



**Haringey Council**

<b>Report for:</b>	Overview & Scrutiny Committee	<b>Item Number:</b>	
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<b>Title:</b>	Strategic Enforcement – Final Report
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<b>Report Authorised by:</b>	Cllr Stuart McNamara, Chair, Environment & Housing Scrutiny Panel
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<b>Ward(s) affected:</b> All	<b>Report for Key/Non Key Decisions:</b>
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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 as part of its work programme for 2013/14. The following provides a report of the work it has carried out, together with its conclusions and recommendations.

## **2. Chair of Environment and Housing Scrutiny Panel**

2.1 Enforcement is a key area of responsibility, not only for the council, but for the many local, regional and national partners it works with. Coordinated working practices with a clearly defined framework that sets out manageable yet ambitious expectations for what enforcement seeks to achieve is central to this.

2.2 A wide range of evidence has been gathered from all departments with enforceable functions, as well as from key partners and other local authorities. This report makes a number of focused and themed recommendations that aim to build on the very good work already undertaken and address the key areas of development with workable solutions.

## **3. Recommendations**

3.1 That the Overview & Scrutiny Committee notes the contents of this report and agrees the recommendations contained within it.

## **4. Other options considered**

4.1 The conclusions and recommendations developed within this report have been reached after consideration of the evidence obtained from local stakeholders, partner organisations and other local authorities.

4.2 The Cabinet member will respond to the recommendations contained within this report when it is presented at Cabinet.

## **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 non-executive 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 and a scoping report agreed at Environment and Housing Scrutiny Panel in September 2013.

## **6. Regulatory and Enforcement functions of the Council.**

### Background

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. 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 (enforcement 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 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 council enforcement officers identified a number of issues which would 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 establishing local priorities and target setting and facilitate clearer communications with local stakeholders (e.g. local residents, businesses).
- 6.6 With almost 20 individual services involved in a local regulatory or enforcement roles, it is important that these services liaise and work together to ensure that any action taken to support enforcement is coordinated, consistent and effective.

## **7. Aims, objectives and outcomes from scrutiny involvement**

### *Aims and objectives*

- 7.1 It is anticipated that the through its work with local regulatory and enforcement services, the EHSP will focus on:
- Coordination, consistency and effectiveness of enforcement functions across the Council;
  - Public awareness of and engagement with enforcement functions across the Council.
- 7.2 Within these overarching aims, the panel agreed 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;
- 7.3 In meeting these objectives, the panel agreed that its work would contribute to the following outcomes:

- The development of an overarching enforcement policy or approach to enforcement across the Council;
- To support the development of a strategic approach to enforcement across the council;
- Establish criteria for enforceable actions (for example, fairness, proportionality, public safety, costs, public interest);
- To 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 in enforcement processes (awareness, engagement and notification).

Work-plan

- 7.4 A range of information gathering methods were employed to ensure that the EHSP had access to the evidence necessary to assist them with this investigation. This included:
- Desk based reviews (local policy and performance data);
  - Formal panel meetings (to hear evidence from officers and to coordinate work programme);
  - Informal evidence gathering sessions (with local stakeholders and other informed agencies);
  - Informal focus groups with enforcement services;
  - Primary data collection (survey of enforcement services).

- 7.5 A range of internal enforcement stakeholders, external partners and agencies were consulted within this investigation, which included:

Internal enforcement and regulatory services consulted		External enforcement
<ul style="list-style-type: none"> <li>• ASBAT</li> <li>• Neighbourhood Action Team (NAT)</li> <li>• Highways and Parking Services</li> <li>• Council Tax Investigations</li> <li>• Housing Benefit Investigations</li> <li>• Private Sector Housing Management</li> <li>• Homes for Haringey</li> </ul>	<ul style="list-style-type: none"> <li>• Parks and Recreation Services</li> <li>• Licensing</li> <li>• Planning Enforcement</li> <li>• Building Control</li> <li>• Regulatory Services (Environmental Health, Trading Standards, Noise and Pollution)</li> </ul>	<ul style="list-style-type: none"> <li>• Metropolitan Police</li> <li>• London Fire Brigade</li> <li>• Transport for London</li> <li>• London Borough of Waltham Forest</li> <li>• London Borough of Hackney</li> </ul>

- 7.6 In addition to the above enforcement services, the panel held meetings with key corporate departments to consult on council enforcement issues (e.g. Data Protection, communications strategy for enforcement and enforcement information systems). Key staff consulted included:
- Head of Audit and Risk;
  - Head of Communications;
  - Head of Information Technology.

