respect of managing local residents expectations about what can and what can't be enforced.
16. Where possible, and accepting the broader financials constraints and demands of the Council, additional ring fencing of enforcement income should be explored.
17. Services identified the need for an accurate and up to date list of local community organisations residents associations to support evidence gathering, consultation, notification and engagement processes. It was noted that members could be consulted in drafting list.

Commercial Environmental Health

- 1.1 Inspections are generated by public complaints, employee notifications and intelligence from other services (extended network of other officers).
- 1.2 Service connects to pan London and other sub regional groups to share information and best practice.
- 1.3 All data is recorded in M3 database alongside other regulatory services, so there is an element of shared data and approach to enforcement.
- 1.4 The service operates an inspection regime on a risk rated approach, those business rated as poor are inspected every 6 months – and low risk businesses every 3-5 years. Subsequent audit at time of Olympics however, found that many of those businesses identified more high risk businesses in those that had been categorised as low risk. This has led to a zero tolerance approach which has seen a threefold increase in enforcement.
- 1.5 Database indicates that there are over 1200 food establishments in the borough. There is however significant transience in this sector (300 new businesses each year) and registrations of new businesses and subsequent inclusion in any inspection regime – could be improved through:
 - Access to council tax and business rates records would help correlation in the identification of new food premises
 - Better notification of new businesses by other contact services (e.g. property services, planning applications for food businesses) of their responsibility to register with Environmental Health Food Safety;
 - Regeneration service visits new businesses where there is also an opportunity to notify of responsibility to register with local regulatory services.
- 1.6 Whilst it was acknowledged that there is no difficulty in getting publicity for enforcement work success (e.g. closures and seizures) there was a need for more 'public traction' to assist in enforcement work.
- 1.7 It was noted that there is systematic registration of those premises seeking a license and food registration with HMRC.

Key messages:

- Improved public engagement is critical to support the work of the service.
- The volume of enforcement work (inspections) together with staffing levels inevitably means that work needs to be prioritised.
- Lack of staffing support (administrative) also means there instances where highly qualified officers are undertaking administrative tasks instead of other more qualified duties – representing a waste of knowledge, time and resources.

Licensing

- 1.8 A issue was manpower resources available to support licensing and regulatory responsibilities. Although it was difficult to compare alike services (and the duties they performed) and the needs exhibited in individual boroughs, there was a sense that some regulatory services in Haringey were under resourced compared to neighbouring boroughs. It was noted that both Hackney and Waltham Forest have greater numbers of licensing officers.

Key message:

- here is good joined up work with Public Health – Drink Aware (Reducing the Harm Annual Public Health Report).
- There is an information gap for new businesses in respect of civic obligations and duties (e.g. registrations etc)

Noise

- 1.9 Service receives over 8,000 calls per year. There are distinct patterns here: enforcement requests are seasonal (mostly in summer), predominantly at weekends between hours of 8pm and 3am. The service is no longer 24 hour – no service between 4am and 8am (police should be notified at these times).
- 1.10 There has been a change in the way that Enforcement Response works to secure compliance. Catching individuals or businesses in the act of noise contraventions is difficult and resource intensive, thus the service is more proactive approach in seeking to visit offenders for more educative approach (e.g. seeing noisy builders in the day).
- 1.11 Members noted the problems with a small number of barbers which were staying open late Tottenham (sometimes until 2-3am). It was noted that these premises had been visited by there was no action to be taken as the noise was on the street rather than on the premises (there is no legal power to for noise response to act, this is a police matter).

Key message:

- Enforcement response outcomes are different because this service has had to work differently and more creatively.
- Outcomes are not always that tangible, for example in terms of numbers of prosecutions.
- Mental health issues of those people involved was a significant inhibitor of effective enforcement action.

Pollution

- 1.12 This regulatory service covers a range of issues including air monitoring, contaminated land and part B industrial processes (dry cleaners). Also deals with asbestos notifications.
- 1.13 Possible joint working with 40:20 team (carbon reduction) was inhibited by separate regulatory frameworks from DEFRA and DECC. Possible opportunities to work together identified with local services.
- 1.14 An improved public interface was identified as key to improved enforcement outcomes. Public engagement can lead to improved understanding of regulatory services, the work they undertake and critically, the intelligence and reporting that they receive to underpin and direct work. Of particular note, was improved web access, layout and promotion of the regulatory services.

Key messages:

- IT systems need to be developed to encourage and support information sharing
- More cross departmental working would be beneficial..
- Communications interface with the public needs a thorough reassessment.

Trading standards

- 1.15 The service deals with customer complaints in respect product safety, pricing, descriptions of good services. The service is jointly managed with Waltham Forest though the services are not joined. There are 3 officers in Haringey and 5.8 in Waltham Forest.
- 1.16 Local Authorities do not provide consumer advice anymore, the national Citizens Advice helpline provides this service and does refers on local enquiries.
- 1.17 There is a top 20 scheme in Waltham Forest for trading standards input and to prioritise and target worst offenders and coordinate action
- 1.18 It was noted that in the experience of officers at other local authorities, Members do accompany officers on inspections to premises. As a large proportion of TS work is project and enforcement based, Member attendance may be problematical as they could end up as potential witnesses in Court proceedings.

Key messages:

- There are good examples of work with external partners such as HMRC
- Public engagement has suffered through budgetary pressures, this is not just a Haringey issue, but generally within Trading Standards. But the public are an important source of information and intelligence for work of enforcement services. There needs to be a corporate approach to how services can engage public and encourage reporting.
- Engagement with Councillors is important for work;
- Links with regeneration and new businesses need to be improved to ensure that there is a planned and prepared response for new business and that there is appropriate information sharing between services.

Head of Regulatory Services

Key messages:

- Enforcement is central to corporate objectives
- There are numerous teams and numerous information systems and there must be concerted effort to ensure that these systems relate to each other
- Not enough use is made of M3 and there is scope to use this to better capacity and to extend to other services (not everyone is fully trained)
- There is potential to develop and extend existing good practice elsewhere in the organisation or include other enforcement services (Partnership Taskign Group)
- There is a need to promote the enforcement projects and good news more across the organisation and with the public (and members)

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