- 7.7 An outline of the work programme to support this investigation is summarised below:

Aim	Purpose / Activity
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Scoping	<ol style="list-style-type: none"> <li>1. Clarification of Council role in this area</li> <li>2. Informal group meeting with enforcement officers</li> <li>3. Agree scoping with the panel</li> </ol>
Establish baseline data	<ol style="list-style-type: none"> <li>1. Survey of officers with enforcement functions</li> <li>2. Informal individual and group meetings with enforcement officers</li> </ol>
Identifying effective enforcement	<ol style="list-style-type: none"> <li>1. Evidence gathering sessions with enforcement officers (internal and external) to identify: <ul style="list-style-type: none"> <li>▪ Examples of effective enforcement coordination</li> <li>▪ Barriers to effective enforcement</li> <li>▪ Council support for more effective enforcement</li> </ul> </li> </ol>
Comparative policy and practice	<ol style="list-style-type: none"> <li>1. Evidence gathering session with other local authorities: <ul style="list-style-type: none"> <li>▪ What can be learnt from their experiences</li> <li>▪ Identify informed/innovative practice</li> </ul> </li> </ol>

7.8 In total, the panel held 8 evidence gathering sessions between 7<sup>th</sup> November 2013 and 10<sup>th</sup> March 2014. A full list of evidence gathering sessions held with council enforcement services and partners is contained in Appendix C.

## 8. Recommendations of the Environment and Housing Scrutiny Panel

### 1. Enforcement Culture

It is recommended that the current Council Enforcement Strategy (2007-2010) is assessed and updated to reflect the conclusions and recommendations made within this report.

The following have been developed in the context of the council's broader approach to enforcement and work already under way. It is recommended that Haringey Council adopt the following enforcement principles:

- The willingness to take direct action where appropriate and necessary;
- A fair yet firm approach to enforcement;<sup>1</sup>
- A focus on prevention where possible as a means to promoting awareness and compliance to avoid the need for enforcement action (e.g. education and advice);
- A policy of investing to save in the short-term so that in the long-term resources can be saved on enforcement surveillance and action that could be better used across the council;
- Cross departmental and inter-agency dialogue and cooperation that lends itself to a strategic approach to enforcement and best use of finite resources in the context of a decreasing local government budget;
- Where possible, enforcement income is ring-fenced to consolidate and strengthen enforcement services;
- The central role of enforcement in supporting regeneration;
- Due diligence checks must consider an assessment of compliance with the local regulatory and enforcement framework before the award of any local grants (e.g. for shop frontages).
- As part of increasing awareness of enforcement activity and expected duties of the public, a clear description of the escalation procedures is produced and adhered to.

### 2. Information Systems

a) To support a strategic and more coordinated approach to enforcement across the Council, it is recommended that existing enforcement information systems are linked to a core database. This will facilitate a centralised record of enforcement actions/ events which, once analysed, can be used to guide and inform enforcement priorities and action across the Council. The core database:

- Should be linked to a Local Land Property Gazetteer to ensure that the system is underpinned by accurate and consistent property referencing;
- Be supported by a small dedicated unit (Enforcement Task Force) who can provide analytical expertise, add value to the core data and guide and inform a strategic approach to enforcement.

The establishment of a core database will assist the Council to:

- Deliver more coordinated and joined up enforcement action across the Council;
- Prioritise and target enforcement action and use resources more effectively;
- Develop a proactive approach to enforcement;
- Better respond to the enforcement concerns and priorities of the community;
- Map out the effectiveness and compatibility of existing database and IT systems.

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<sup>1</sup> In accordance with the Enforcement Concordat and, where applicable, the recently updated Regulators Code Better Regulation Delivery Office on 6 April 2014, <https://www.gov.uk/government/publications/regulators-code>

- b) It is recommended that the Council ensure that any new information system procured for parking is fully integrated and compatible with systems used in other regulatory and enforcement services.
- c) In discussions with all regulatory and enforcement services, together with IT, it is recommended that there is a detailed assessment of the longer term viability of the M3 regulatory information system, considering that:
  - It is not presently being used to full capacity;
  - There are limitations to its use and accessibility by other enforcement and regulatory services that would benefit from having access to it;
  - It is not compatible with other enforcement systems (e.g. planning IPIAN)
  - That any replacement system should be developed so as to meet the need to teh work of (mobile) front line officers.
- d. A dedicated web page (or information sheet) is developed for members and the reference group<sup>2</sup> outlining key enforcement information and contacts which may assist in the identification and or resolution of local enforcement concerns.
- e. It is recommended that the Council further promotes and extends the use of the My Haringey enforcement APP across front line council staff (e.g. Planning Service).

### 3. Partnership Working and Development

Improved partnership working across the enforcement sector will help to develop capacity as this may help to extend knowledge, skills, tools and a legal framework through which to support enforcement action.

- a) It is recommended that the Council develop a Top 10 or Top 20 system where enforcement and regulatory services and partners meet/communicate regularly, on items from their own (Level 2) Top 10 enforcement cases that they nominate. The collation of the range of (Level 2) Top 10 lists will then form a central top 20 (Level 1), each entry being designated to one department/ partner with a named officer to take the lead in delivering an holistic assessment, action and enforcement outcome.
- b) Where appropriate, to raise awareness and reporting of enforcement issues, relevant enforcement officers undertake selective training or briefings with other front line services, utilising the capacity for in-house training and knowledge sharing e.g. Building Control briefing for Social Workers.
- c) i) It is recommended that the key elements of success of the Partnership Tasking Group are shared more widely across the Council to promote and extend best practice in prioritising and targeting enforcement action.  
 ii) That an audit of Tasking Groups, including who sits on these, how frequently they meet, their remit and powers and who they report to, is undertaken to aid sharing of information and effective partnership working.
- d) a) To promote a clearer understanding of Data Protection, as well as consistency of approach and effective information sharing arrangements within the Data Protection framework, it is recommended:

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<sup>2</sup> The reference group should consist of ward councillors, local community groups, residents associations and Conservation Area Advisory Committees.

- i) That there is greater consistency on data sharing statements on all council forms and applications (in consultation with Legal Services, Information Governance and Audit & Risk);
  - ii) That further guidance is provided to enforcement and regulatory services regarding Data Protection and information sharing (particularly where fraud is suspected).
- e) To promote information sharing with key partners and other external agencies, it is recommended that the Council:
- i) Should seek to develop the provision and use of Memoranda of Understanding (particularly with utility companies);
  - ii) Establish a named contact within NATs to liaise with Mental Health Services (BEHMT) to support enforcement outcomes, whilst also being sensitive to mental health needs.
- f) To further promote local enforcement partnership working, it is recommended that the Council work with the Police to support local SNT panels and ensure that there is representation from key council services such as NATs and Homes for Haringey.
- g) In the context of substantive organisational change, it is important that the Council retains those informal partnerships and information sharing arrangements which underpin effective enforcement action (organisational memory). It is therefore recommended that where possible, information sharing protocols are developed across enforcement and regulatory services so as to formalise such arrangements.
- h) To increase the investigative capacity and skills of the organisation, it is recommended that the Council should develop and train a pool of Proceed of Crime Act (POCA) trained staff (e.g. through future recruitment, provision of educational allowances).
- i) That the Council, (perhaps in conjunction with other North London Boroughs) and through the Chair of the North London Magistrates Bench, seek to offer updates and training to local magistrates, so as to promote mutual awareness and appreciation of the problems of regulation in the private rented housing sector (e.g. how cases are handled in court and how costs are recovered).

#### 4. Selective Licensing

Using the evidence and learning provided so far from the London Borough of Newham and on the basis of numerous other London councils proceeding with some form of Selective Licensing, it is recommended that an appropriate form of Selective Licensing is adopted borough wide, subject to the following criteria:

- Further work by the EHSP to identify and compare what work is underway in the 31 other London boroughs;
- Identification of key legal & IT barriers and risks and how they might be overcome or minimised;
- Identification of a financial business case, in terms of the optimum start up costs and how any such scheme could progress to a self-financing model within a reasonable time period;
- The development of a sound evidence base for implementation (e.g. prevalence of ASB in private sector housing);
- That greater emphasis is placed on the landlord for regulatory compliance;
- Identify improvements to private sector management and the quality of housing services for local tenants in the private rented sector;



- This should link to a) Discretionary Licensing Pilot Scheme b) the enforcement work with the illegal conversion of industrial units to residential units.
- The development of a pilot area for implementation to facilitate the above criteria.

## 5. Communications

- a) It is recommended that a 'welcome pack' is developed for new businesses<sup>3</sup> that sets out the duties and expectations of responsible businesses as well as the range of support services available. It is suggested that this is systematically distributed to new businesses as they are identified to promote awareness and compliance with local regulatory and enforcement frameworks.
- b) It is recommended that regeneration, enforcement (planning and licensing) and local taxation services develop a mechanism through which the details of new businesses are communicated and shared across the council to ensure, where necessary, business are appropriately registered (e.g. food premises, council tax etc).
- c) The frequency, profile and substance of successful enforcement outcomes are communicated to local residents and businesses to reinforce the strategic enforcement approach and culture of the organisation.
- d) That further consideration is given within the Customer Service Transformation Programme to the way that local residents engage and present enforcement information and intelligence to the Council (Level 1 Customer Services) and how this is effectively shared (with Level 2 enforcement services).
- e) It is recommended that further work is undertaken by the EHSP to gauge how enforcement services can improve the way that they engage and involve local residents, businesses and traders' associations.
- f) It is recommended that the relevant Cabinet member writes to London Councils, local MPs and appropriate government ministers to seek clarification and further guidance in relation to:
  - i) The designation of multiple housing units by the Valuation Office as an HMO or separate unit for the purpose of Council Tax liability;
  - ii) New framework for the 'Right to Buy' for local council housing and dealing with potentially fraudulent applications;

## 6. Member Involvement

It is recommended that further use should be made of members, in terms of their knowledge and understanding of the local area and issues (e.g. community concerns, new businesses,) in order to identify and prioritise local enforcement action. It is recommended that:

- a) Members should be encouraged to identify local hotspots and priorities for enforcement action which would benefit from an holistic enforcement approach from a range of services (e.g. waste, planning, licensing);
- b) That NATs officers undertake a walkabout with ward members every 3 months;
- c) Introductory member training is provided to promote an understanding of the enforcement and regulatory framework and the powers available to the council;

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<sup>3</sup> And also for chain stores, where new managers are frequently appointed.

- d) An enforcement circular is developed and periodically distributed to improve member interaction with enforcement and regulatory services (where action is being taken and progress made, so this can be communicated to the community).

## 9. Key evidence received by the panel

### Survey of enforcement officers

9.1 A survey was designed by the EHSP and distributed to all enforcement services. The aim of the survey was to identify:

- 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.

9.2 Analysis of survey data highlighted that there was:

- A positive response to aims and objectives of the EHSP investigation;
- Evidence of good coordinated enforcement practice already taking place (e.g. Partnership Tasking Group);
- Evidence of where more co-ordinated enforcement action could take place.

9.3 The survey highlighted a number of general challenges for enforcement:

- Supporting legislation was varied, complex and often inadequate to secure tangible enforcement outcomes
- Due process was lengthy and resource intensive;
- Case complexity, time-lapses and inadequacy of legislation often inhibits the delivery of successful enforcement outcomes;
- The volume and nature of enforcement requests often generate competing priorities for enforcement services.

9.4 In developing a more strategic approach to enforcement, the survey also highlighted a number of specific organisational challenges for the Council:

- Information Technology:
  - Incompatible systems (software, viewing platforms, training)
- The Council is a data rich organisation – but information is not always effectively shared across services, underlining the need to develop shared intelligence;
- Access to existing internal enforcement databases by enforcement services should be developed and extended;
- Perception that joint enforcement work based on *informal relationships*– institutional risk that this may be lost (through staff leaving, restructures);
- There is a degree to which enforcement services are risk averse (e.g. interpretation of Data Protection);
- The need to develop access to external data sources (Experian) and information systems (e.g. Flickr);
- Public expectations on what can and cannot be enforced and communicating enforcement action should be a priority.

### From the 8 evidence gathering sessions

9.5 From the **Health & Safety and Food Health** the key messages were:

- 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) means that there are instances where highly qualified officers are undertaking administrative tasks instead of other more qualified duties – which is not best use of time and resources.

9.6 From the **Licensing Service** the key messages were:

- There are good examples of joined up working. For example with Public Health – Drink Aware (Reducing the Harm Annual Public Health Report);
- There is an information gap for new businesses in respect of their civic obligations and compliance with local regulatory and enforcement framework (e.g. registration requirements, Council Tax).

9.7 From the **Pollution Service** the key messages were:

- IT systems need to be developed to encourage and support information sharing;
- More cross-departmental working would be beneficial to support enforcement;
- Communication interface with the public needs a thorough reassessment (how members of the public contact enforcement services and how intelligence is gathered, recorded and shared).

9.8 From **Trading Standards** the key messages were:

- There are good examples of joint enforcement with external partners (e.g. HMRC);
- 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 the public and encourage reporting (Customer Service Transformation Project);
- Engagement with Councillors is important to develop understanding of local issues and processes;
- Links with regeneration and new businesses needs to be improved to ensure that there is a planned and prepared response for new businesses and that there is appropriate information sharing between services.

9.9 From the **Noise Enforcement service** the key messages were:

- Enforcement outcomes are not always that tangible, for example in terms of numbers of prosecutions;
- Further liaison with Mental Health Services may be necessary to ensure appropriate and sensitive enforcement outcomes.

9.10 From the **Regulatory Services Manager** the key messages were:

- There should be a renewed effort to link information systems that underpin enforcement;
- More use could be made of M3 (regulatory services database);
- There is potential to develop and extend existing good coordinated enforcement action across the council (e.g. Partnership Tasking Group);
- There is a need to further promote successful outcomes of enforcement projects across the organisation, and with members and the public.

9.11 From **Parking and Highways** service the key messages were:

- A broader enforcement role for Civil Enforcement Officers could be envisaged where appropriate, though parking enforcement would remain a top priority;
- Parking in parks and open spaces was highlighted as an area of recent collaboration between these two services;

- Parking on Homes for Haringey sites and other RSL estates was known to be an area of local contention in the management and enforcement of parking options.

9.12 From **Building Control** the key messages were:

- Access to Electoral Register and Council Tax records to assist in the identification of building owners would be helpful to assist enforcement;
- Whilst there was dialogue enforcement services across the council these relationships were predominantly informal and centred on individual staff;
- There were opportunities to use intelligence gathered from front line staff, particularly those that visit residents in their homes (opportunities to record a range of health safety issues to support enforcement in other services);
- Building Control does not have access to M3 (the regulatory services database), though this would be helpful.

9.13 From **Parks and Open Spaces** the key messages were:

- Two enforcement issues that are of concern for parks and open spaces for which more coordinated enforcement or support is needed are: Rough sleepers and Encroachment;
- Responsibility for particular green spaces is not always clear in the public perception which can give rise to enforcement issues where problems occur (e.g. fly tipping, poor land management).

9.14 From **ASBAT** the key messages were:

- There has been a six-fold increase in the number of higher level ASB reported (e.g. violence, threats, hate crime);
- Coordinated enforcement is central to ASBAT team operation as often numerous agencies are involved in finding solutions for ASBAT problems.
- A particular challenge that the service has to face is the engagement and response of local mental health services;
- ASBAT service does not have access to M3 the regulatory service, though it would be useful to have access to this database.

9.15 From **Revenues, Benefits and Customer Services** the key messages were:

- The department is reliant on a wide range of other sources to help build up a database of what properties there are in the borough and liability to Council Tax or Business Rates;
- The possibility of an audit of all the properties in the borough should be undertaken to ensure that there is an accurate and up-to-date base with which Council tax, and many other services, can work with;
- Improved access to local databases would help address validation processes.
- Memorandums of Understanding with utility companies would be beneficial to promote information exchange;
- Given the importance of Council Tax and Business Rates revenues streams, further investment to provide sound base/method/process for identifying both residential and commercial properties may be needed.

9.16 From **Audit and Risk Management** the key messages were:

- One of the key challenges for the borough is to keep up with local 'churn', to know what properties there are and who resides in these. This is a common problem across many services and it would be more effective to have a corporate response to ensure that there are sufficient resources / systems to meet this challenge;

- The establishment of a core database would be important to take a more coordinated approach to enforcement across the Council. This should link to existing databases used by individual enforcement services and create a centralised record of events or actions relating to a specific property reference;
- Right to Buy was an area of potential fraud given the large amount of monies involved (up to £100k discount).

9.17 From **Planning Enforcement** the key messages were:

- If there were more trained Proceeds of Crime Act trained officers, income retention would rise to 35% from 17.5% from POC cases. It was the view of the panel that the Council should explore ways to develop POCA capacity within the organisation;
- In some instances, the penalty regime in planning enforcement was not operating as an appropriate deterrent;
- There are many potential delays in the planning enforcement process e.g. appeals can suspend an enforcement notice for 9 months;
- It was noted that there is a training issue for staff to ensure that full and best use of information systems available to the service.

9.18 From the **Neighbourhood Action Team** the key messages were:

- A key issue for this service is that it is difficult to respond to all enforcement requests given the volume of requests received. In this context, it would be helpful if further guidance could be provided to help define priorities and guide and inform enforcement work;
- Members reported that in some instances, NAT officers undertook local walkabouts to help identify enforcement issues of concern in particular community areas. This was felt to be successful in developing communication and awareness and in helping to resolve local issues of concern;
- It was noted that NAT officers had issued over 800 FPNs in the past year, which provides some indication of the volume of enforcement undertaken by the NAT.

9.19 From **Homes for Haringey** the key messages were:

- That HfH had good working enforcement partnerships with a number of services including Noise Team (enforcement response) and ASBAT;
- In respect of environmental services, there was also a good working relationship where waste problems (such as dumping and clear up) were generally dealt with quickly. What was less robust, particularly in the estate setting, was identifying and taking action against those who were causing the environmental nuisance (i.e. those people dumping);
- It was also noted that internal IT systems could also be improved to monitor and identify repeat or common 'transgressors';
- It was noted that whilst police patrolled neighbouring areas, it was difficult to get police patrols within estates. It was felt that there should be a more strategic approach to policing on estates.

9.20 From **Private Sector Housing** the key messages were:

- Three types of licensing to private sector landlords, Mandatory – Large HMOs, Additional (for other HMOs), Selective - defined area all private rented properties. Selective Licensing scheme would be beneficial for coordinated enforcement:
  - Creates a central registry base tool
  - Fosters common enforcement approach
  - Penalty regime clear

- Should be accompanied by clear priorities
- Newham – emerging findings
- Additional HMO licensing scheme has been in operation in Harringay Ward since October 2011. The relationship with landlords is different now as the onus is with landlords to engage with the Council;
- Although the scheme has been running for 12 months, there is no published evaluation of the Newham Selective Licensing scheme available as yet;
- It was noted that other local authorities (e.g. Enfield) have consulted on the introduction of selective licensing. Other boroughs may also be considering similar schemes (Hackney).

9.21 From **TFL** the key messages were:

- There are 70 PCSOs working for TFL enforcement in NE London. Enforcement on red routes undertaken primarily through CCTV and PCSO can be deployed on local intelligence for ongoing or persistent contraventions;
- Aside from the City of London, there are no joint enforcement partnerships;
- Legislation clearly sets out where CCTV can be used and this has to be focused on the road and not used for kerbside enforcement.

9.22 From Corporate Resources (**Communications, Audit & Risk, & IT**) the key issues were:

- The number of POCA cases in the council small at present, and cost benefit analysis should be undertaken in respect of providing further training;
- Data Protection Act does not restrict data sharing in cases of fraud;
- Channel shift to digital technologies is on a natural progression; without anything being done to promote this, it was noted that there was a 12.5% growth in council web usage and the use of on-line forms;
- Audit & Risk play an important role which underpins enforcement, in that it helps to ensure that relevant services have correct systems and procedures in place to reduce risk of fraud;
- There were two critical communications issues (1) how to publicise successful enforcement responses (2) how enforcement responses interact with the public in generating intelligence to inform work / enforcement action.

9.23 From other Local Authorities (Waltham Forest & Hackney) key issues were:

- London Borough of WF operates a top 20 system, where priority enforcement cases from respective enforcement services are referred centrally. A single point of contact is allocated for centrally prioritised cases which aims to bring a more coordinated response to multiple and persistent enforcement cases. Regular meetings are held with the cabinet member and ward members to provide progress updates. Cases are not taken off the list until resolved;
- It was important that there was a public narrative / perception around enforcement to back up policy actions i.e. there needs to be a supporting media strategy;
- Selective licensing is being considered other authorities and the evidence base needs to be established before this can be applied, and the Council should work to develop this (e.g. incidence and prevalence of ASB, working with landlords etc). A pilot scheme was a suggested approach;
- WF does not give grants to those premises which are not compliant with regulatory and enforcement framework and this is verified by street visits by officers;
- Given the centrality of data, information and intelligence to support enforcement function in Hackney a dedicated team has been established with the Community

Safety Service. One of the key functions of the team is to interrogate existing council databases to guide, inform and prioritise council enforcement work. An important part of this work has been to link these databases to Local Land Property Gazetteer to create a unique property reference number. The team is currently developing information sharing agreements with external partners.

- 9.24 From other partners (**London Fire Brigade and Metropolitan Police**) key issues were:
- Police and Fire Brigade respond to all licensing and planning application requests (statutory consultees under Licensing Act);
  - The Fire Safety Order (2006) provides the main enforcement framework for the Fire Brigade (16 orders);
  - When working in partnership with Private Sector Housing, enforcement processes rely on the Housing Act (2006) as there is a greater range of enforcement options;
  - There should be a communications strategy to support the Partnership Tasking Group;
  - Police indicated that it would be useful to have a central Council database to which it could refer and add data;
  - Police can only produce a heat map to 250m<sup>2</sup> and would require further data for more proactive enforcement;
  - As individual PCs are responsible for making contact with appropriate bodies, it is important that information about council enforcement services is regulatory distributed through to local SNTs.

9.25 Other key evidence recorded by the panel has been grouped under the following themes.

#### Data Sharing / Partnerships

- Improved **partnership working** across enforcement will help to develop the capacity for enforcement as this may help to extend knowledge, skills and tools (i.e. legislation) through which to support enforcement action;
- New technology is assisting with reporting e.g. the development of the new **My Haringey APP**;
- It would be helpful if **Data Protection statements** were consistent across the organisation (e.g. on forms, licences and applications) as this would present a coherent message to the public and support information sharing across the organisation;
- There is evidence that some services are **actively profiling** the most prolific properties and are working with other services to deliver joined up enforcement action;
- The Council should make more use of intelligence from front line officers (to be the **'eyes and ears'** of the organisation). There are examples of coordinated action across the Council where services meet to prioritise (**red flag**) particular cases which are of concern across numerous council departments;
- Opportunities to develop **Memoranda of Understanding** with key organisations (such as utility companies) to share data and cooperative working (enforcement) should be explored further;
- The **Customer Services Transformation Programme** should acknowledge the intelligence gathering role of enforcement services and ensure that there is effective notification and reporting;
- In the issuing of **council grants** (e.g. shop frontage), businesses should undergo **due diligence** check to ensure that they are fully compliant with local regulatory and enforcement frameworks;



- There was some consensus on the need to improve the accuracy of the current **property base record** on which many services were dependent, including council tax, planning, NAT, housing benefits
- The panel recommended that an **A5 flyer** is developed for members that outlines key enforcement contact details which may assist in the resolution of local casework and other resident enquiries (NAT, waste, traffic, SNT, Housing etc).

### IT and enforcement

- The establishment of a **core data base** would be important to take a more coordinated approach to enforcement across the Council. This would link to existing databases used by individual enforcement services and create a centralised record of events or actions relating to a specific property reference or NI number;
- Parking Service is about to commence **procurement for a new IT** system as the current contract with Civica will expire in 2015. Procurement should ensure that the any new system can integrate with other relevant enforcement or regulatory services;
- There was a perception that the Council was **risk averse** in developing new technology. Whilst the need to deliver stable and secure systems was acknowledged, it was felt that more could be done to update and renew existing technology;
- It was noted that there are a number of issues around the effective use of the **M3** database used for regulatory services (improved access, used to full potential and future viability);
- Officers highlighted how practical and useful **smart-phones** would be for front line officers (with multiple inbuilt technologies) which in reporting and recording processes.

### Barriers to enforcement

- **Transience** (high geographical turnover) is a significant barrier for local enforcement services and is experienced in both public and commercial spheres;
- Securing positive enforcement outcomes is problematic when involving people with **mental health** problems and a more supportive or holistic approach may be needed. There is a need to develop liaison with local mental health services.

### Communications

- **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.

### Regeneration

- The panel noted that there was an inherent tension between regeneration and enforcement, and whilst new business and regeneration opportunities should be encouraged, these should be compliant with local and national enforcement standards;
- The possibility of developing a **'welcome pack'** for new businesses should be explored to highlight services available, advice and support in the area as well as duties and responsibilities (e.g. to register with appropriate regulatory services such food health etc);

- There should be a fuller assessment of the demand for regulatory and enforcement services ahead of major **regeneration**;
- There are issues among a number of services with the **Valuation Office** and the designation of multiple units in houses as either separate flats or an HMO. This is important as it will determine who is liable for council tax.

### Role of Members

- **Members** represent a significant enforcement resource in respect of local knowledge (new businesses, community issues) and in the identification of local enforcement priorities. Members also need to be kept up to date with local enforcement outcomes;
- A key issue for NAT officers is that it is difficult to respond to all enforcement requests given the volume of enquires received. **Members** should be involved in helping to guide and inform priorities for local areas. It was also suggested that there should be some level of **public and resident engagement** around enforcement to help identify local priorities for enforcement.

### Training and development

- There was a consensus within the panel that the council should adopt an '**invest to save**' approach to enforcement services. The panel noted that a number of individual cases could be made for investment which would at worst be cost neutral, or indeed, have the potential to deliver increased income for the Council (Private Sector Licensing Scheme, POCA);
- There was a perception among the panel that **Magistrates** may not be fully aware of the situation with 'rogue landlords' and the problems that poor housing management causes in the community. It was felt that there should be more dialogue with local Magistrates and judiciary to promote in-service training on how such cases are handled in the courts.

## **10. Comments of the Chief Financial Officer and Financial Implications**

- 10.1 There are a large number of recommendations within this report and before proceeding to Cabinet these should be reviewed to more clearly define what actions are being recommended in order that an accurate cost of implementation can be calculated. There is likely to be a significant cost of implementing the recommendations and although some have the potential of leading to service improvements and savings to the Council, more work on likely costs and benefits is required before decisions to proceed with additional work could be made.
- 10.2 Specifically there are likely to be significant costs relating to Information Technology recommendations and amendments to computerised systems and these need to be considered in light of the fact that IT systems used are often bespoke for a certain process and amending to ensure compatibility with other systems is likely to be expensive.
- 10.3 There is also a degree of overlap with the recommendations and existing Corporate programmes and projects, for example the Customer Services Transformation programme and Investment in HMOs and Planning Enforcement and any work needs to be integrated with those projects to avoid duplication.

## **11. Head of Legal Services and Legal Implications**

11.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report. There are no immediate legal implications arising from this report.

## 12. Equalities and Community Cohesion Comments

12.1 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;
- Bringing local concerns to the attention of decision makers and incorporate them into policies and strategies;
- Identifying and engaging with hard to reach groups;
- Helping to develop consensus by seeking to reconcile differing views and developing a shared view of the way forward;
- Using the evidence generated by scrutiny involvement to help to identify the kind of services wanted by local people;
- Promoting openness and transparency; all meetings are held in public and documents are available to local people.

12.2 A number of engagement processes have been used to support the work of the Environment & Housing Scrutiny Panel and a broad representation from local stakeholders has been included.

## 13. Head of Procurement Comments

13.1 Not applicable.

## 14. Policy Implications

14.1 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.

## 15. Use of Appendices

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

## 16. Local Government (Access to Information) Act 1985

### Appendix A – Local Authority Regulatory Functions -Department for Business, Innovation and Skills ([www.bis.gov.uk](http://www.bis.gov.uk))

Function	Authority	Detail
Fire Safety	Fire Brigade	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 licenses and club premises certificates, ensuring that temporary event notices have been issued correctly and issuing and renewing personal licenses for individuals.
Animal Establishments and Animal Welfare	Local Authority	Unitary and district local authorities are responsible for the 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 regulation relating 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 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 (e.g. farms) and for the controls under which animal feed is manufactured.
Food Standards	Local	Unitary and county local authorities are responsible for

	Authority	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 such 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 Brigade	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 Brigade	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) ([www.bis.gov.uk](http://www.bis.gov.uk))**

	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
<b>Staffing</b>			
FTEs	16,977		
Student officers	871		
Contract/Agency Staff	476		

## Appendix C - Environment & Housing Scrutiny Panel - Work Schedule

<b>7<sup>th</sup> November 10.00 - Enforcement Officers - Group 1</b>	
Regulatory Services Manager	
Lead Officer -Licensing	
Noise	
Pollution	
H& S and Food Health	
Trading Standards	
<b>7<sup>th</sup> November 14.00 - Enforcement Officers - Group 2</b>	
Highways and Parking Enforcement	
Parks and Open Spaces	
Building Control	
ASBAT	
<b>28<sup>th</sup> November 14.00 - Enforcement Officers - Group 3</b>	
Planning Enforcement	
Revenues Benefits and CS	
Audit & Risk Management	
Neighbourhood Action Team	
<b>3<sup>rd</sup> December 14.00 - Enforcement Housing- Group 4</b>	
Homes for Haringey	
Private Sector Housing Improvement	
Private sector licensing scheme	
<b>3<sup>rd</sup> December 19.00 - Enforcement Housing- Group 5</b>	
Transport for London	
<b>31<sup>st</sup> January 10.00 - Corporate Support Group 6</b>	
IT	
Audit and Risk Management	
Communications	
<b>7<sup>th</sup> March 10.00 – Other LA's Group 7</b>	
Waltham Forest	
Hackney	
<b>10<sup>th</sup> March 14.00 - External Partners Group 8</b>	
Metropolitan Police	
London Fire Brigade	